

Title of the manuscript: Co-operative Federalism in Linguistic Pluralism: Balancing Regional Identity and the National Language Debate in India

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Abstract:

India follows a federal structure in administration of power. It follows a 'Quasi Federal' structure i.e it exhibits both federal and unitary characteristics. Thus, leaning towards a strong Central government who exhibits a superior authority. From the literature available about this topic we can find that the discussion has always revolved around the central-state relations. The concepts of co-operative federalism are also heavily discussed in connection with the central-state relations. However, in this paper we try to take different approach i.e. to understand the quasi-federal structure in India and to evaluate the possibility of creating a co-operative federal structure among its fellow state governments so as to reduce regional divide and intensify development opportunities with a multi-state partnership. The new National Education Policy (NEP) has sparked the debate revolving around national language and has been constantly causing regional conflicts arising out of regional language pride. This article highlights the need for counter measures to resolve such regional conflicts and how inter-state co-operative federalism to reduce the intensity and number of incidents of regional conflict. Thus, proving that achieving harmonious balance that respects both national unity and the diverse regional identities, including linguistic ones, is vital for strengthening cooperative and competitive federalism and ensuring the overall development and stability of the nation.

Keywords:Linguistic Pluralism, Linguistic secularism, Federalism, Co-operative federalism, competitive federalism.

Co-operative Federalism in Linguistic Pluralism: Balancing Regional Identity and the National Language Debate in India

Abstract

India follows a federal structure in administration of power. It follows a 'Quasi Federal' structure i.e it exhibits both federal and unitary characteristics. Thus, leaning towards a strong Central government who exhibits a superior authority. From the literature available about this topic we can find that the discussion has always revolved around the central-state relations. The concepts of co-operative federalism are also heavily discussed in connection with the central-state relations. However, in this paper we try to take different approach i.e. to understand the quasi-federal structure in India and to evaluate the possibility of creating a co-operative federal structure among its fellow state governments so as to reduce regional divide and intensify development opportunities with a multi-state partnership. The new National Education Policy (NEP) has sparked the debate revolving around national language and has been constantly causing regional conflicts arising out of regional language pride. This article highlights the need for counter measures to resolve such regional conflicts and how inter-state co-operative federalism to reduce the intensity and number of incidents of regional conflict. Thus proving that achieving harmonious balance that respects both national unity and the diverse regional identities, including linguistic ones, is vital for strengthening cooperative and competitive federalism and ensuring the overall development and stability of the nation.

Introduction

In the Indian context federalism in simple terms is the system through which powers are divided amongst the Central/ Union government and the State government, allowing an equal playing field for the central and the state governments to exercise its powers for fostering national unity and for the exercise of regional autonomy. Since there is a tendency of concentration of power with the central government the Indian federal structure is known to be a 'Quasi Federal' structure. Even though the Indian constitution does not explicitly mention 'federalism' its principle is envisaged under **article 249** of the Indian constitution. The centralisation of power observed in the Indian sub-continent is a hangover from the British colonial past.¹

Moving towards the modern digital era the trend that prevails in India is the reinforcement of centralisation of power. However, this centralisation creates regional rifts amongst people from different culture and tradition. As history repeats itself, we see a concentration of people from the same region enjoying power in the central leadership which in turn reduces the diversity while bringing in new legislations, regulations etc. When people requirements are not taken into account while creating regulations it reduces the scope of its successful adoption. The rift is evidently showcased by the southern states especially Tamil Nadu in adopting the NEP is a prime example of this. Strategic planning is instrumental in ensuring

¹ Aiyer, S. P. "India's Emerging Co-Operative Federalism" 21 *The Indian Journal of Political Science*, Indian Political Science Association pp. 307 (1960).

the successful implementation of any policy.

India being a land of linguistic diversity where different regions see people communicating in different language. And the constitution of India in its eighth schedule recognises 22 different languages to be the official language. This incorporation of the linguistic pluralism within the constitution upholds the concept of ‘unity in diversity’ respecting the state autonomy. Such recognition given to diverse languages ensures the state autonomy through providing legal protection to retain their culture, linguistic identity and thus empowering the co-operative federalism within India.

India needs to move towards a more co-operative federalism between different levels of government to ensure social inclusion and to provide for the development of states, thus providing equal opportunity for livelihood upliftment. **Article 29**² of the constitution provides for the protection of interest of minorities which favours linguistic minorities. The linguistic pluralism in India is one of its identities in the international space and it enhances the soft power and cultural influence globally as many of the Indian languages like Sanskrit, Tamil, Urdu etc has global significance. Thus, enacting a co-operative federalism within all levels of governments within India will prove to be beneficial to ensure linguistic representation and empower the nation as a whole. The research question in hand is ‘How can horizontal cooperative federalism within the Indian federal structure be leveraged to mitigate regional conflicts, such as linguistic disputes, and promote balanced socio-economic development?’. The article tries to develop a deeper understanding about co-operative federalism specifically horizontal co-operative federalism which means a federal system where states have a structure co-operation amongst themselves leading to a better development index.

Legal framework governing Linguistic pluralism

Article 1 of the Indian constitution declares that “India, that is Bharat, shall be a Union of States” which itself highlights the role states play in the Indian democratic setup. India the states does not have a separate constitution as in the case of USA. This absence of a state constitution initiates a tendency of centralisation of power with the central government. **Article 29** provides protection for the interests of minorities by ensuring that all citizens have the right to preserve their distinct language, script or culture. It prohibits any form of discrimination against minorities. **Eight schedule**³ of the Indian constitution recognises 22 official languages which include Malayalam, Tamil, Telugu, Urdu, Assamese etc. The **Munshi-Ayyangar formula** which was introduced during the constituent assembly debate in 1949 was used to balance regional language interest while designating Hindi as the regional language.

Article 343-351⁴ of the constitution empowers Hindi in Devnagari script as the official language of the union while allowing the continuous use of English for official purposes and promotes progressive use of Hindi and the recognition of regional languages for official

²The Constitution of India, arts. 29.

³The Constitution of India, arts. 344(1), 351.

⁴The Constitution of India

purposes. The **Official Languages Act, 1963**⁵, was initiated to clarify the status of Hindi and English as official language of the Union balancing linguistic diversity in India. Section 3(1) of the act provides for continuation of English as the official language for the administrative purposes even after the 15-year deadline, this provision was setup due to the opposition from non-Hindi speaking states. This act recognises the bilingual communication between union and state. IT also provides provisions that allows the state to use their regional language in their administrative role. A committee on Official Language was also established under the act to periodically review and recommend ways to promote Hindi without violating linguistic pluralism and regionallanguage rights.

The Apex Court in India has also over the years involved itself in this debate about linguistic pluralism through its highly effective judgements that upheld language rights. In the case of **U.P.Hindi Sahitya Sammelan vs State of U.P. (2014)**⁶ The apex court emphasised that language laws in India should evolve organically and should be accommodative to preserve linguistic diversity. In **State of Karnataka vs Associated Management of Primary/Secondary Schools (2014)**⁷ the court ruled that right to choose the medium of instruction is protected under article 19 of the constitution and the state cannot force students or parents to adopt a particular language for primary education. Through these judgements the Apex court have time and again upheld the principle of linguistic secularism.

The anti-Hindi agitation in the state of Madras that began in 1930s, were sparked by the introduction of Hindi as a compulsory subject in schools by the first Indian National Congress government led by C.Rajagopalachari. This move was severely opposed by E V Ramasamy Naicker known as “Periyar” and the Justice Party which later became the Dravidar Kazhagam, who then started agitations against themove, in the forms of protests marches, fasts and pickets. Later, in 1960s the agitation against Hindi was revived due to the perception that the adoption of Hindi would negatively impact Tamil-speaking population and redistribute their opportunities to the Hindi speaking population. This led to a socio-economic dimension of the linguistic conflict and resulted in the 1965 Madurai riots against imposition of Hindi as the sole official language of the Union of India. In 1965, Hindi was due to be declared as the official language of the union of India on January 26,1965. However, the run-up to the 'cut-off' date saw hectic activity against the adoption of Hindi in the non-Hindi speaking parts of the country, especially in the state of Madras whose people were long opposed to this.⁸ Most recent example of Anti-Hindi protest could be see in the non hindi speaking state of Karnataka where over the years the population has witnessed a large number of anti-Hindi agitations like in 2017 pro-Kannada activists blackened Hindi signboards outside various Bengaluru metro stations, #Nammabankukannadabeku ("Our bank, we want Kannada") in which pro Kannada activist have campaigned against Hindi usage in banks within their state territory.

⁵ The Official Languages Act, 1963 (Act 19 of 1963).

⁶ U.P. Hindi Sahitya Sammelan vs State of U.P. (2014) 15 SCC 778.

⁷ State of Karnataka and Ors. vs. Associated Management of (Government Recognised-Unaided-English Medium) Primary and Secondary Schools and Ors., MANU/SC/0418/2014.

⁸ Sriram Mohan “The Memories of a Spark: Reconstructing the 1965 riots in Madurai against the imposition of Hindi” 2 *SubVersions*pp131- 151 (2014).

The NEP 2020 has reignited debate on linguistic secularism in India. The critics to NEP 2020 argue that it promotes Hindi at the cost of regional languages and showcases the limited budget allocated for studies in regional language against the hefty budget allocated for studies in Hindi language. The Supreme Court of India have time and again through its judgements in various cases upheld linguistic secularism and observed that no language should be imposed against the will of the people, as language in India is part of its culture and tradition. This highlights the importance of creating a voluntary language adoption system rather than enforcing a forced implementation of Hindi. As history has time and again proved that forced imposition of Hindi as the only official language has always created huge socio-cultural divide resulting in conflicts in non-Hindi speaking states.

Cooperative Federalism and Linguistic Pluralism: Policy Recommendations

Co-operative federalism in Indian can play a pivotal role in mitigating linguistic conflicts and ensure linguistic secularism through fostering horizontal co-operative federalism i.e by fostering inter state co-operative federalism and also empowering the vertical co-operative federalism in such a way that it reduces the concentration of power in a positive way. Though the cry for a single language administrative process is for administrative ease it is not well communicated to the larger public. This could be achieved through the creation of inter-state Councils which facilitates dialogue between states and helps in framing a contentious linguistic policy through structured discussions and negotiations with all the stake holders. **Article 347** of the constitution allows states to adopt their own official language, creating linguistic policy that does not interfere with the state autonomy could be another step in co-operative federalism through which you can secure linguistic secularism.

Co-operative federalism includes the acceptance of asymmetric federalism through which you understand and recognise the situations in which there is a need for asymmetric federalism. States with special provisions in play are recognised and subjected to asymmetric federalism and the other states are subjected to co-operative federalism through which we create an equal playing field and opportunity to the citizens. Through doing this we create a chance for dialogue amongst all the stakeholders and thus prioritizes dialogue over imposition, thus ensuring ease of implementation of a policy.

An effective co-operative federalism creates opportunity for the incorporation of technology for multilingual governance with much lesser cost for the digital infrastructure. The infrastructural cost of imposition of Hindi would be much higher than the cost associated with the digital infrastructure for incorporation of technology for multilingual governance. Inclusion of multi-cultural festivals, could provide a platform for bringing different cultures from various states together opening up opportunities for multilingual collaborations and thus reducing linguistic conflicts in the nation.

An international comparison regarding multi-lingual governance can be drawn from Canada where they officially observe a bilingual linguistic policy. They give equal status to English and French in the parliament, Courts and federal institutions as provided under the Official

Languages Act 1969⁹ which was later amended in 1988. The act provides provisions that safeguards minority language rights and administrative services in both languages where there is “significant demand”. The commissioner of Official Languages which is a supervisory regulatory body oversees the compliance, investigates complaints and promotes bilingualism in Canada.¹⁰

Conclusion

India possesses a quasi-federal system with a strong centralisation of power with the central government. The Constitution of India though it provides for division of powers between the Union and state. The ‘Quasi-federal’ approach has caused concentration of powers with the central government in various aspects specifically related to legislative powers. This centralisation of power creates bias which creates challenges for the autonomy of states and the spirit of co-operative federalism.¹¹ Regionalism, stemming from India’s diverse linguistic, cultural, communal identities, pose another significant challenge to co-operative federalism. This regional sentiment rooted from regional identity can sometimes contradict national unity and integrity.

Competitive federalism, while aiming for decentralized economic development by encouraging states to compete with each other, can be complicate by regional disparities and historical linguistic sensitivities. All the linguistic conflicts in Indian history have been a concrete manifestation of tensions rooted within the Indian federal structure. Thus, creating a co-operative federal structure within India that carters horizontal and vertical co-operative federalism is the right approach. Finding a balance between a strong centre and autonomous states is crucial for the successful functioning of both co-operative and competitive federalism within India’s diverse population.¹² Achieving a harmonious balance that respects both national unity and the diverse regional identities, including linguistic ones, is vital for strengthening cooperative and competitive federalism and ensuring the overall development and stability of the nation.

⁹ Official Languages Act 1969

¹⁰ Leung, Janny. “Does The World Need More Canada? Legal Multilingualism and Strategic Pluralism” 47 *Revue de Droit de l’Université de Sherbrooke*, pp. 193–226(2017).

¹¹ Rishabh Sinha, “Challenges of Co-Operative Federalism In India” 28 *SUPREMO AMICUS*, (2022).

¹² Anusha Pal, “ANALYSIS ON 'COOPERATIVE AND COMPETITIVE FEDERALISM' IN INDIA” 2 *Indian Journal of Integrated Research in Law* (2022).