



WAR OVER LANGUAGE: CRITICAL ANALYSIS OF THE MOST CONTROVERSIAL PART OF CONSTITUTION THROUGH CONSTITUENT ASSEMBLY DEBATES

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1. Introduction

“How shall we promote the unity of India and yet preserve the rich diversity of our inheritance?” –Pt. Jawaharlal Nehru

This question paves the way for the essence of Part XVII Constitution *i.e.* Official Language. This Part though may not receive much importance in the present times as it is rarely seen as a point of contention or reference in courts, but at the time of the drafting of Constitution it involved the most heated debates. The Part ranges from Article 343 to Article 349 and is titled as the Official Language. Firstly, it specifies Hindi as the official language of the Union while permitting use of English for official purposes but for a limited period of time. In addition to this, it recognizes and protects the continuance of regional languages in their respective states. Thirdly, it specifies the language to be used by the judiciary in courts and by the legislature in passing of bills and acts. Lastly, it has certain special directives with the aim to promote Hindi and protect regional languages.¹ The legislative intent of this Part was to recognize the plurality of language and unite people from linguistic groups in harmony, in which it succeeded.

This issue seems to be settled in present times and therefore no heed is given to it, but it

becomes extremely crucial to realize the value of this Part at the time of Drafting of Constitution. The language of the Union and provincial civil services meant money and social status to the middle and upper classes as their primary source of prestigious employment was through their services. This issue gained traction also because it involved the cultural and historical pride of the linguistic groups and in case of Muslims and Sikhs particularly, religious sentiments. For these reasons, the Constituent Assembly Debates (hereinafter referred to as “CAD”) with respect to language occupied significant time and relevance.

The objective of this present paper is to chronologically analyze the developments of the CAD which led to the coming up of Part XVII. This paper shall briefly analyze plethora of perspective which were taken into account in deciding the questions related to language by the members of the Assembly. The scope of this paper will be limited to critical study of CAD primarily. There will be neither any elaboration on the development of this Part after the Constitution was drafted, nor any scrutiny of case laws. The researcher has used a doctrinal method of research by studying the original CAD, Commentaries and Digests on the subject.

The paper will be essentially divided into three segments. The first part shall focus on the initial points of contention at the time this subject was taken up for consideration. The second part will cover all the opposing views of different groups amongst the Assembly while the last part will show how was the

¹ The Constitution of India, 1950. Art. 344- Art. 349.



agreement reached amongst the members which led to the draft of present Articles.

2. Issues of Contention and Division within the Assembly

The language provisions as seen in the present day context were a result of a compromise. This compromise was reached primarily between two groups. The first group was of Hindi-speaking Assembly members (hereinafter referred to as “Hindi Supporters”) from the provinces of North-central India, led by a hard-core of linguistic extremists. This group believed that Hindi should not only be the ‘national’ language by virtue of an inherent superiority over other Indian languages but it should replace English for Official Union purposes immediately or in a very short time. It also held that Hindi should soon replace English as the second language of the provinces.²

In opposition were the moderates, who believed that Hindi- which they defined much more broadly- might be declared the ‘official’ language of the Union because the largest number of Indians spoke it, but that it should simply be the first among equals, the other regional languages having national status. This faction demanded that English as the *de facto* national language, should be replaced extremely slowly and cautiously. Nehru, joined by several other Assembly leaders, led this group.³ The other moderates came largely from South India, Bombay, and Bengal, areas where Hindi was not spoken and English had been the only link between speakers of the regional languages.

This was not the only matter of dissent, there were other questionable subjects also which even divided the Hindi supporters. One of them was related to the length of time English should continue to be used as the language of government and the status to be accorded to other regional languages. The other major issue was the definition of Hindi. Though it may not appear to be a major matter of concern, but this was severely debated upon in the Assembly. Some members said that Hindi is the Hindustani which includes the language which was commonly spoken and included words from Urdu, Awadhi, etc. while other believed Hindi to be the purest version with traces of Sanskrit present in it. The last matter of concern was regarding the language of the numerals. Some believed that International systems of Numerals should be used while others wanted Hindi Numerals to take over. All these issues are discussed in detail in the rest of the paper.

3. Development of Arguments and Conflicts in the Assembly

The primary issues discussed above will now be seen in detail, with the justification offered by each of the faction to their arguments. This section chronologically analyses the progress of debate.

3.1 Hindi as National Language

The year 1948 witnessed the majority of debates amongst the Hindi supporters and moderates to make Hindi the national language. The Hindi extremists submitted multiple amendments to the Draft Constitution between February and

² Granville Austin, *The Indian Constitution- Cornerstone of a Nation*, Oxford University Press (1999), at pp. 350-355

³ S.K. Agrawala, “Jawaharlal Nehru and the Language Problem”, *Journal of the Indian Law Institute*, Vol. 19, No. 1 (January-March 1977), pp. 44-67. <https://www.jstor.org/stable/pdf/43950462.pdf>



November.⁴ The Muslims all supported Hindustani but ignored the problem of English. While the South Indians wanted English to continue for fifteen years, after which Hindi could also be recognized as the official language.

In November 1947, the Congress decided to redraft the Constitution and this gave the opportunity to the Hindi supporters to make Hindi the official language. These efforts were coupled with resentments from both southerners, as they could not speak Hindi and even the Hindi Speakers who found that Hindi versions had been so Sanskritized as to make them unintelligible. By the summer of 1948, the Hindi translation as well as Urdu and Hindustani translations had been completed. Nehru wrote to Prasad that he did not understand a word of it. But when the Assembly reconvened on 4th November, the Hindi supporters firmly propagated that the Independence would be of no use if all the people do not start talking in Hindi or conducting official business in Hindi.⁵ This increased the linguistic fanaticism in the Assembly. This fanaticism was aptly dealt by the President as he intended to delay this issue and turn to other aspects of the Draft.⁶ Nehru agreed that debate on language at that time might delay the completion of the Constitution, but he warned that proceeding in the urgent manner could ill serve their purpose. He suggested that imposition of

something in urgency by majority on an unwilling minority would be in contrary to the objectives of the Assembly and the Constitution.⁷ Therefore, this matter was deferred for a later date and focus was given on other aspects.

3.2 Recognition of Regional Languages

India is a land of linguistic minorities where no one language was spoken by a majority of the population and where there not only true linguistic minorities but also relative minorities. Thus, it became important to recognize their place in the Constitution as well. The Advisory Committee drafted a set of provisions which provided that the minorities should have the right to conserve their language, culture and they will not be discriminated on linguistic grounds. It also included that these minorities could establish and maintain their own educational institutions.⁸

Both Munshi and Ambedkar agreed that state had given only negative rights to minorities without any positive rights. Munshi stated the minority right is intended to prevent majority controlled legislatures from favoring their community to the exclusion of other communities. He further believed that this would make minority a favored section of the public as State would constantly work for the welfare of it and this would destroy the basis

⁴ Constituent Assembly Debates, Volume VII, 5th November, 1948.
https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-11-05

⁵ Constituent Assembly Debates, Volume VII, 5th November, 1948.
https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-11-05

⁶ Constituent Assembly Debates, Volume VII, 4th November, 1948.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-11-04

⁷ Constituent Assembly Debates, Volume VII, 8th November, 1948.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-11-08

⁸ Constituent Assembly Debates, Volume V, 30th August, 1947.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/5/1947-08-30



of fundamental rights.⁹ While Ambedkar believed that this causes no burden on State. He held that because the state was not prohibited from legislating on such matters, provided the legislation was not oppressive, and because other mother tongue education was such a universal principle, no provincial government could justifiably abrogate the principle without damage to considerable part of the population in the matter of its educational rights.¹⁰

For Bilingual areas, the Congress Working Committee drafted the Resolution on Bilingual Areas on August 5, 1949. This resolution which was chaired by Prasad, laid down certain principle which were later imbibed in the Constitution. It stated that each province should choose its own language, which should be used in courts and for administrative purposes and as the medium of instruction in schools. On the subject of national language, the resolution laid down that there should be a state language in which the business of the Union will be conducted. All records of the Centre will be kept and maintained in that language. However, the state language was not specified as the Hindi-Hindustani dispute remained very sensitive, and it would be unfair to single out any tongue for the honor of being the 'national language'.

4. The Last Rounds

This section talks about the last month of the debate where the language issue was finally reignited and decided upon. It shows how the

compromise was reached which stemmed into the present day Part XVII.

4.1 Final Arguments

When the Assembly met on August 8, the order paper asked for language amendments to the Constitution. The postponement of the language issue was over and the battle was begun. Many of the amendments embodied the commonly known views of the extremists, including a provision that during a ten year transition period, Parliament could provide for the use of either or both Hindi and English for Union purposes. The moderates opposed this as they found it to be loophole that would permit the immediate exclusion of English. The meeting was able to agree unanimously, however, that Hindi should be the official language of the Indian Union and that Devanagiri should be the script. But there was a divergence of opinion over the meaning of Hindi. Nehru explained that Hindi should be defined as having the style and form of Hindustani, while the extremists thought the other way. For an easy and peaceful solution to controversy in question, a committee to draft a compromise provision was made.¹² It was primarily led by N.G Ayyangar and Munshi. On 16th August, the special committee presented its report to the party meeting. However, it pleased no one and was particularly offensive to moderates. It said that English would be sole language for ten years and for five more if agreed by the Parliament. It also paved the way for change of International numerals from the

⁹ Id.

¹⁰ Constituent Assembly Debates, Volume VII, 2nd December, 1948.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-12-02

¹¹ Constituent Assembly Debates, Volume IX, 8th August, 1949.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/9/1949-08-08

¹² Constituent Assembly Debates, Volume IX, 11th August, 1949.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/9/1949-08-11



Arabic numerals. This did not appease the extremists as they demanded Nagari numerals. The special committee's efforts having been of no avail, the party left it to the Drafting Committee to produce a compromise article. This committee then proposed that English would be continued for fifteen years, but the question of numerals remained unresolved.¹³

Numerals and the fifteen year transition period dominated the debate in Assembly meeting during the succeeding days. During these days, the language provisions were discussed in greater detail till it became to be known as the 'Munshi-Ayyangar formula'.

The debate over numerals had no end, meanwhile the special committee was working towards a compromise which would seek positive response from all sects. Finally, in September Munshi- Ayyangar formula¹⁴ was presented which was the result of a great deal of discussion and compromise and resembled closely with the present Part XVII of the Constitution.

Ayyangar Report

On 12th September, 1949, Gopalawami Ayyangar, the member of the special committee presented its report to the Assembly. He believed that the decision to substitute Hindi in place of English was too early. He argued that Hindi could be used for debates and discussions within the legislature but for all the official purposes like

legislations and bills, English should be used. He believed that Hindi was not sufficiently developed at that time. It required a lot of enrichment in several directions, like modernization, it requires to be imbued with the capacity to absorb ideas, not merely ideas but styles and expressions and forms of speech from other languages.¹⁵ Therefore, Hindi should first be developed as presented in their draft and only after a certain time it should be able to substitute English. Similarly, he proposed that for first fifteen years International numeral to be used and only after then Devanagiri numerals should be used.

Lastly and very importantly he argued that the language of Courts to be English. At that time only he believed that English language in Bills and Laws would last much longer than fifteen years. This was because law-making and its interpretation requires extreme precision, with certain expressions that have a definite meaning only and until Hindi language evolves to that stage it should not be used for this purpose. He gave reference to his time at the Draft Assembly for Kashmir and drew an analogy that how they used English there as well and not Urdu.¹⁶ As Indian courts were accustomed to English and its style of drafting it was better that they stick to English so as to ensure a uniform interpretation of laws all across the country.

Munshi-Ayyangar Formula

¹³ Constituent Assembly Debates, Volume IX, 22nd August, 1949. https://www.constitutionofindia.net/constitution_assembly_debates/volume/9/1949-08-22

¹⁴ Constituent Assembly Debates, Volume IX, 12th September, 1949.

https://www.constitutionofindia.net/constitution_assembly_debates/volume/9/1949-09-12

¹⁵ B. Shiva Rao, "The Framing of India's Constitution", Vol.3, Universal Law Publishing, (2015) at pp. 624

¹⁶ B. Shiva Rao, "The Framing of India's Constitution", Vol.3, Universal Law Publishing, (2015) at pp. 627



The brief features of this formula was that it proposed: Hindi in Devanagari script as the official language of the Union and the language communication between the Centre and states and between the states inter se; international form of Indian numerals; switch-over to Hindi to be a phased programme spread over a period of fifteen years; English to continue as the official media for the interim period; regional language (one or more according to the wishes and claims of residents) or Hindi for the official purposes of the states; English for the functioning of higher judiciary, and for authoritative legislative texts both at the Centre and in the states; a commission representing the various regional languages and parliamentary committee thereafter, to periodically (after 5 years and then 10 years) examine and report to the President inter alia on progressive substitution of English by Hindi taking into account the industrial, cultural and scientific advancement of India and the claim of non-Hindi speaking areas in regard to public services. It also included a direction to the Union to ensure that Hindi in its development serves as a medium of expression for all the elements of the composite culture of India, and for its enrichment draws on Hindustani and other Indian languages for its style and expressions, and primarily on Sanskrit for its vocabulary.

This still did not satisfy the extremist faction of the Assembly. On 14th September, this was heavily decided as the Assembly had to reach

¹⁷ Constituent Assembly Debates, Volume IX, 14th September, 1949.
https://www.constitutionofindia.net/constitution_assembly_debates/volume/9/1949-09-14

¹⁸ Uday Mahurkar, "Why Amit Shah thinks Hindi is the Language of National Integration", India Today, 16th September, 2019

on a conclusion that day. Finally, a mutual consensus was reached. The compromise consisted of five amendments to the Munshi-Ayyangar formula, each of which was a concession to the extremist bloc.¹⁷ This provided that after fifteen years, Parliament could legislate on the use of Nagari numerals as well as on the continued use of English, that Hindi might be used in the proceedings of a High Court with the sanction of the President, that Bills, Act, etc. could be issued in the official language of a state if an official English translation was published, and that Sanskrit be added to the list of languages in the Schedule. With this the debate on the language issue was over and the final compromise was on paper.

5. Contemporary Language Debate

Recently, the Union home minister Amit Shah's emphasis on making Hindi the national link language has sparked off nationwide chaos. In his address on National Hindi Day in September, 2019, Shah emphasized the need for Hindi to be made the common language of the country. He said that it was necessary to have one language which could represent India in the world.¹⁸ His contention that Hindi was widely spoken and could be the language to keep India 'united' was condemned from across the country including the opposition as well as the regional BJP leaders. BJP's Karnataka chief minister BS Yediyurappa has declared that all official languages are equal and there will be no compromise on the importance of Kannada. Similarly, BJP ally AIADMK has

<https://www.indiatoday.in/india-today-insight/story/why-amit-shah-thinks-hindi-is-the-language-of-national-integration-1599506-2019-09-16>



asserted that Tamil Nadu will stick to Tamil and English.¹⁹ The language issue has an old, emotive history in the country.

Previously, similar move was seen in 2019 from a draft national education policy by the Narendra Modi government-II. In the draft policy, the government has proposed mandatory teaching of Hindi alongside English and the concerned regional language in non-Hindi speaking states.²⁰ The government later revised its draft policy to make it non-mandatory.

Such moves are extremely problematic and dangerous to the pluralism of India as it imposes one language over the entire nation of 22 languages. Though it is believed that majority of India speaks Hindi, but in reality according to the census of 2011, only 44 percent of the population includes Hindi speakers. The dangers of imposing a language are manifold. It can affect the learning ability of non-native speakers thereby affecting their self-confidence. It can also endanger other languages and dialects and reduce diversity. National integration cannot come at the cost of people's linguistic identities. Language is integral to culture and therefore privileging Hindi over all other languages spoken in India takes away from its diversity.²¹ There are better ways to foster national unity than imposing a language. Having a single, simplified tax structure creating a common market for the country, or fostering a single labour market are far better

ways of practically integrating the country as well as boosting the economy.

6. Conclusion

The issue of language though it seemed a very trivial issue in comparison to other parts of Constitution came to be one of the most important one and was extremely time consuming. The main issues of contention were with regard to the status of Hindi as the national language to be substituted with English. This further had divisions amongst the groups as the definition of Hindi was not clear because it involved a combination of a number of languages and varied from place to place. Second major contention was with regard to the use of numbers, whether international form number sis to be used or the Devanagiri scriptures. The Hindi supporters were from North and Central India while those who opposed Hindi were from South India and other less integrated parts of India. The importance of this issue was highlighted throughout this debate as this was a crucial matter to preserve India's diversity and pluralism. Ultimately, English was used for a period of fifteen years thus respecting the interests of all sects of country, as prosed by the Munshi-Ayyangar formula.

7. Bibliography

Constituent Assembly Debates:

- Constituent Assembly Debates, Volume V
- Constituent Assembly Debates, Volume VII
- Constituent Assembly Debates, Volume VIII

¹⁹ Aakash Sharma, "War over Hindi: Better Ways to Foster Unity than a Single Language Nation", Times of India, 17th September, 2019 <https://timesofindia.indiatimes.com/blogs/toi-editorials/war-over-hindi-there-are-better-ways-to-foster-national-unity-than-a-single-national-language/>

²⁰ Prabhas K Dutta, "Hindi as our National Language: Myth and Reality", India Today, 3rd June, 2019

<https://www.indiatoday.in/news-analysis/story/hindias-our-national-language-myth-and-reality-1541426-2019-06-03>

²¹ Suraj Sharma, "National Language Debate: What does it Mean for India's Pluralism?", Economic and Political Weekly, 27th June, 2017 <https://www.epw.in/engage/article/national-language-debate-what-does-it-mean-indian>



-
- **Constituent Assembly Debates, Volume IX**
Articles/ Journals:
 - S.K. Agrawala, “Jawaharlal Nehru and the Language Problem”, Journal of the Indian Law Institute, Vol. 19, No. 1 (January-March 1977), pp. 44-67.
<https://www.jstor.org/stable/pdf/43950462.pdf>
 - Uday Mahurkar, “Why Amit Shah thinks Hindi is the Language of National Integration”, India Today, 16th September, 2019 <https://www.indiatoday.in/india-today-insight/story/why-amit-shah-thinks-hindi-is-the-language-of-national-integration-1599506-2019-09-16>
 - Aakash Sharma, “War over Hindi: Better Ways to Foster Unity than a Single Language Nation”, Times of India, 17th September, 2019
<https://timesofindia.indiatimes.com/blogs/toi-editorials/war-over-hindi-there-are-better-ways-to-foster-national-unity-than-a-single-national-language/>
 - Prabhas K Dutta, “Hindi as our National Language: Myth and Reality”, India Today, 3rd June, 2019
<https://www.indiatoday.in/news-analysis/story/hindi-as-our-national-language-myth-and-reality-1541426-2019-06-03>
 - Suraj Sharma, “National Language Debate: What does it Mean for India’s Pluralism?”, Economic and Political Weekly, 27th June, 2017
<https://www.epw.in/engage/article/national-language-debate-what-does-it-mean-indian>
 - H.M. Seervai, Constitutional Law of India, Vol.3, Universal Law Publishing (4th ed., 2009)
 - B. Shiva Rao, “The Framing of India’s Constitution”, Vol.3, Universal Law Publishing, (2015)



Books:

- Granville Austin, The Indian Constitution- Cornerstone of a Nation, Oxford University Press (1999).