

## ENG423A

### **Formal measures of social control through language policies in independent India**

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What is social control - Sociologists define social control as the way that norms, rules, laws and structure of the society regulate human behaviour. It is achieved through social, economic and institutional structures. The lifelong process of socialization that each person experiences is the primary way that social order develops. Through this process, people are taught from birth the behavioural and interactional expectations common to their family, community and greater society.

Language historically has played a crucial role in social control all around the world.

Throughout time language policies have played a central role in conquest, colonization and formation of nations. The spread of Latin during the Roman empire, Arabic during Islamic expansion, and French during the 17th century offer instances of groups using language to promote their economic, political or religious missions.

What is a language policy - Next, we must define what a language policy is. It can be defined as the official or quasi-official efforts to manage or regulate the use or form of a language within a community. Language policy encompasses the range of decisions that people make about that language. It is directly linked through social control.

The power of language policy as a mechanism for social control stems from the fact that language policy often functions as gatekeeper, giving access to some and denying others, in arenas such as civic participation, economic mobility and educational opportunity. Minority language speakers are also often made to believe that the dominant language is a superior language. French colonization in West Africa is a good example, wherein the French wanted to assimilate the Africans into their culture. They were made to believe that they were being civilized by teaching them the superior French language.

- In civic affairs, language choices can be used to constrain the ability of the people who do not speak the dominant languages to take part in elections and political discourse in general. There are countries where one has to be a fluent speaker of the dominant language for being eligible for citizenship as is the case in Estonia. In the United States, to bar blacks from participating in voting, English literacy tests were conducted which came to a halt only after the Voting Rights Act of 1965. Language policies such as these bar certain groups from civic participation and citizenship, illustrating how language policies and practices can be used for social control.
- With regard to economic mobility, knowledge of high-status languages is directly correlated with high income and socioeconomic status.
- With regard to education, it is sobering to reflect that some 40 per cent of the global population do not have access to education in a language they can speak or understand. Many millions of children are taught in a language they do not speak at home, while, for equally huge numbers of adults, the unavailability of learning programmes in their mother tongue remains an insurmountable barrier to furthering their education.

### **A BRIEF HISTORY OF LANGUAGE POLICY IN POST INDEPENDENT INDIA-**

As has been the case around the world, the case with India has been no different. With a population of over one billion speaking more than a thousand varied languages, India certainly is one of the largest multilingual nations in the world. With their origins in Indo-Aryan, Dravidian, Austro-Asian and Tibeto-Burman language families, the plethora of languages spoken here represent India's vast and diverse history.

During the colonization of India by the British in the 18th century English became a lingua franca and in 1835, it was made official language at both the central and provisional levels. Since Nationalists began to fight against the British Colonization, the Congress Party, the leader of the National Movement in India, drew attention to languages of the Indians as a sign of national identity. The leaders of the National Movement were very Sensitive about using an indigenous language.

After gaining independence from the British in 1947, various leaders of the new Indian nation recognized the opportunity to unite the many regions of India with a common, universal language. ***The task of the Indian government was an important but difficult one as choosing the link language was a controversial task as it would be difficult to get the public to accept any particular language.*** Though it did not have an assured dominance over the other languages in India, Hindi seemed the clearest choice from the beginning as it claimed the greatest number of speakers of all the Indian languages and it was closely related to several of the other most widely spoken languages.

Many actions were taken to aid the ascendancy of Hindi. A plan was adopted to phase out English over a fifteen-year period and remove it as an official language by 1965. The Indian government funded associations which promoted Hindi throughout India, the most successful of which were organizations which provided Hindi instruction in the south. Different organizations such as the ***Board of Scientific and Technical Terminology in 1951, Central Hindi Directorate in 1960, Kendriya Hindi Shikshan Mandal, Agra, in 1960, and Akhil Bhartiya Hindi Sanstha Sangh in 1964*** were set up to promote Hindi. The government also gave money to writers, poets, and translators to produce works in Hindi. Committees were formed to "develop" Hindi in order to give it a more comprehensive vocabulary which would allow it to fulfil its official functions.

Efforts by the Indian Government to make Hindi the sole official language after 1965 were not acceptable to many non-Hindi Indian states, who wanted the continued use of English. The Dravida Munnetra Kazhagam (DMK), a political party from Tamil Nadu, led the opposition.

In 1965 as the day of switching over to Hindi as sole official language approached, the anti-Hindi movement gained momentum in Madras State with increased support from college students. A full-scale riot broke out in the southern city of Madurai, sparked off by a minor altercation between agitating students and Congress party members. ***Dravidian-speaking southerners in particular felt that a switch to Hindi in the well-paid, nationwide bureaucracies, such as the Indian Administrative Service, the military, and other forms of national service would give northerners an unfair advantage in government examinations.*** If the learning of English is burdensome, they argue, at least the burden weighs equally on Indians from all parts of the nation. Not only this they believed that language is a vehicle which protects the culture of any society and that the actions of the government were in favour of homogenizing the culture and thus were against it.

As a result of all the protests, ***Parliament enacted the Official Languages Act (AMENDED IN 1967) which provided for the continued use of English*** for official purposes along with Hindi, even after 1965.

### **WAYS IN WHICH WE ARE BEING SOCIALLY CONTROLLED BY LANGUAGE POLICIES**

If we see around ourselves, we can find many ways in which we are being controlled socially by formal means of language policies and laws and other decisions made by the government or other controlling bodies of institutions which we work in. Let's see some of them.

## **MEDIUM OF INSTRUCTION –**

Taking for instance the medium of instruction in schools. Today one can't find good vernacular medium schools. From the past several years the number of students enrolling in the vernacular medium schools have been declining. Every parent wants to send their child in an English medium school, as it is often associated with better education, good quality teachers and, students coming from families which are economically stable giving their child a good environment and better overall development of their child. Due to lesser pay in vernacular medium schools', and students coming from very poor backgrounds in these schools' good teachers are often attracted towards the English medium schools. Thus, a student wanting to impart knowledge in his regional language is already at a huge disadvantage. He doesn't have good teachers or peers. Why should language become a barrier in education?

When it comes to the minority languages the condition is even worse. One would hardly find a maths and a science textbook in a tribal language. It is hard for the education department to produce teaching materials of such languages of even the primary/elementary level. Government does little bits and pieces for the promotion of vernacular medium schools, but no good has been reflected in practice and these vernacular mediums are often seen as the last option to resort to that is when a parent can't afford the hefty fees of the English Medium Schools.

## **Language used in competitive exams and higher education –**

Now let's take into consideration the competitive exams for admission into top academic institutions such as NEET and IIT-JEE. JEE Mains till 2021 was only offered in 3 languages Hindi, English and Gujarati. A student which has done his schooling in his regional language (apart from Hindi or Gujarati) till his 10<sup>th</sup> standard and starting to prepare for these exams has an additional headache of learning a new language altogether let alone the vast syllabus of these competitive exams.

*"New Delhi: For the first time, the national level Joint Entrance Examination (JEE) main is being held in 13 languages and over 45,000 candidates have registered to write the first session of JEE main 2021 in a language other than English and Hindi."*

*-excerpt from an NDTV article*

From <<https://www.ndtv.com/education/jee-main-2021-over-45000-students-writing-exam-in-regional-languages>>

45,000 students giving their paper in regional languages is a pretty significant number. This gives us an idea of how many students in the past would have suffered from this linguistic discrimination. Even now this competitive paper is being offered in 13 languages when the constitution recognizes 22 languages in the Eighth Schedule. Same is the case with other competitive papers such as NEET. It is also offered in 13 languages.

We haven't even considered students who have done their schooling in different non-scheduled (minority) languages. These people don't even think of giving these examinations and are at a greater disadvantage.

Apart from JEE and NEET, all competitive exams for recruitment to posts in the **central government, central public sector undertakings (PSUs), Indian Railways, defence services and nationalised banks, among others, are held in only two languages — Hindi and English.**

*"Hyderabad: 20 November,2020 - Telangana Chief Minister K. Chandrasekhar Rao (KCR) has written to Prime Minister Narendra Modi urging him to allow candidates appearing for competitive exams, meant for central government posts, to write in regional languages."*

*-excerpt from a print.in article*

From <<https://theprint.in/politics/allow-competitive-exams-to-be-written-in-regional-languages-kcr-writes-to-modi/548689/>>

Let's consider a person who does a lot of hard-work and circumvents all the barriers posed by language and gets in one of these top educational institutes. His struggle doesn't end here, it only gets bigger. The medium of instruction by and large in these institutions remains

English. A non-English speaker is at a serious disadvantage to his English-speaking peers. He has to put in double the amount of efforts by first of all learning a new language and after that the concepts taught in the various courses, he/she has taken at the same time.

### **LANGUAGE OF COURTS-**

The language used in the courts, legal documents etc has a two-way social control. First of course relates to the language being used and how it becomes a barrier to the non-speakers of that language. Secondly how the complexity of the documents and the technical language used in the whole judicial process adds on to the difficulty.

Whatever be the language of use in the legal profession, someone who would have tried reading legal texts and documents would have found them to be pretty complex and boring. Anyone who reads for instance an Act of Parliament of India would find a myriad of linguistic complexities ranging from complex prepositions to lengthy and embedded clauses. Such language can render legal texts inaccessible to the everyday reader. And it's not only about the legal documents, it is pervasive throughout the criminal justice system. From the moment a person gets arrested until their day in the court, there are challenges faced by the laypeople who finds themselves in the linguistic webs of the justice system. ***Some argue that this is a deliberate ploy by the legal establishment to keep the non-expert at an arm's length.*** Whether it is or not is a totally different question, but this is certainly a form of social control through language.

Coming on to the languages used in the courts, the language used in courts in India have seen a transition over centuries with the shift from Urdu to Persian and Farsi scripts during the Mughal Period to English during the British Raj when the Britishers introduced a codified system of law with English as the official language. Article 348 provides us with the languages to be used in Supreme and High courts.

- Article 348(1) of the constitution of India provides that all proceedings in the Supreme Court and in every High court shall be in English language until Parliament by law otherwise produces.
- Article 348(2) provides that the Governor of the State may, with the previous consent of the Parliament, authorize the use of the use of Hindi or any other language used for any official purpose of the state, in the proceedings of the High Court having its principal seat in that State provided that decrees, judgements or orders passed by such High courts shall be in English.
- The use of Hindi has been authorized long back in the proceedings as well in the judgements, decrees or orders in the High Courts of the States of Rajasthan, Madhya Pradesh, Uttar Pradesh and Bihar.
- The government of India received proposals from Government of Tamil Nadu, Gujarat, West Bengal and Karnataka to permit use of Tamil, Gujarati, Bengali and Kannada in the proceedings of their respective High Courts. The Chief Justice of India vide his d.o. dated 16.10.2012 intimated that the Full Court, after due deliberations, decided not to accept the proposals. The government has abided by the decision of the Supreme Court.
- Based on another request from the Govt of Tamil Nadu, the government requested the Chief Justice of India to review the earlier decisions. Hon'ble the Chief Justice of India vide his d.o. letter dated 18.01.2016 conveyed that the Full court, after extensive deliberations disapproved the proposal and reiterated the earlier decisions of the Hon'ble court.

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-- from "**DOJ.GOV.IN**" (Department of Justice, Govt of India)

Attached is an excerpt dated January 5, 2022 from "THE HINDU" which mentions the story of Vishal Vyas, a local journalist hailing from Ahmedabad who wasn't heard by the Gujarat High Court since he was speaking in Gujarati in spite of being told by the judge that the language of the High Court is English not Gujarati.

**AHMEDABAD** – JANUARY 05, 2022 - A Division Bench of the Gujarat High Court has asked a journalist facing contempt of court proceedings to speak only in English as that was the language in the higher judiciary. Mr. Vyas appeared as a party in person and addressed the court in the Gujarati language. However, the Chief Justice remarked that English would be the language in the court and Mr. Vyas should speak in that language. However, the contemnor continued speaking in Gujarati and even insisting that it's Gujarat and so everyone speaks Gujarati here. His insistence of speaking only in Gujarati prompted the Bench to remark that it was not acceptable, and refused to accept his submissions. In the High Court, there is a rule even if any party who does not hire a lawyer and appears in person has to speak and argue in English only. In its order, the Bench noted that, "The contemnor submits that he will speak only in Gujarati language and he will not speak in any other language. We are not inclined to accept his submissions for reasons more than one. First, we will not permit the contemnor to address the court in the language which is not understood by this court."

From <<https://www.thehindu.com/news/national/english-is-the-language-in-high-court-gujarat-hc/article38126026.ece>>

How will a person who is economically weak and incapable of affording a lawyer fight his/her case in the High Court. Even after many requests from the State governments of various states including Gujarat, supreme court didn't allow the use of regional languages in those states. On the other hand, 4 states who requested the use of Hindi in the High courts were given the privilege to use it. ***This is an indirect way of imposing Hindi over other languages and is in line with the hegemony of Hindi.***

## **LAW AS A PROFESSION –**

Let's hear from what some of the experienced people in the law industry have to say –

*"Those who practice in the judicial line, English is of utmost importance", says Siddhartha Mukherjee, vice-president, Bar council of West Bengal*

*"It is required in the long run" says P Ishwar, Vice Chancellor, Karnataka State Law university*

From <<https://news.careers360.com/how-important-english-for-career-in-law>>

The legal education regulator, Bar council of India, requires English to be included as a compulsory paper in all courses in law, even though the course itself can be delivered and student tested, in any medium. Not knowing English definitely hampers the career prospects of an individual as litigation in the regional language is possible only till the district courts, ***but there are many people who want to practice law in district courts (where regional language is used) and remain in their native places.*** These people suffer due to the fact that although there is an abundance of study material in English there is very limited study material in regional languages. This is impacting the quality of lawyers emerging from the vernacular system.

*"Students refer only to limited material and somehow pass the examination. It does not help them in any practice. It is just examination-oriented, not practice-oriented" says BS Reddy, principal, RL Law College, Davanagere, Karnataka*

*"Because of the language problem, so many advocates are incompetent and unable to conduct cases properly" says Naik Krishnappa Bhimappa, chairman, Karnataka State Bar Council*

*"We must work on legal books in local languages. We don't have books now but we should soon start working on that" says Patel Chelabhai, chairman, Bar Council of Gujarat*

Supreme court started translating daily orders and judgements using AI tools in 9 languages as recently as 2020. Senior officials in the Supreme Court registry told in a briefing that these AI tools are being tested to achieve at least 90 percent accuracy in translation. Before 2020, there was no translation in any language, and though they started it in 2020, that too is being done by an AI algorithm which is 90% sure of what it has translated 😊.

### **All India Radio (Akash Vani) controversy–**

All India Radio has been credited with playing a very important role in the country that is in integrating the nation. Through its fast and varied network, it brought together people in different areas speaking different languages. It has played a unifying and binding role in the country. In 1937, the British Central News Organisation (CNO) added Marathi, Gujarati and some other languages to the repertoire in the aftermath of World War II. After Independence, the government added Kashmiri and Dogri to the CNO's broadcasting responsibilities to meet the challenge of putting up India's case in the face of Pakistani aggression. Gradually, the News Services Division in All India Radio at Delhi became the hub of all Indian languages. Not only were language-capable journalists stationed in AIR, but there were also such interpreters in Parliament too. In the year 2016, something noteworthy concerning the All India Radio happened in the Lok Sabha.

In a reply to question No: 4566 on August 12, 2016, in Lok Sabha, ***the minister of state for information and broadcasting informed the house that national news bulletins of 12 Indian languages would be transferred from central news units of these languages in the News Service Division (NSD) in Delhi to Regional News Units (RNUs) in the capital cities of the different states.*** The alibi was to involve more local talent in national news bulletins. The minister further elaborated that in the wake of the emergence of new communication systems, keeping the news units of these Indian languages in Delhi was an unnecessary expenditure. Interestingly the director general of the News Services Division of All India Radio, while mooted this proposal, cited the shortage of manpower and non-availability of capable talent as a primary reason.

Prasar Bharti closed down the central news units of Arunachali, Assamese, Bengali, Dogri, Malayalam, Marathi, Gujarati, Oriya and Tamil in All India Radio (AIR) at its news headquarter at the national capital in Delhi. This proposal was strongly opposed by various language organisations and members of parliament. They described the proposal as a move to degrade these constitutionally recognised languages from national status to a local one and further went on saying that the nation is passing through turbulent and challenging times with divisive politics at its peak. There have been constant and deliberate efforts to subjugate national languages, other than Hindi, included in the Eighth Schedule of the constitution. ***All of this is part of a well-thought-out plan to degrade the stature and dignity of these national languages and relegate them to the status of "regional" languages with limited reach.***

***This decision to shut down the central news units of All India Radio in several Indian languages in Delhi, and shift them to their respective state capitals, is in line with the hegemony of Hindi.***

**CENSORSHIP IN CYBERSPACE-** There are many other ways in which language acts as a medium of social control. Taking for instance censorship in the digital space, which is a necessary form of social control. Censorship means the suppression of speech, public communication or other information which is considered objectionable, harmful, sensitive or inconvenient for a particular age group and is done by a government or any other controlling body.

As the Internet rapidly grew in India in the 90's, it raised numerous legal issues and questions. There was a need for controlling and regulating electronic communication and commerce and this led to the Information Technology Act (ITA), 2000. In 2011 ITA was amended and some significant changes were made.

*“According to ITA 2011 content that is “obscene, harassing, libellous, hateful or harms minors or infringes copyright has to be withdrawn within 36 hours of being notified by authorities”. Inobedience is punished with prosecution. Social networks and internet access providers must state that such content is banned in their terms of services (Reporters Without Borders, 2011). Internet café operators have to keep a copy of each client’s identity document for a year. Also, photos are taken from clients and web-browsing history is saved. This data is sent to the government each month. Regulations also detail how Internet cafes are to be furnished, size and orientation of computer tables”.*

This 2011 amendment was heavily criticized for many reasons. The rules on blocking content harm **freedom of speech** because the content must be taken offline before official investigations are introduced. Besides the cyber cafes rules **harm the right for privacy and personal safety** because they require cybercafé owners to keep records (personal information, browsing history as well as photos) of users. Activists and international organizations claim that ITA 2011 violates the right to information, expression and speech. Critics fear that India starts to slowly develop into a second China in regards to censorship.

## **CONCLUSION –**

The centre and state government have always had issues and doesn’t seem to agree on a lot of matters related to language policies. The centre’s reach into the state’s domain in terms of the language of education demands a fresh look at the federal principle of power-sharing, which seems threatened by centralisation of decision-making in India. The future generation’s economic and social prospects, freedom of choice, as well as India’s journey as a democratic polity founded on pluralism are too precious to be sacrificed at the altar of centre–state conflicts. In such a context, it remains important to revisit India’s federal principle of decentralisation and sharing of power as enshrined in the Constitution.

The **NEP2020(National Education policy)** gives a glimmer of hope. The biggest tussle for the position of prime language, and language supremacy of English vs Hindi seems diffused with the introduction of regional languages as medium of instruction in Higher Education. **This provision announced by the Prime Minister on the completion of one year of NEP** is indeed a commendable achievement, given that till date no language in the gamut of 100 plus languages spoken in different regions of India aspired for a pan-India position in terms of use or even acceptance. The NEP in adopting degree programmes and Engineering courses in regional languages such as Bengali, Marathi, Tamil and Telugu could touch the chords of many of the native speakers of these languages. The course curriculum in mother tongue could be the cure for the alienation of people that occurred due to lack of adequate skills in English. Accessibility to English language, and more so, to use of English proficiently was inevitably connected to affluence. Thus, poverty was a major obstacle on the path to learning English and hence success eluded many of the talented natives of India. This provision of education in regional languages could bridge the language divide created by poverty.

However, the fact that only four out of the hundred plus regional languages could take up the challenge of offering courses reiterates the fact that designing the curriculum for these courses in the regional languages of India, is no mean feat. Academic knowledge especially technical knowledge is global in reach and such knowledge is preserved and mostly disseminated in the global language which is English. This globally generated knowledge needs to be translated into regional languages at affordable costs so that it can be accessed by regional language users. The role of the translators in bringing the global to the local and thereby bridging the gap of the language divide, needs to be factored into the equation.

One other outstanding feature of the NEP anniversary gift was certainly the introduction of **Indian Sign Language** to the language curriculum for schools. This will help bridge the language divide between those who can use 'sign only' and those who can use 'sign, sound, and symbol' of language.

***Language is meant for communication and communication through language is the unique ability of the human species. Communication through language is meant to bring human beings together for a peaceful society. Hope the divide created by languages, and of languages, and for languages in a multilingual nation like India gets, at least partially cured, if not completely resolved, through the new policies such as NEP2020 adopted by the government of India.***

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