The Protection of Linguistic Rights in India: 
India’s Language Policy toward Linguistic Minorities

India’s multilingual polity is a laboratory of language policies. Although India is economically opening itself to global markets and culturally pushing for national integration and international exchange, the world’s most populous democratic and federal state must concern itself not only with inevitable multilingualism, but also with the rights of many millions of speakers of minority languages. As the political and cultural context privileges some major languages, minority language speakers and members of smaller communities often feel discriminated against by the current language policy of the Union and the states. On a daily basis, they experience that their mother tongues are deemed worthless dialects that have little use in India’s modern life. Many of them face the decision whether to retain or to renounce their traditional language in the education of their children, in public life, and in their professional career. Many such languages have definitively disappeared, and several more are on the brink of extinction. Is this the inevitable price to be paid for economic modernization, cultural homogenization, and the multilingual fabric of India’s society at large?

The Indian Constitution recognizes the concept of linguistic minorities, but is silent regarding the definition of the term.1 Articles 29 and 30 comprise the right of children of minority communities to be taught in their mother tongue, but they do not indicate any definition of what is a “mother tongue” and under which conditions this right can be claimed. Hence, the judiciary had to define it for the purpose of applying Article 30 of the Constitution:

A linguistic minority for the purposes of Article 30 (1) is one which must at least have a separate spoken language. It is not necessary that the language should also have distinct script for those who speak it to be a linguistic minority. There are in this country some languages which have no script of their own, but nonetheless…

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1 The Constitution of India, see <http://www.constitution.org/cons/india/>.
those sections of the people who speak that language will be a linguistic minority entitled to the protection of Article 30 (1).²

After the linguistic reorganization of federal India, the territorial subdivision of the Union into federated states mirrored the linguistic diversity to some extent, but the issue of smaller language groups was territorially not addressed. Generally, the issue of linguistic rights has not been a subject of much concern in India’s minority rights discourse. Nevertheless, the neglect of the rights of linguistic minorities hampers the cultural development of a community and is detrimental to the social and economic development of her ethnolinguistic minorities. In this article, the author briefly maps India’s linguistic minorities and to assess the language policy of the Union and the states toward these communities. Linguistic rights are not only a component of fundamental human rights and as such codified in a number of international covenants,³ but are also a cornerstone of the Indian Constitution. Hence, because the protection of minority languages is a constitutional and core political commitment of a multilingual polity, a regular appraisal of the extent to which minority language rights are respected is required.⁴

I. INDIA’S LINGUISTIC “LANDSCAPE”: AN OVERVIEW

A. “SCHEDULED” LANGUAGES AND MINORITY LANGUAGES

Europe and India are areas blessed with a remarkable cultural and linguistic variety. Interestingly, the vast majority of Europeans and Indians speak languages which are part of the Indo-European language family (in India 75% of all speakers, in Europe at least 95%) and in both areas the major “link-language”, or working language, in a

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⁴ Regular reports of this kind are provided by an institution established by India’s Constitution: the National Commissioner of Linguistic Minorities at <http://www.nclm.nic.in>; a further institution committed with overarching issues of minority protection, but in practice focusing on religious minorities, is the National Commissioner of Minorities, at <http://www.ncm.nic.in>. The author collected and elaborated a great deal of information providing an appraisal of such rights in India today in: Thomas Benedikter, Language Policy and Linguistic Minorities in India (LIT, Berlin/Münster, 2009).