



LINGUISTIC IMPACT ON INDIAN FEDERALISM : A BROAD ANALYSIS

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“Language carries a thick system of meanings. It carries the burden of history, religion, culture, ritual and memory and is a moral bond between the state and the individual.”

As stated in the Black Law’s Dictionary, language means “any means of conveying or communicating ideas; specifically, human speech, or the expression of ideas by written characters.” The language forms as a basis of interaction and an instrument of social control. It tends to regulate the behaviour of a person and help to carve the customary laws which gradually develop with the growth of language in a particular region. The states since time immemorial have pacified various territories through the weapons of language. The Nazi occupation in the France province was unsuccessful because many Nazi policies tried to impose German language over the native French language. This led to the victory of French troops. Again, the language holds a greater influence over the domestic affairs of the Indian state and the government works to preserve the independence of the languages. The language in India is mainly used as a medium of communication and as a basis of state organization.

LANGUAGE AS A MEDIUM OF COMMUNICATION

Language holds a pivotal role in the federal set up of India. It is by virtue to preserve language that federal units agree to be together and cooperate with each other. The controversy relating to the language is seen transcendent to the Fundamental Rights. A measure of self determination and self existence, language has emerged to be the determinant factor in the power-sharing and subordination. The Constitution has even separate part² which containing the list of languages which the states have accepted as their medium of expression. This part further emphasizes that the Union shall work towards promoting Hindi as a national language and has conferred Hindi in *devanagri script* as one of the official languages of the Union³ other being the English.

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² Part XVII deals with the Official Language

³ Article 343 states the official language of Union to be Hindi and Article 351 imposes a duty on the Union to promote Hindi.



The **Official Languages Act of 1963** provides statutory backing to the Constitutional provisions and formalized the procedures for implementing languages by the states in their respective governing framework. This Act has made a compulsory provision for translation of State Laws into Hindi as well as English⁴ so that any person of other linguistic background can easily understand the concerned law. It is a welcoming step in ensuring linguistic integration and promoting cooperative federal structure. The problem arises when the imposition of Hindi over non- Hindi states become a cause of unrest and even failure of political machinery. Every year large number of people in the Southern region of India injure themselves as a protest against the *Hindiwallahs*. Such erroneous act of the people is not permissible in our society and calls for strict imposition of punishments. But the root cause of these problems is the age old complexion of Aryan - Dravidian clash. These clashes have compelled the President to impose the State Emergency under Article 356 many times. The clashes are generally supported by the respective state government which is a major cause in the fatigue of constitutional machineries.

FORMATION OF STATES- THE LINGUISTIC CLASSIFICATION OF THE DOMINIONS

“One of the most difficult problems in the framing of Indian Constitution will be to satisfy the demand for linguistic provinces and other demands of a like nature.⁵ The linguistic factor shadowed the constituent assembly debates and demand came for the formation of states on the basis of language. Many members believed that such classification shall break the Unity of India and will encourage regional extremism. For evading such problems, power was given solely to the Centre for making and breaking of state by a easy amendment process.⁶ Ayyar believed that giving Parliament the “drastic power” under **Article 3** was not consistent with the federal principle of the Constitution itself, because the majority in Parliament might

⁴ **Authorised Hindi translation of State Acts in certain cases** -Where the Legislature of a State has prescribed any language other than Hindi for use in Acts passed by the Legislature of the State or in Ordinances promulgated by the Governor of the State, a translation of the same in Hindi, in addition to a translation thereof in the English language as required by clause (3) of article 348 of the Constitution, may be published on or after the appointed day under the authority of the Governor of the State in the Official Gazette of the State and in such a case, the translation in Hindi or any such Act or Ordinance shall be deemed to be the authoritative text thereof in the Hindi language.

⁵ B.N. Rau, *Constitutional Precedents*, First Series p. 17

⁶ Article 3 of the Constitution and the process involved there on is the Simple Majority.



not reflect the views of the provinces. **Article 3** authorizes the Parliament to form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to any part of any state. It lays down two conditions in this regard: one, a bill contemplating the above changes can be introduced in the Parliament only with the prior permission of the President and two, before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.⁷ By making the Union Government powerful and the federal Structure tight, and keeping the provinces tied to the Union by financial necessity might to some degree prevent separatist sentiment from gaining momentum. Still, due to the presence of provinces like Odisha on the linguistic criteria made the Constitutional makers to appoint the State Reorganization Commission to frame certain guidelines for state formations.

The **State Reorganization Act of 1956** came as a boost to the re -organization of states on the basis of regional languages. The Act which came as an adherence to the recommendations made 3 grounds for the reorganization of a state.

Firstly, the state shall be made on the ground of administrative efficacy and shall cope up with the large scale economic planning. Administration was made primary ground for the formation of states. Secondly, the formation of state shall follow the colonial system of giving limited autonomy to the princely states having common language. Common language eased the administrative work and meeting of minds take place easily. Thirdly, the state formation needs to be framed keeping in mind that these units do not secede in future. It is expressly relevant to those states which are nearer to the International Boundaries where the chance of cross border extremism is present.⁸ These states are made or seem to made to regulate the foreign affairs. The recommendations of the Commission was widely accepted by the Parliament and the state of Andhra Pradesh became as the first state formed on the linguistic grounds.

DISCREPANCIES ASSOCIATED WITH THE LINGUISTIC FEDERALISM

The basic notion of the federalism is the mutual sharing of power by means of cooperation and competition. The space for competition has compelled the other units especially the Union to interfere with the interests of a state. The fulfillment of the federal obligations is vital for the existence of a federation. The main interest of these states is to preserve the

⁷ Added by the 18th Constitutional Amendment Act of 1966.

⁸ Justice Dar's View on Dominion Formation in The State Reorganization Commission, 1955



autonomy of their language and create a sense of solidarity. Certain discrepancies are also associated with this subject matter which are as follows:

Language and the Centre - State Relations: **Part XI** of the Constitution deals with the Centre - State relations. The Centre and the States are coherent and independent in their respective fields and the maximum harmony and coordination between them is essential for the effective operation of the federal system⁹. So, the concept of “**Cooperative Federalism** has emerged.” Such federalism enables the state and the union to interact cooperatively and collectively with in themselves to solve common problems, rather than making conflicting policies separately. There is a growth in the interaction between the states for which the policy making and implementation has become easier. The **NITI Aayog**- the major policy maker have all the states and the union as members to formulate common plan for all the states. It is a welcoming step but the problem arises when the majority view of the members suppress the say of smaller states. For instance - The Education policy which emphasized on the usage of modern tools, digital presentations and English language for imparting education at the primary level. The usage of modern technology will limit the use of regional language as the medium of instruction in the schools. It is a colourable restriction on the power of states to regulate their education policies¹⁰. Furthermore, the cooperative federalism may create panic among the tier 2 states who lack development and shall suffer the monopoly of the tier 1 states who are more developed and progressive. For instance- The Telugu speaking section of Odia living in the border region of Odisha are directly instigated by the authorities of Andhra Pradesh to act against the Odisha Government so that these neighbouring area which is full of minerals and thick forest cover become a part of Andhra Pradesh¹¹. The Andhra authorities use the Telugu language to instigate these people against the Odisha Government.

The All India Services which is a salient feature of Indian Federalism lack linguistic insight in their method of conducting examination. The question papers are set in only two languages- Hindi and English. But, the All India Service employees serve the respective state governments and formulate their linguistic policies. So, there might be certain discrepancies in outlaying certain governance matters which necessitates the use of regional language. For instance- the Odisha Government is unable to appoint the Odia language Commission which

⁹ State of Gujarat v. Krishna Ranganath Mudholkar, 1963 AIR 703

¹⁰ Entry 25 List 3 Concurrent List - Seventh Schedule , The Constitution of India, 1950

¹¹ Kotia Clusters: Odisha Lapses Could Strengthen Andhra Claims, <http://www.dailypioneer.com/state-editions/bhubaneswar/kotia-clusters-odisha-lapses-could-strengthen-andhra-claims.html>, Visted on 09/04/2018 at 7.50 pm



is planned to be instituted since last 5 years. Such inefficiency is due to the idleness of the bureaucrats who hail from different backgrounds and lack knowledge about the Odia language.

Foreign Relations: It is the foreign relations which directly affect the domestic affairs of a nation. The foreign actors as a strategy against other countries interfere with the sovereignty of a country and create disturbances. The disturbances are mostly seen in those bordering areas of the foreign country where there is tension of skirmishes between the armies and chances of secession prevails. So, the Centre always try to impose its monopoly over such areas to preserve the unity of the nation. But such monopoly dilutes the linguistic demand of those areas who wish to have separate areas on the basis of their identity. The issue of Gorkhaland is a glaring instance of this contention. The region of Darjeeling and Kalimpong of West Bengal is inhabited by large number of Nepali- Speaking Gorkha indigenous people. The demand of Gorkhaland dates way back to early 20th century but is always neglected by the respective Central and West Bengal Government on the grounds of the National Interest and the curtailment of criteria by these areas to be considered as a state. The covert reason is the proximity of the demanded areas to Nepal and especially to the China. The disputed Gorkhaland area is nearer to the “**Chicken Neck Corridor**” which is a narrow lane that connects Indian mainland with the North Eastern states. If the Parliament fulfills the demand of Gorkhaland, chances of blockage of these routes may take place by China as the Gorkha demands are directly supported by the Chinese Government. Such blockades will hamper the development of the North Eastern Regions and especially shall affect the mobility of armed forces during war times..¹²

Judiciary: The Guardian and the protector of the Constitution. The last resort on this land to get justice, the Courts inevitably possess the sacrosanct position equivalent to the God himself for getting the justice. It is faith and trust bestowed upon the Courts that the civility of the society prevails. Such position of the Courts will sustain only when each and every individual is able to approach the Courts at easily. The legal frameworks are also implemented keeping such views but the problem arises in the Higher Courts i.e the Supreme

¹² <http://www.thehindu.com/news/national/other-states/gorkha-movement-gathers-steam/article19033885.ece>, Visited on 11/4/2018 at 8.21 AM.



Court and the High Courts who only understand the colonial dictums of English. **Article 343** makes it mandatory for the Constitutional Courts to have proceedings in English only. Such provisions make it difficult for the people who hail from impoverished, illiterate regions who lack understanding of English. They are unable to brief their respective cases to these courts because of the Constitutional and Customary sanctions which prohibits the usage of any “other” language. This directly violates the principles of “*audi alteram partem*” which prohibits the condemnation of a person unheard. Such discriminatory practices thus affects the natural justice of a person and affects the justice delivery system.

THE RUSSIAN REPUBLIC - GLARING EXAMPLE OF LINGUISTIC FEDERALISM

After the Soviet disintegration, its successor Russian Republic followed a pattern of federalism to segregate and accommodate linguistic diversities. Around **150 ethnic languages** are present in the Russian Federation and the representatives of Kremlin always try to reflect the hopes of these languages and its people through their works¹³. The policies implemented by the Republic in order to ensure the equality between nations¹⁴ were based on the Marxist-Leninist interpretation of the dialectical relations established between the different nationalities, the underlying motivations of linguistic and national policies were that the modernization of the different ethnic groups of the USSR could not be achieved if the autochthonous populations didn't manage to reach a high level of literacy, cultural , social and political consciousness.¹⁵ To meet the western replicas of industrialization, modernization as well as popularization of the State and its policy, the Russian Federation gave autonomy to its units and classified them on the basis of language. Furthermore, it settled the Russian language as National language for the regional and social integration. The Russian Federation is made up of 89 subjects of which **32** are defined according to **ethnic-linguistic terms**. The challenge which the Russia faces is the integration of Eastern Russia with the Moscow. This area is underdeveloped and is present in the Asian region. It lacks connectivity and meagre communication with the Centre. Thus provides a breeding ground for extremism and anti- state elements.

CONCLUSION

¹³ Data provided by Natsionalnii Sostav Naseleniia SSSR (1991)

¹⁴ States in Russia are known as Nations

¹⁵ Language Policy in the Russian Federation: language diversity and national identity by Marc Leprêtre, http://www.gencat.cat/llengua/noves/noves/hm02primavera/internacional/a_marc.pdf, Last Visited on 11/4/2018 at 8: 30 am



Language is the basis of communication between the institutions of the state. The Constitutional guarantees safeguarding the languages has enabled to breed a healthy Federal mechanism in the country. The Official Languages Act of 1963 ha enabled the states and union to promote and propagate their interests through their respective languages. Moreover, the re organization of states after the independence reflects the relevancy of language to regulate the Federal structure. Further the discrepancies like monopoly of Tier 1 states over Tier 2 states in the regulation of policy, foreign relations with the neighbouring countries and barriers in Judiciary is affecting the progress of linguistic character of Indian Federation. We ought to learn judicious implementation of language to regulate the federal behaviour of Russian Republic and try to implement such findings in our policy matters.