

“Thank You Mahanirban Calcutta Research Group”

Report of my stay

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India’s Experience to Protect the “Non-Scheduled Languages”

The 8th Schedule of the Indian Constitution comprises the officially recognized languages of the Union, which currently are 18, including English. About 95% of the Union’s population speaks one of those languages as its mother tongue and more than 90% of the population lives in a state where its mother tongue is the official state language. But this hasn’t been true 50 years ago. The very fact of India’s linguistic pluralism has brought about many long lasting conflicts in its first decades. Today, with regard to the language policy, India is relying on the “3-language-formula”: every Indian citizen should aspire to learn its state language. Hindi as the national language and English as national and international communication code. This policy stems from the broad rejection, especially given in South India, of Hindi as the only dominating national language, powerfully expressed in the 1958 “All India Language Conference” against Hindi as only nationwide language; the 1965 Madras-State Anti-Hindi-Conference, which led to the *Official (Amendment) Languages Act* in 1967. This Act formally states that adoption of Hindi as only official language depends on the consent of all Indian states.

Also 40 years after India’s federated states reorganization along linguistic lines still there are hundreds of lesser used languages spoken by millions of people. Although excluded from official recognition as state languages, many of those veritable “moniority languages” (at least 118, but renowned scholars-count many more) are not completely beyond official use and constitutional recognition. The constitution of India, in fact, has recognized the rights of minorities to use their own language in Art. 29, which states that “of if a substantial proportion of the population of a state speaks that language, it can be declared official language in the state or in a part of it”. Furthermore the Constitution affirms: “Linguistic minorities shall be allowed to administer educational institutions of their choice”, Art. 344 of the Constitution lists the officially recognized languages of single states with regard to the Union. Art. 347 grants the freedom of any state of India to adopt any or more of the languages in use in that state as the language to be used for all or some official purposes of that state.

Art. 350A enunciates that it “shall be the endeavour of every state and of every local authority within state to provide adequate facilities for instruction in mother tongue at the primary stage of education to children belonging to minority groups, and the President may issue such directives to any state”. This is of particular relevance for the Scheduled Tribes-dominated areas of India, but the application so far from meeting their cultural needs and rights. According to Art. 350A the linguistic minorities have the right to be

taught and have instruction in their language, but again this is a discretionary provision, not mandatory for the respective state.

Art. 350B establishes the Commissioner of Linguistic Minorities. This Commissioner 50 years ago submitted his first report about the language policy to the Indian Parliament, followed by 37 reports of that kind. Again this institution finds a counterpart in Europe's international institutions with the OSCE High Commissioner for National Minorities who is monitoring and reporting on the situation of many smaller ethnic and linguistic groups. In this context the role of the Commissioner of Linguistic Minorities is highly questionable; does he really represent the interests of those minorities, not the institutions of the respective homelands? The Union, under the Constitution, has to watch on the respect of the rights of linguistic minorities rights. But which has been his effectiveness in ensuring those rights? What could be done against the assimilation policy of some States vis-à-vis some linguistic minorities? In 1969 the Central Institute of Indian Languages has been founded in Mysore, which did extensive research and planning in languages. Nevertheless several states simply remained passive with regard to the challenge of protecting their minority languages. This process has been favoured by the lack of standardized versions and scripts of those languages, but also due to the lack of political mobilization and support for the smaller languages. In the framework of the "3-languages-formula" (state language+Hindi+English) speakers of minority languages practically have to learn four languages. There are many difficulties to establish those lesser used languages in the education system. Bilingualism, trilingualism and even mixing the languages in India is part of daily life for many millions of people. On the other hand several languages are on the edge of dying out.

The number of some minority languages are respectable (e.g. Bhili, Santali) also compared with minority languages in Europe. Most of them are so called "tribal languages" with low prestige and no long written tradition. The changes of survival of such languages, under strong assimilation pressure, depends mostly on the possibility to create a written version and on the general level of literacy of the speakers. From a European viewpoint it could be useful to compare Europe's and India's legal arrangements for the protection and enhancement of the minority languages adopted so far. In a second stage it should be questioned how those rights are applied in reality. Which is the social and political reality of 50 years of application of linguistic rights? Which results have some States Acts in minority language matter produced? Which political tools and legal provisions on contrary have failed?

Plan of research

The research, based on the same research motivation as the first study visit and proceeding from the general assessment of the situation of the minority languages in India elaborated after the first study visit in Summer 2008, should be focused on an empirical assessment in four areas of India's Northeast, related to the use of minority languages in the most significant spheres of public life; the public administration, the education system and the media. Secondly there should be inquiries on the spot in all of

those regions on the use of minority languages (lesser used languages in the EU and non scheduled languages in India) as a means of cultural life and production beyond official recognition. This second study visit, to be carried out in March 2009, should also point to question the effectiveness of the provisions for protecting and recognizing minority languages so far; which have been the main legal provisions and policy programs implemented by the responsible States (Meghalaya, Assam, Sikkim, West Bengal) in order to ensure the use of minority languages in public life and to guarantee the constitutional rights in linguistic affairs? To which degree minority languages speakers have been provided with institutions and financial means in order to conserve and promote their languages? Which are today the basic grievances, requests and proposals of linguistic minorities in all of those areas?

The research should be carried out by carefully choosing interview partners among government institutions and authorities responsible for language policy measures of all kind (education, research, public administration, language planning, public employment recruitment, linguistic commissioner, ombudsman etc.). Subsequently there should be a field research focusing on the most significant cases of minority languages spoken in respective states covering all possible situations; scheduled languages, non scheduled languages, tribal languages, languages official at district level or state level. Those cases should be located in West Bengal (e.g. Darjeeling for Nepali, Midnapore for Santhali), in Assam (Bodo and Mishing), Meghalaya (Kasi Garo and Rabha) and Sikkim (Lecha and Sherpa). The field research should combine interviews collected with key actors of local institutions, grassroot activists, NGO-workers.

The proposal is to work out a comparative study in linguistic rights of ethnic minorities of South Asia and Europe. This kind of comparison between Europe (the signatory states of the FCNM) and India in particular could be done focusing on some basic linguistic rights; the right of public use of its language, the right to use the language in public sphere in contact with public authorities and bodies, the right to be taught in its mother tongue, the right to information in minority languages. The comparison should analyse the legal provisions adopted in various states and evaluate the progresses accomplished so far in different case studies. In some cases the evaluation of the linguistic policy is well established, in others much less. What has been done so far in India and in South Asia so far? Which are the grievances and proposals of the concerned ethnic minorities? What's about the "threatened languages and peoples" in the European and in the Indian Union due to discrimination and denial of basic rights? This kind of research on a methodological level could also lead to an useful scholarly exchange with regard to methods of a comprehensive empirical assessment of the situation of a language.