
Linguistic Human Rights In India

INTRODUCTION

The geographical location of the Indian sub-continent and the various historical forces have brought into the land people with different ethnic origins and varying culture based on religion, language and philosophy of life. Linguistic diversity is one of the marked features of the Indian society. There are well recognized regions within the Indian having distinct languages of their own. During the British rule, the territorial units were organized on considerations of administrative efficiency and as such they were multi-lingual in character. These multi-lingual states assumed the existence of linguistic minorities within their boundaries.

The Constitution of India has made certain provisions to safeguard their rights. After independence demand for reorganization of state on the basis of language got thrust starting from southern state of Karnataka and Tamil Nadu which resulted in the reorganization of the states in 1956 leading to formation of unilingual states. As a consequence, the number of linguistic minorities was reduced. However, it was apparent that even with the application of the formula 'one language one state' rigidly, the problem of linguistic minorities could not be solved completely.

The limitations on the process of unification of territories on the basis of language are that:

- Physically it is difficult to group all the language groups into separate states,
- There exist a large number of bilingual pockets between different linguistic areas, and
- There exist areas with a mixed population even within a unilingual state.

Further, the Indian Constitution guarantees freedom of movement to all citizens of India. With free mobility, the linguistic composition of the states is likely to undergo change from time to time. However, there will always be the presence of a linguistic minority within the borders of different states in this multi-lingual country.

LINGUISTIC RIGHTS AND MONORITIES

'Language rights' and 'linguistic rights' are human rights that have an impact on the language preferences or use of state authorities, individuals and other entities. Language rights are usually considered broader than linguistic rights and this guide uses both terms to discuss both the necessary minimum and possible extra measures that should or can be taken to effectively implement the rights of linguistic minorities. Language is central to human nature and culture, and is one of the most important expressions of identity. Issues surrounding language are therefore particularly emotive and significant to linguistic minority communities seeking to maintain their distinct group and cultural identities, sometimes under conditions of marginalization, exclusion and discrimination.

Linguistic minorities are certain group of people whose mother tongue is different from that of the majority language in a state or part of a state. The constitution of India provides provisions for the protection of the interests of the linguistic minorities.

Most of the States have a dominant language which is spoken by majority of the people which is called as regional language. All those who do not speak the Regional Language belong to linguistic minorities. Three different kinds of linguistic minorities could be identified in India and they are:

1. Linguistic minorities
2. Linguistic minorities with tribal affiliation
3. Linguistic minorities with religious affiliation

About 36.3 million of India's 1.2 billion strong population (Census 2011) speak an 'absolute minority language', a language which in every of India's 28 States forms a minority. Most of those languages are Adivasi languages.

MINORITIES AND HUMAN RIGHTS

In a democracy such as India, where people are divided in terms of religion, language, caste, race, culture, and socio-economic factors, one of the tasks of the framers of the Constitution of India was to devise safeguards for the country's different minorities. At the time of independence the demographic scene presented a very peculiar composition. There were politically recognised minorities, often with religious identities, such as the Sikhs, Muslims, Christians, Parsees and Anglo-Indians (born of mixed marriages between the English and Indians). In addition, a very large number of other cultural and linguistic groups could be distinguished within the population and often demanded to be recognized as scheduled castes and tribes. In the case of India, in addition to religious and ethnic minorities, one can also identify different types of linguistic minorities:

- Speakers of minor languages (languages not included in schedule VIII of the Constitution);
- Speakers of major languages who become minorities as a result of migration (e.g., Telugu migrants in the Kannada-speaking state of Karnataka);
- Speakers belonging to scheduled castes and tribes (e.g., Gondi, Santhali, etc.);
- Religious minorities, e.g., Urdu speaking Muslims all over India
- Linguistic minorities who speak major languages but are a minority because they lack numerical strength in their jurisdiction of residence (e.g., speakers of Sindhi, Kashmiri, etc.); and, finally,
- Ethnic minorities (e.g., Anglo-Indians, many of whom claim English as their native language)

PROTECTION UNDER INDIAN CONSTITUTION

The fundamental rights are guaranteed to the citizens as a whole. This means that all these fundamental rights (including the right of all citizens to maintain their languages, establish their own schools, etc), are available to every citizen of India regardless of their caste, creed, sex, language, race, or culture. Political and social rights are guaranteed to all the citizens. In order that no sections of citizens suffer by whims and caprices of the majority, our Constitution further provided not only basic rights to the minorities but also such rights as would help them conserve their religion, culture and language. In our constitution special rights for the minorities have been designed in the constitution to bring about equality by ensuring the preservation of the

minority's institutions and by guaranteeing to the minorities autonomy in the matter of the administration of these institutions. Measures taken for protecting minorities are important.

Article 29: Article 29 promises protection of interests of minorities by declaring that the minorities have a right to conserve their culture, language and script. It also prohibits any kind of discrimination on the basis of religion, race, caste and language

Article 30 is a special right conferred on the religious and linguistic minorities because of their numerical handicap and to instill in them a sense of security and confidence, even though the minorities cannot be regarded as weaker sections or underprivileged segments of the society.

However, unfortunately in reality both these articles provide linguistic minorities with minimal protection. Furthermore, the articles are only declarative in nature therefore it does not mean that states must recognize that language. Hence, there is no official pressure whatsoever on the states to either establish educational institutions or provide education to linguistic minorities through their mother tongue.

Article 347: Article 347 specifies that if there is a demand from a linguistic minority community, then the President of India have power to invite the respective State to recognise their language as a co-official language, but it does not clearly explain what is meant by a "substantial proportion". This article also declares that minority languages can also be used for official purposes

The question of reorganization of States of the Indian Union on linguistic basis led to the appointment of States' Reorganization Commission in 1953. Based on the report of Commission, a number of unilingual States were formed in the year 1956. It seems the main motivating force behind this scheme of redistribution of States' territories was the idea of reducing the number of linguistic minorities by bringing people together who speak a common language. However, the reorganization of States on linguistic basis could not solve all the problems of linguistic minorities simply because most of the states were basically multi-lingual. The reorganization of States as political and administrative units on linguistic basis also failed to reduce the conflict between the majority language speakers and minority language speakers. In fact, as reflected in the First Report of the Commissioner for Linguistic Minorities.

CONCEPT OF FUNCTIONAL TRANSPARENCY

The "functional transparency" feature is important in determining the degree of functional load. Functional transparency refers to the autonomy and control that the language has in a particular domain. Thus the functional load is higher if the language does not share the function with other languages, i.e. there is an invariable correlation between the language and the function. In other words, if it is perceived as the most appropriate language to carry out that particular function, the language is considered to be "transparent" to the function. For example, Sanskrit is most transparent to its function of expressing Hinduism. Regional languages are most transparent to their function in state government. Similarly, English is transparent to the function of "modernity". If the function is shared by other languages, the transparency is lowered and the functional load is also lowered. For example, the function of regional languages in the domain of education is shared by English in many states, which lowers the transparency of their function and consequently lowers their functional load.

CHANGING EQUATION OF LANGUAGE AND CULTURE RIGHTS

The modernization and technological development of the country has created a new vision of homogeneous culture with modern amenities available to all, where individuals are judged by their ability to succeed in the (apparently) fair competition. The road to success, in this view, is carved out through science and technology. As a result, languages such as English and Hindi are perceived as mechanisms to achieve the “dream of success”. This overarching vision of culture is commonly shared by all, majority as well as minority communities. Their choice of language is therefore determined by their view of their “imagined or aspired” identity.

LINGUISTIC EQUITY: WAY AHEAD

The constitution of India singles out the principal languages of particular linguistic states for protection, Indian states did work out bilateral agreements that guarantee the rights of the largest linguistic minorities. Establishing bilateral agreements between states may not be a bad legal solution to protect the rights of minorities in such a complex multilingual situation as India. The plight of smaller linguistic groups such as the Tulu, the Konkani, and the Maithili, and the inclusion of other smaller linguistic groups in the Indian legal framework whether in the constitution or outside it awaits consideration by the Indian nation or by the states. While the Indian constitution certainly shows some evidence indicating a constitutional sin of omission regarding some of the smallest languages of India, it is hard to accuse the architects of the Indian constitution of a constitutional sin of commission, such as a willful denial of linguistic rights to minority groups. So the need of the hour is to progress country towards constitutional linguistic equity in real sense.

In a country like India which is multi-cultural, multi-ethnic, multi-religious and multi-lingual, making priorities about the use of language in education, administration, media and other domains of activities is not free from having adverse effects. The choice of one language over others becomes threat to the existence of many. The constitution of India has made specific provisions to safeguard the cultural and linguistic rights of the tribes and the minorities.

However, in practice, tribal and minority languages have not been given due recognition to be used as a medium of instruction at even the primary level of education. Apart from the government apathy towards tribal languages, globalization has further aggravated the threat to the existence of numerous indigenous languages. It becomes necessary to conserve the tribal languages as they not only contribute to the linguistic diversity of the country but also contain the traditional knowledge system that enabled the tribal to survive over centuries.

CONCLUSION

Indian democracy in order to function as a multilingual democracy, has designed various language policies. But in spite of carefully crafted policies, many Indian languages are under threat of losing their shine and identity. The language spoken by linguistic minorities are the worst sufferers. One of the main reasons of this imminent threat is largely because of the education system which is based on European concept and idea which is not suited for complex multilingual Indian society. In today’s complex world language we speak plays a very important role, as it is the most vital link between individual and his society. As per UN approximately 6000 languages which are being spoken, many are on the verge of extinction.

It is also beyond doubt that every community does not have a written language policy, but in reality some kind of mutually agreed policy is being followed. Linguistic rights are those human rights having a direct impact on the individual as well as community language preferences. Linguistic rights are obligation on a state so that all languages are not only protected but also facilitate the propagation of various minority languages.

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