

BRIDGING THE FRAMER'S INTENT AND CONTEMPORARY REALITY: SOCIO-LEGAL CHALLENGES TO LINGUISTIC DIVERSITY IN INDIA

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ABSTRACT

The framers of the Indian Constitution were firm believer of the point that the linguistic diversity of India is a strength and has the potential to become the basis of national unity. Therefore, they rejected the contention of adopting a single as the official language of the nation and opted for pluralistic language system and made special provision under the Article 29 and 30 for the protection of the minority to preserve their language, culture and script. This paper explores vision of the framers of the constitution and the real ground implementation of that vision and analyse the existing gaps between them through social-legal perspective. Constituent Assembly Debates, important court judgments and recent cases of linguistic discrimination have been considered to understand the intension of the framers and the scale up to which they have been implemented. This paper also showcases the judicial perspective towards the linguistic discrimination and the steps taken for its protection and how the weak implementation is further creating disturbance in the society and how education, jobs and public life is being hampered. This paper aims to give certain practical recommendations which can reaffirm the Constitutional vision of "Unity in Diversity" and overcome the challenges faced by the society.

Keywords- *Linguistic diversity, Framer's Intent, Article 29 and 30, Socio-legal issue*

I. Introduction

With a total of 270 identified mother languages and 121 being the major languages spoken by over 10,000 people makes India one of the most linguistically diverse country in the world. The Constitution of India also gave 22 languages the status of the official language of India under its Eight schedule which deals with the official languages of India (Office of the registrar general & Census commissioner, India, 2018). The Indian motto of "Unity in Diversity" showcases the strength of our country which is that, despite of so much diversity in our country there is so much unity between the citizens and this diversity is not seen as a threat but a pillar of strength which

helps people to stay united. As the society is developing the earlier diversity which was seen as the strength of our country, is becoming the point of conflict and discrimination in recent times.

In recent time the linguistic diversity has emerged as one of the leading cause for discrimination, people are being discriminated based on the language which they speak and if the language differs from the majority speakers, then minority speakers are being marginalised and in extreme case even assaulted. Such discrimination can be seen in recent cases which accrued in various states of India out of which most significant incidents came from

Maharashtra and Southern states of India, for instance in Maharashtra an auto driver was dragged on the road and slapped repeatedly in middle of the road and was forced to say sorry just because he spoke in Hindi and Bhojpuri and refused to speak in Marathi (Times of India, 2025). Another alarming incident took place in Maharashtra where two women and a child were beaten by the local people because one of them said, “excuse me” English and not in Marathi (Times of India, 2025). Such incidents are not limited to Maharashtra such incident can be seen in other states as well, one such case being from Bengaluru where a SBI manager was transferred and had to face other professional consequences just because she refused to speak in Kannada (Times of India, 2025). All these incidents are not new, but are a sign of big socio-legal which with time is increasing with an alarming rate. The main reason of such dispute is that now the linguistic diversity has turned into a weapon which is being used by people to intimidate and discriminate others, rather being used as an asset to create harmony.

The framers of our constitution were aware that this linguistic diversity can become the bases of discrimination so based on these possibilities, extensive debates took place in the Constituent Assembly where single language system was clearly, as such system would lead to exclusion of the linguistic minority and would undermine the fabric of national unity (Constituent Assembly of India, 1948). Therefore, strong constitutional safeguards have been given to the minorities in the form of Article 14, 15 and 16 which protects them from any kind of discrimination and provide equality and major safeguards for specifically minorities are given under Article 29 and 30 which states that minorities have the right to protect their language, script and culture and to establish their educational institution and administrate them.

Judiciary have also actively taken progressive steps towards the protecting and implementing the vision of our constitution in practicality through their judgments such as in the case of

General Secretary, Linguistic Minorities Protection Committee v. State of Karnataka (1989), The Karnataka High Court quashed the new policy of state which made Kannada a mandatory language to be taught even in the minority schools and stated that the State cannot force the minority schools to teach any specific language subject and such policies will affect the minorities of the state. Notwithstanding to this the Supreme Court in the case of Usha Mehta v. State of Maharashtra (2004) took a different approach, the court allowed to make Marathi as a compulsory subject but with certain reasonable restrictions stating that the policy should be implemented but in such a way that it would not undermine the basic characteristic and structure of the minority institution. These judgements shows that while protecting the rights of minorities the rights of the state should not be dismissed and neither their rights should have an overriding effect on the minority rights so maintaining a balance between the minority and state right is paramount.

Despite of strong laws and constitutional protection there is a significant gap between the Constitutional vision and reality and this paper will analyse this gap under five different heads of vision of the framers, judicial interpretation, current challenges and the practical recommendations to bridge this gap. Hence the pivotal point is to bring light upon the issue that the linguistic diversity is not merely a part of our culture but is a constitutional requirement and is to be seriously protected and reaffirmed.

II. Intent and framework of Constitution

India is one of the most diverse country with a large spectrum of linguistic diversity and the framers of our constitution were fully aware of this diversity, treated it as an asset for the country. The framers were also aware that making any one language as the official language of the country, would lead to conflict. This problem was thoroughly discussed and debated in the constituent assembly and they adopted the pluralistic language system,

rejecting the single language system which would have led to grave rift in the society in future. The main purpose of the pluralistic language policy was to protect and identify minority languages, simultaneously maintaining national unity and solidarity.

Intense debate in constituent assembly took place on the issue regarding the rights of linguistic minorities which led to formation of Article 29 (Constituent Assembly of India, n.d.) which deals with the protection of interest of minorities. One issue which was being raised repeatedly in the constituent assembly was regarding the impact of implementing one language as the official language of the country and how it may lead to marginalization of linguistic minorities in the country leading to regular conflicts and dissatisfaction among the people, hampering the federal harmony. The policies which denied the students to be taught in their mother language, were strongly opposed by Pandit Lakshmi Kanta Maitra. He stated that all provincial languages are India languages and no state should be allowed to deprive any student from education in their mother language.

Other leaders such as Maulana Hasrat Mohani also demanded that primary education should be given in their mother language as this will not only help them to understand things in a better way but will also help in building confidence. Framers were well aware of the ill effect of making any one language as the official language, Hence Hindi in Devnagari script was declared as the official language of the Union under Article 343 and made English as an associate official language for time period of 15 years. This concept is known as the Munshi-Aiyengar Formula and the main purpose of applying this formula was to recognize the importance of Hindi which is spoken widely throughout North India while protecting the regional and minority language from getting marginalised. This vision has been embodied into some Articles of our constitution such as under Article 29(1) which deals with the rights of the citizen to preserve their language, script and

culture whereas the Article 29(2) states that no student should be denied admission any state funded or state run school merely on the basis of their caste, class, race, religion or on the language they speak. Similarly, under Article 30(1) the right to establish and administrate educational institutions have been given to the religious and linguistic minorities and under Article 350A the state and local authorities have been directed to provide the linguistic minority students, primary education in their mother language.

Major regional languages have been recognized under the Eighth schedule of our Constitution, earlier there were only 14 languages which were given the status of official language but with time other languages were also added into this list which at presents consists of 22 official languages of India. These provisions were carefully drafted and through these provisions, minorities were given the responsibility to promote and protect their culture and language through the medium of educational and cultural institutions whereas the states have the role to provide support to the minorities while refraining themselves from interfering in the functioning of these minority institutions. This structure was much needed to maintain national unity and integrity after the Partition as the country was already in a disturbed at that time and even one inconsistent act would have led to a greater rift in the country. These provisions did not only protected the minority rights but also reaffirmed the national unity of our country.

III. Judicial interpretation on linguistic minority rights

The Indian judiciary have played an important role in safeguarding and protecting the linguistic pluralism of our constitution and effectively implementing it. With rapidly changing society the court have tried to give progressive judgements, while maintaining a balance between the states interest of prompting their regional language and the fundamental right of the linguistic minorities in a state as per Article 29 and 30 of the Indian Constitution.

There are numerous judgments given by our Supreme court and High courts. Out of which there certain significant cases related to this issue namely as in the case of (General Secretary, Linguistic Minorities Protection Committee v. State of Karnataka, ILR 1989 Kar 226), the Tamil and Telugu linguistic minorities representatives challenged the new policy of Karnataka government. The state government made Kannada as a mandatory medium of teaching or a compulsory subject even in the schools which were operated by the minority communities. The minority groups stated that this policy has affected their linguistic rights as because of the bill they will not be able to run their institution in their mother tongue. The Karnataka High court stated that this bill is not valid as it is imposing over-regulation and clarified that this bill is affecting the constitutional rights of the minorities given under Article 29(1) and Article 30(1), which allows the minorities to run the institutions in their mother language and protect them.

Similarly in another important case (Usha Mehta v. State of Maharashtra, 2004 (6) SCC 264) which was decided by the hon'ble Supreme court was mainly concern with the issue involving Gujrati speaking linguistic minority in Maharashtra. The Maharashtra government brought a new policy in which it made Marathi as a compulsory subject in schools and even in minority run schools, which was seen as direct threat to the linguistic rights of the minorities. The Supreme court stated that the policy of state government is valid and they can make rules to promote their regional language but are still subject to certain reasonable restrictions and cannot force the minority institutions to make and particular language as a compulsory subject. It disturbs the core concept of the minority institution which was to run and administer education to minorities based on their language and religion, because of such rules they will not be able to teach in their mother language which would restrain them from exercising their rights guaranteed by the Constitution.

These two decisions shows the constant commitment of the judiciary to main harmony between states right and minority rights, while the judgment of Karnataka High court had a more protective approach towards the minorities by giving judgement in the favour of minorities and upheld the coercive policy of the state government. On the other hand the Supreme Court in the Usha Mehta case declared that the policy of state to make Marathi as compulsory language was valid, but made it subject to reasonable restrictions and directed the state government not to forcefully impose any such laws on minorities and institutions established by them. These different judicial decisions can sometimes create confusion regarding implementations. The courts have given judgments to protect the linguistic minorities but often such decisions come only after a problem has accrued and not identified and resolved at the early stage which actually the real need of the hour as majority of linguistic discrimination cases reaches after they have already happened and because of this delay several other issues related to language discrimination and exclusion goes unnoticed which takes a more aggravated form of discrimination. The reactive approach of the judiciary should be changed into preventive approach which will help the court to resolve and settle these issues at the early states and main harmony among the people.

IV. Modern socio-legal problems and implementation loopholes

The ground reality, despite of the strong constitutional commitments and progressive judicial decisions, is very different from what our constitution and judiciary view it as. The vision was to celebrate the diversity, but it has turned into a regular conflict and marginalization of people who speak different language than of the majority. The language which was to be used as an asset to bridge the gap between the people and inculcate the feeling of unity, is now being used as a weapon to divide and discriminate people based on the language they speak. Such situations can be seen in many parts of our

country, with states like Maharashtra and Karnataka being amongst the prominent ones.

An alarming issue took place at Thane in Maharashtra in 2023, where the workers of the Maharashtra Navnirman Sena (MNS) assaulted and vandalised the food stall and the owner because he was unable to speak fluent Marathi, highlighting the gravity of the issue, another incident occurred in Maharashtra itself (The Hindu, 2025). Where a couple ordered food from online platform on cash on delivery (COD) and upon receiving the food they refused to pay because the delivery partner did not speak Marathi (mishra, 2025). Similarly, another disturbing incident came in the news, where two women and a child were attacked by the local people because one of them said “excuse me” in English instead in Marathi (Times of India, 2025). Similar linguistic tension was seen in an incident of Bengaluru in which an SBI manager was transferred because she refused to speak in Kannada and stated that, “I will speak in Hindi as this is India.” these are not merely news headlines but an alarming problem (Times of India, 2025). It shows how people are being discriminated and excluded not because they have committed any crime, but because of the language they speak.

The most painful situations can be seen in educational institutions. Even though Article 350A clearly sets out the guidelines which states that the children from linguistic minorities should be given primary education in their own language. The judiciary and government have time and again emphasized this but the ground reality stays the same irrespective of all the efforts. Majority of linguistic minority families and students, specially the tribal and migrant children have to face severe discrimination and are forced to study in the schools which either teaches in Hindi or in their respective state languages. This makes it really difficult for the students to understand what is being taught and this not only affects their confidence but sometimes forces them to drop-out of the school as well. According to a work of G. N. Devy the practice of linguistic discrimination is heavily

affecting the linguistic diversity and culture of different communities and is leading to gradually eroding the cultural and linguistic identity and personality of people. (Devy, 2017)

The situations at government offices and workplace are facing even more difficult conditions as the migrant people who came to office for their jobs or to get some documents are indirectly forced to talk in the local language or else they are cornered by the others. Whenever the language becomes a barrier the class which suffers the most are the ones who already been marginalised by the society because of their caste, class or economic status and this linguistic discrimination add up to another level of discrimination on them. Resulting to a new layer of discrimination, which was never the intent of our constitution. The major problem due to which it occurs is the poor implementation of the law and the judicial decisions. There is no specific officer to monitor the effective implementation of these existing laws and judicial precedents and neither a fast complaint system to get quick resolution for the issues also lacks the politic will to actively work and bring reforms in the system to address the raising concerns and because of this the tension between sections aggravates and takes the form of violence which is much difficult to handle. The Bhartiya Nyaya Sanhita (BNS) have to provision related to hate speech but it is rarely applicable when the reason of discrimination is language, which leads to more and more people become the victim of this discrimination. The framers made a well defined constitutional system to protect people from such discrimination but because of lack of support and poor implementation it failed to protect the people from the linguistic discrimination.

V. Recommendation and Conclusion

In conclusion, the framers of our constitution had a progressive vision for the linguistic pluralism. The judiciary has also taken progressive measures to further strengthen the linguistic rights of the people and took measures to create harmony among the speakers of different

languages, but despite of all the efforts, India still struggles with the issue related to linguistic discrimination and implementation failure of the laws enacted for the protection and promotion of linguistic pluralism. These issues are of major concern for our nation and should be resolved in such a way that it maintains the spirit of our framers which can be seen in our slogan of, "Unity in Diversity" and to overcome these challenges the state and central government should work together to resolve these issues by implementing certain measures such as the state government can ensure that the students get primary education in their minority languages so that they do not feel excluded further it should be made mandatory if the minority language speakers are present in a significantly higher number. The state government can build a proper system which provides special funds or online resources for the smooth functioning of these primary educational institutions. On the other hand, the central government can take inspiration from countries like Canada and Switzerland and can create an independent national linguistic commissioner post which specifically deals with language based rights and monitors their functioning and ensures its proper implementation.

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