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ABSTRACT

This paper analyses the accommodation of linguistic diversity in the complex terrain of India arguing that states should accommodate linguistic diversity, while probing the question of *how* should states accommodate linguistic diversity, largely borrowing arguments from Alan Patten's work. After analysis of the Indian experience of linguistic community becoming territorial community to accommodate linguistic diversity, the functioning of Eight Schedule and other constitutional provisions, the paper concludes that we have a complex combination of norm-and-accommodation model and the official-languages model, and that we need to go beyond the status quo in order to ensure that the linguistic diversity of India is not lost in the wave of globalization on one hand and regional movements on the other. Theories of deliberative democracy can prove helpful in this regard.

Keywords:

Linguistic diversity; accommodation; Eight Schedule; language; states; minority; promotion.

Accommodation of Linguistic Diversity in India

The social utility of a common public language is often put forth in terms of communicative function, mutual solidarity, national cohesion and ease of public administration. However, we live in a context of multiplicity and diversity of language and this linguistic diversity often act as a source of controversy. As Anvita Abbi points out, homogenization of language under ‘national integration’ often leads to agitation and revolt.¹ We witnessed this in India, after independence when an attempt was made to make Hindi as the sole language of communication with the state, leading to several mobilizations around the question of language. The linguistic reorganization of states that followed led to minority languages at national level becoming majority language at state level, along with the rise of new linguistic minority groups in each state. More recently, we witnessed the attempted imposition of Ukrainian language on the largely Russian-speaking Crimea and the consequent referendum leading to secession from Ukraine.

A more serious issue is the phenomenon of ‘diglossia’ (Ferguson 1959; Fishman 1972) wherein people use their own native language in intimate context but switch to some higher status language in public context. The place of this higher status language is increasingly being taken by English given the imperatives of globalization.² Further, Abbi highlights the process of “self-proclaimed linguistic suicide” by tribal communities as well as the submersion of identity at the level of home domain wherein mother tongue and minority language is being replaced by dominant regional or global language.³

In the given context, two problems arise – how should people communicate with one another in informal, non-state contexts and how should public institutions serve a linguistically diverse citizenry. Should the states accommodate linguistic diversity or should they adopt the policy of institutional monolingualism making the citizens adapt to a common public language in the name of national unity and solidarity?

¹ Anvita Abbi, ‘Vanishing Diversities and Submerging Identity’, in Asha Sarangi (ed.), *Language and Politics in India* (Oxford University Press, 2010).

² Will Kymlicka and Alan Patten, ‘Introduction: Language Rights and Political Theory Context, Issues and Approaches’, in Will Kymlicka and Alan Patten (ed.), *Language Rights and Political Theory* (OUP, 2003).

³ Ibid, p. 306-07.

This paper takes the stand that states should accommodate linguistic diversity. The first part of the paper will go into the arguments for this claim in brief. The second part will probe the question of *how* should states accommodate linguistic diversity, largely borrowing arguments from Alan Patten's work. Third part analyses the Indian experience of linguistic community becoming territorial community to accommodate linguistic diversity, complemented by the Eight Schedule and other constitutional provisions. In doing so, the paper seeks to analyze whether this has been the desirable way to accommodate diversity in a democracy.

Why should states accommodate linguistic diversity?

Three main arguments can be delineated for this:

Intrinsic Diversity Argument:

The first group of arguments, posited by scholars like Boran and Reaume, holds diversity of languages as valuable in itself and laments that world's languages are dying. Such justifications, posited by Idil Boran (2003) and Denise Reaume (2000) among others assert the intrinsic value of languages arguing that since languages are intrinsically valuable, the disappearance of linguistic diversity marginalization of any language should be avoided. In its strongest form, this position makes preservation of vulnerable languages to be the supreme goal of language policy, which trumps other objectives. However, as Weinstock among other critics argue, if taken seriously, this line of justification implies that speakers of vulnerable languages not just have a right but also a **duty** to maintain their language. It can thus impose serious restrictions on speakers on vulnerable language, constraining their choice.⁴

Context of Choice Argument:

Second set of arguments asserts that language is a part of one's **societal culture**. Alan Patten adapts Will Kymlicka's framework of societal culture to include language and argues that language supports a societal culture when an adequate **context of choice** is available in that language. Unilingual speakers of minority language don't have access to an adequate context of choice if a common public language is imposed. Context of choice argument is applied to 'vulnerable societal cultures' which need minority language rights to protect the vulnerable

⁴ See: Will Kymlicka and Alan Patten, 'Introduction: Language Rights and Political Theory Context, Issues and Approaches', in Will Kymlicka and Alan Patten (ed.), *Language Rights and Political Theory* (OUP, 2003).

language from deterioration. However, in cases where the societal culture is not ‘vulnerable’, or where the language does not correspond to an intact ‘societal culture’ with adequate choices, this justification is inapplicable and limited.⁵ The problem is that many national minorities cannot be said to have a societal culture because of number or territorial dispersion. This entails another justification which Patten gives in the form of Fairness Rights.

Fairness Argument:

According to fairness version of linguistic rights, it is unfair to eliminate certain language options and therefore language rights should be given. This argument rests on the exclusionary nature of traditional models of citizenship which are inadequate for modern pluralistic society. Every state has to choose what languages to use for official business. The choice of one language over another can never be regarded as culturally neutral, even if inevitable.⁶ A common public language can lead to marginalization of linguistic minorities and to prevent such disadvantage, states should accommodate linguistic diversity. Patten argues that according to ‘right to linguistic security’, minority speakers have a right to protection against ‘unfair or coercive practices’ that threaten to compromise the survival or flourishing of their language.⁷ This set of arguments based on fairness seems most plausible and it’s based on this that Patten advances his ‘promotion-oriented approach of language rights.’

Approaches to accommodate linguistic diversity:

In order to investigate that *how* should states accommodate linguistic diversity, Alan Patten in his works distinguishes two approaches to language rights – ‘Norm and accommodation approach’ and ‘Promotion-oriented Approach’.

Norm and Accommodation approach:

Under this approach, some normal language, usually the majority language, dominates public communication, in courts, legislatures, education, delivery of public services etc. Special accommodations are then made for people who lack sufficient proficiency in this normal

⁵ Alan Patten, ‘The Justification of Minority Language Rights’, *Politics, Princeton University*, 2008.

⁶ Joseph H Carens, ‘Justice as evenhandedness’, *Seminar*, December 1999. <http://www.india-seminar.com/semsearch.htm>

⁷ Ibid

language of public communication which can take different forms depending on the circumstances, eg transitional bilingualism, immersion education programs, interpreters etc. This approach is concerned with establishing communication between the public institution and those with limited proficiency in the usual language of public business to exercise the rights.⁸ This approach has the telos of applying the ‘norm’ on everyone.⁹ Consequently, it leads to a certain ‘othering’ of the linguistic minorities and those who deviate from the norm. People who could speak the majority, or normal, language of public communication, cannot claim accommodation rights. This instrumental approach is also responsible for the phenomena of ‘diglossia’ and submersion of linguistic identity as mentioned before.

Promotion Rights Approach:

These rights promote the language and are not contingent on lack of proficiency in majority language. Also, these rights are not restricted to the private sphere. Under the promotion-oriented approach falls the **Officials Languages approach**. This approach involves a degree of equality between different languages that are accorded official status. Any public service that be received in one official language can be received in other official language too. This approach, which is not just about facilitating communication but takes a non-instrumental view of language, has been posited by scholars like Rubio Marin and Reaume and is connected with multi-nation states.¹⁰

Prorated Official Multilingualism: Alan Patten’s model of prorated official multilingualism can be placed under this approach of promotion rights. He suggests a scheme of **prorated official multilingualism**¹¹ under a liberal neutrality model. However, he disassociates liberal neutrality with benign neglect and rather argues that a coherent neutralist approach in language policy would involve **even-handedness** instead of disestablishment as the latter is not possible in

⁸ Will Kymlicka and Alan Patten, ‘Introduction: Language Rights and Political Theory Context, Issues and Approaches’, in Will Kymlicka and Alan Patten (ed.), *Language Rights and Political Theory* (OUP, 2003).

⁹ This approach also includes what Heinz Kloss terms ‘toleration rights’. It gives discretion to minority language speakers in private contexts only but doesn’t indicate anything about the obligation of the institution to recognize minority languages.

¹⁰ See: Will Kymlicka and Alan Patten, ‘Introduction: Language Rights and Political Theory Context, Issues and Approaches’, in Will Kymlicka and Alan Patten (ed.), *Language Rights and Political Theory* (OUP, 2003).

¹¹ In two different works (2003; 2008), Patten uses different terminology to explain broadly the same framework – ‘official rights approach’ and ‘prorated official multilingualism’. It is in the earlier work (2003) that he had used the word ‘prorated’.

language policy.¹² Under his scheme, each language spoken by the community enjoys the same recognition. There is no restriction on who can access public institution in a particular language. His model is not a model of transitional accommodation for those who lack fluency in majority language but a form of equality of treatment between speakers of different languages. In this manner, liberal neutrality model establishes fair background conditions under which different languages and language identities can survive. But, this scheme is **prorated** in the sense that some account is taken of the number of people demanding services in each recognized language.¹³

It is to be noted that while norm and accommodation model assumes a coherent nation state, official language approach recognizes speakers of language as constituting a distinct nation, making the former a preferable policy by many states. Multilingualism is seen as a step towards a multination state. Regional language groups see themselves as forming a distinct nation within the larger state. Such sub-state nationalism converts debates over status of regional languages into debates over nationhood. But, assertions of nationhood involve a claim on territory making secession possible. So western countries have been unwilling to accord official status to regional languages to avoid claims of territorial self-government.¹⁴

Indian Experience

What has been the experience of India? Does India fit this model of prorated official multilingualism suggested by Patten or does it follow a norm and accommodation model?

The linguistic-cultural heterogeneity of India has been deeply affected by the project of nation-building. In pre-independence years, it was believed that linguistic consciousness was part of national consciousness and helped its growth. However, after independence, the prime concern of the leaders was maintenance of national unity. But, **nation-building project can stimulate defensive nationalist responses with desires for territorial self-government.** If it imposes a common public language, it can face resistance from regionally concentrated and historically

¹² Disestablishment is possible in case of religion, but not language as the state has to choose some language to conduct its business.

¹³ Alan Patten, 'Liberal Neutrality and Language Policy'. *Philosophy and Public Affairs*, 2003.

¹⁴ Will Kymlicka and Alan Patten, 'Introduction: Language Rights and Political Theory Context, Issues and Approaches', in Will Kymlicka and Alan Patten (ed.), *Language Rights and Political Theory* (OUP, 2003).

rooted language groups. This is what happened in India. Nationalist project attempted to implement a lingua franca that could become the official and national language of the country gradually. The forms of resistance against the imposition of Hindi found expression in various regional language movements and movements for linguistic reorganization of states. Under the persistent pressures of linguistic and regional groups, central government yielded. The formation of Andhra Pradesh on basis of language brought out the relationship between language and political identity. The linguistic premise was considered insufficient for formation of Andhra Pradesh, yet conceded. Thus linguistic homogeneity came to be accepted as a principle for state reorganization.¹⁵ **Language-identity based states** meant that groups that had been in minority in the country became majority in the region.¹⁶

A study of Andhra Pradesh's experience of linguistic identity and conflict between demands for Vishalandhra v/s Telangana can be found in the work of K. Srinivasalu.¹⁷ Srinivasulu raises the important question that why in spite of the resources of print, visual and electronic capitalism and the ingredients for the formation of a nationality on basis of Telugu language, Vishalandhra has failed as an 'imagined community' and has been challenged by the assertion of the Telangana identity. This is because the Telangana movement problematises the idea of unity on basis of language and exposes the hegemonic design implicit in the homogenization process through which various dialects are subsumed under one standard telugu. The rise of Telangana identity politics in the 1990s can be seen as a reaction to the process of Andhraisation in the garb of telugu self-respect and the deep distrust by people to the idea of a unified telugu state.¹⁸

Nonetheless, linguistic reorganization of states and conversion of linguistic communities to territorial communities normalized and institutionalized linguistic diversity through administrative structures of different states and their regions, and made possible region-wise management of multilingualism. According to Asha Sarangi, the reorganization of states along

¹⁵ Over the years newer hierarchies have emerged and newer alliances formed around languages and ethnicities of caste, class and region undermining the exclusive criterion of linguistic homogeneity.

¹⁶ Gurpreet Mahajan, 'Introduction', in Gurpreet Mahajan (ed.), *Accommodating Diversity: Ideas and Institutional Practices* (Oxford University Press, 2011).

¹⁷ K. Srinivasulu, 'Discourses on Telangana and Critique of the Linguistic Nationality Principle', in Asha Sarangi and Sudha Pai Ed.), *Interrogating Reorganisation of States* (Routledge, 2011).

¹⁸ Ibid

linguistic lines was also a process of ‘federalizing the linguistic diversity’ at several levels.¹⁹ For example, through the Kerala Official Language Act 1969, Malayalam and English were made official languages. Nonetheless, Tamil and Kannada minorities were allowed to use their language for correspondence with state government with provision of a language cell for translation. This kind of multilinguality has been maintained in other states as well depending on each state’s composition.

While Sarangi sees linguistic reorganization as a means of federalizing linguistic diversity, others like David Laitin see it as a means of language homogenization.²⁰ He argues that after reorganization, almost all states legislated a single official language and the Union government provided resources to the states to develop their languages to appease regional sentiments, leading to homogenization of language.

The linguistic reorganization of states, howsoever fraught with tensions and in a way, ‘always unfinished’, has been complemented by constitutional provisions and the **Eighth Schedule**. Language provisions of the Indian constitution are contained in Part Seventeen, in Articles 343-51. Constitution declares Hindi in Devanagri script as the official language. In addition, it recognizes 22 languages in the Eighth Schedule of the Constitution as official languages that are used at the level of state administration thus taking into account linguistic diversity.

Inclusion of a language in Eighth Schedule (ES) has several privileges. Several languages listed in the ES are used for official purposes in different states through Article 345, with a caveat that official language adopted by a state should be spoken by at least 15 percent of the state’s population. Further, languages of ES are protected and promoted and are instrumental in linguistic reorganization also. Consequently, various language communities are demanding inclusion of their language in the ES.

By recognizing 22 languages in ES, and linguistic reorganization of states with official regional language of their own, it seems that India fits the model of official multilingualism and liberal neutrality in language policy as posited by Alan Patten. Languages of ES become media of

¹⁹ Asha Sarangi, ‘Linguistic Diversity in a Federal Polity: An Indian Experience’, in Gurpreet Mahajan (ed.), *Accommodating Diversity: Ideas and Institutional Practices* (Oxford University Press, 2011).

²⁰ David Laitin, ‘Language Policy and Political Strategy in India’, *Policy Sciences, Vol. 22, Policymaking in Developing Countries*, 1989.

instruction in examination, legal and administrative occupation, receive means to increase their cultural capital, union and state increase promotional grants to these languages etc. This shows India has adopted a promotion-oriented approach to language rights.

However, there are **several problems** in this model. Firstly, and most importantly, promotion and protection of language rights is limited to the 22 languages listed in the Eighth Schedule. Given the vast number of languages in India, a number of languages are waiting to be recognized formally, while others have been subsumed under the dominant regional languages. Part of the problem is that the constitution did not lay down any criteria to be followed for including particular languages in the ES. Inclusion in or exclusion of a language in ES is not based on any set principles or ideology, but is a function of political contestation and mobilization. Abbi critiques the 'reductionist policy' of Government of India, which basically lists a few languages as 'scheduled' and assimilates a large number of languages under these 'scheduled' languages. According to Abbi, the "assimilationist goal...is a device to swallow the small fish – the languages not included in the ES. This has led to loss of identities for many languages."²¹ For example, Hindi subsumes 47 languages under its fold.

Secondly, there are contestations over official versus non-official languages in densely multilingual states. The reorganization of states precipitated the conflicts over state official and regional languages and over minority language as language-based states created new minorities. With the reorganization of states, the relationship between major and minor languages has undergone shifts. The newly reorganized states had to deal with the large proportion of population considered as part of cultural-linguistic minorities. In several states, emergent linguistic majority began to follow politics of majoritarianism and exclusion. What mitigated the excesses of the majoritarian politics have been the various constitutional provisions given to linguistic minorities. For example, Article 30 allows minorities to set up their own educational institutions. Another safeguard is that in states where minorities are more than 30 percent of the population, government notifications have to be issued in minority languages. However, this provision is hardly implemented.²² Further, Article 350A was inserted which provides for

²¹ Anvita Abbi, 'Vanishing Diversities and Submerging Identity', in Asha Sarangi (ed.), *Language and Politics in India* (Oxford University Press, 2010), p. 302-03.

²² Gurpreet Mahajan, 'Introduction', in Gurpreet Mahajan (ed.), *Accommodating Diversity: Ideas and Institutional Practices* (Oxford University Press, 2011).

facilities for instruction through mother tongue or linguistic minorities at the primary stage of education.

In practice, languages of administration and education have primarily remained the dominant regional languages with certain constitutional safeguards for minority languages. This indicates towards a **norm-and-accommodation approach**, with the official languages listed in ES serving as the set of *norm*. Various constitutional provisions then *accommodate* linguistic minorities.

To sum up, Indian experience of federalism suggests that India has been successful in protecting and promoting major national minorities that became state majorities after linguistic reorganization (e g, Sikhs in Punjab, Nagas in Nagaland, etc). However, interests of internal minorities, i.e., linguistic minorities within states, have not been adequately protected, but attempt have been made to accommodate them. Policies aimed at protecting diversity should be tempered by a regime for internal minorities. One can argue thus Indian experience with respect to linguistic diversity has been a combination of norm-and-accommodation model for linguistic minorities and official multilingualism with promotion rights for a limited number of languages. Given the inadequacy of the norm-and-accommodation approach, and rise in the incidence of majoritarian politics, and sons of soil movement, what models of accommodation can be helpful for linguistic diversity need to be further probed, through an engagement with theories of consociationalism, deliberative democracy and traditions of tolerance particular to India in order to ensure that the linguistic diversity of India is not lost in the wave of globalization on one hand and regional movements on the other.

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