

Cultural and Language Policy as an Instrument of Accommodating Diversity in India

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Abstract

India is the largest federal country in the world and with its racial, cultural, language and religious diversity, it has given an important perspective of tolerance and peaceful coexistence. In the Constitution of India, eighteen languages are listed as the official languages of the entire country. In addition to this language diversity in India, we see script diversity in this land. The main question is, how has India solved the issue of language, cultural and religious diversity in terms of national unity? And how is the issue of accommodation and coexistence in the multicultural society preserved in the society? How have the language and cultural policies, as well as the ethnic, religious and language rights in Indian society, dealt with these issues? This article draws a model of unity and plurality for the Indian society by examining the policies and legal aspects of the Indian multicultural society. In this article, we discuss the model of cultural, language, ethnic, and religious diversity in the multicultural society of India.

Keywords: Diversity, accommodation, democracy, culture, Language, India.

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1. Introduction

One of the most important features in India is its unity and diversity. India is a country of sub continental proportions. From north to south, east to west, people in India from diverse backgrounds have mixed and their cultures have been intermixed over the centuries. However, there has always been an underlying continuity in identity for a long time. Despite, the diversity of religion, language, race and customs of this country, the fundamental unity is remarkable. The idea of unity can be traced back by scholars and social scientists to ancient times. The abiding nature of unity has always been fascinating. Indian unity is the product of certain historical factors that are present in various fields of Indian social life. In the process of its evolution, Indian society has acquired this culture characterized by its stable patterns of pluralism (Bakhshi, 2006).

The significance of republic of India as a nation lies in its Unity. Unity is India's strength as well as unity in diversity is an important characteristic of India. In India, national assimilation alone may be the basic foundation of a very strong, united and highly prosperous India, particularly in the era of extremism and terrorism. Mahatma Gandhi sacrificed his entire life for communal unity. Though, there are Bengalis, Oriya people, Punjabis, Maharastrians, Tamilians, etc. in our country. The fact remains that regardless of divisions and distinctions, caste or creed, we have been living in India together for thousands of years. Hence, India, as a whole nation is united, there is very little possibility of any country to attack us, which proves that union is strength. In every walk of our life we find that it is our unity that gives us strength. A united country is also respected in the eyes of others (Mahajan, 2007).

Unluckily in contemporary India, instead of unity there seems to persist some kind of disunity which hampers our national harmony and unity. For instance, most of the time the disputes and conflicts are between Hindus and Muslims, but sometimes a few other communities have also clashed with each other due to their ideologically difference. Moreover, social and economic inequalities are also responsible for the disunity and conflicts prevailing in the country. On the other hand, the absence of a truly



and widely acceptable common national language has made national unity difficult since independence. Therefore, it is important to accept that there is a need for unity in India and of promising commitment not to a party, not to a particular religion but to the nation as a whole. We have to form strong and durable links to create national unity to avoid disastrous consequences. However, there is no society in the contemporary world with such overwhelming cultural diversity as India. Therefore, the most important responsibility with the constitution making bodies had to be accommodated if India was to become a nation. It is because of the partition of India on religious lines in 1947, specially the bloody aftermath of deteriorating Hindu-Muslim relations, made secularism a necessity. However there were a very large and significant minority of Muslims in India who had to be accommodated within the nation (Mahajan, 2007).

2. Diversity and Minority Rights in India

The Indian Constitution does not pronounce India to be multicultural and plural society. However, there are fundamental provisions in the Constitution that has made Republic of India as a multicultural society possible in India. Like other countries, India recognize itself with the majority Hindu Culture, thereby communities that differ from Hindu communities are designated as minorities (S. Raj, 1996). The problem here does not lie with the definition of majorities and minorities but with the idea that “irreconcilable difference exist between majority and minority culture.” In general, minorities and majorities are seen to increasingly clash over issues such as language rights, regional autonomy, political representation, education curriculum, land claims, national anthem or public holidays. Even though Indian society incorporates a “bewildering” numbers of minorities identified by factors like religion, caste, class or region, the “quintessential” minority in most people’s perception was the religious minority. (Aggarwal, R., Jindal, V., & Seth, R. 2019) The presence of such diverse population has necessitated the adoption of policies aimed at safeguarding minority concern. The Indian Constitution is a liberal document that makes the protection of the minority interests as one of its principal objectives. The issue of fair and equal treatment of minorities is an important concern from

the multiculturalist point of view. This is a principal concern of multiculturalism. Significantly, Indian state not only recognizes difference, but guarantees equal citizenship and equal rights as well. Constitutional recognition and protection is offered to religious, cultural and language minorities. What is more, state policies towards minorities are guided by equal respect, fairness and non-discrimination (S. Raj, 1996).

3. Indian Constitution

The Indian Constitution makers have made elaborate arrangements for the protection of minority rights. Being a liberal Constitution, It ensures “justice, social, economic and political” to all citizens. It has adopted measures for the protection of the rights of the various minorities which are as follows (S. Raj and M. Andrew, 2009).

3.1. Cultural Rights

Article 29(1) of the Constitution of India is a kind of guarantee for the protection and preservation of the cultural rights of minority communities: “Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.” It is also a safeguard against discrimination based on cultural difference by the state and other cultural groups. Also, minority or any section of the citizens may mean a language or cultural minority.

Another provision under Article 29(2) seeks to protect the educational rights of minority communities. "No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language, or any of them". This is a particular safeguard against discrimination that may arise out of the ethnic orientation of Indian states. Any Indian student of any religion, race, caste, or language group can seek and get admission to any government-owned-or government aided educational institution in any part of India (S. Raj and M. Andrew, 2009). Therefore, India legislature has articulated a secular and inclusive nationalism in which there would be equal respect, equal opportunities, and equal rights for all Indians regardless of their religious affiliation. Hence, various political parties of India have always defended the pluralist society, promising recognition and protection to religious communities and



non-discriminatory state policies. This vision of a secular state was the strongest guarantee of minority religious against their encroachment by the state and or the majority community.

3.2. Religious Rights

On the basis of the Article 25 to Article 28 of Indian constitution every Indian citizen has been provided religious freedom and rights. Therefore, anybody can follow any religion, follow any beliefs and practices of worship of any God and Goddess. Considering the diversities of India as well as being India as home to all religion, our freedom fighters and Constitution makers discussed 3 different kinds of minority rights in the Constituent Assembly, firstly, Political Representation, secondly Freedom of Religion and third, the Cultural Autonomy. Finally, these all rights were included into the Constitution of India. Article 25 of Constitution of India guarantees Freedom of Religion to every citizen. (S. Raj and M. Andrew, 2009) This article ensures that the members of the religious minority community have the full freedom right to follow their own religion. However, the state regulates the practice of a religion only when and to the extent it disturbs public peace and social harmony. The minority not only has the right to follow their own religion, they also have the right to propagate it. But the state certainly does and should regulate conversion through force or temptation. Because of forcible conversion is forbidden as it transgresses the individual's freedom of conscience. The controversy regarding conversion still exists in India despite of Indian being secular based on fundamental tenets under Constitution. The State shall not have any religion, the people shall have the Freedom of Worship (or not to worship), and the State shall not discriminate between individuals on the ground of religion. Technically, in India, an individual's religion is neither a qualification nor a disqualification (S. Raj and M. Andrew, 2009).

3.3. Language Rights

The Indian Constitution recognizes the concept of language minorities, but silent on the term 'minority'. Articles 29 and 30 comprise the Right 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 applying Article 30 of the Constitution. A language 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 language minority. There are still some languages which have no script of their own, but nonetheless those sections of the people who speak that language will be a language minority entitled to the protection of Article 30 (1) (S. Raj and M. Andrew, 2009).

The Indian Constitution protects the minorities (Article No. 29 to 65) to preserve and prosper their own language, script and culture. Therefore, the religious minorities and language minorities can establish their cultural and educational institutions and spread their culture. They can reserve 50% seats in educational institutions and even appoint the teachers from their own community. On the other hand, every state has to choose what languages to use for official business, how to draw internal political boundaries, and what powers to assign to sub-units. Such choices have important implications for specific identities and cultures within the state. Cultural resurgence assumes a new dimension with the language reorganization of Indian states. The Indian Parliament, through the power vested in it by Article 3 of the Constitution, passed the States Reorganization Act in 1956 to redraw the boundaries of states on the basis of language (S. Raj and M. Andrew, 2009).

The policy of creating language states may be understood as reasonably successful as, on the one hand, secessionism has not phenomenally increased and, on the other, there are still demands for more language states by language minorities. There is no doubt that the creation of language states led to unprecedented cultural resurgence in independent India. But in a country that had suffered a partition on communal lines not long ago, language states provided people with a new cultural identity on the basis of a new point of reference; language. The creation of language states was not only a reorganization granted to the various major language groups in India, but an acceptance of their language and cultural rights (S. Raj and M. Andrew, 2009).



3.4. Fundamental Rights

The Constitution of India affirms the basic principle that every individual is entitled to enjoy certain basic rights and part III of the Constitution deals with those rights which are known as Fundamental Rights. Originally there were 7 categories of rights, but now they are 6 in number. They are (i) Right to Equality, (ii) Right to Freedom, (iii) Right against Exploitation, (iv) Right to Freedom of Religion, (v) Cultural and Educational Rights and (vi) Right to Constitutional Remedies. Right to Property (Article-31) originally a Fundamental Right has been omitted by the 44th Amendment Act. 1978. It is now a legal right. These Fundamental Rights are justifiable and the individual can move the higher judiciary that is the Supreme Court or the High Courts, if there is an encroachment on any of these rights. The right to move to the Supreme Court straight for the enforcement of Fundamental Rights has been guaranteed under Article 32 (Right to Constitutional Remedies). However, Fundamental Rights in India are not absolute. Reasonable restrictions can be imposed keeping in view the security requirements of the state (Bakshi, 2006).

4. Diversity policy in India

Based on Indian constitution, policies of religion, language and ethnic groups have been formulated. So that in a multicultural society the fundamental rights of every language, religion and social caste are preserved, in this section we discuss some religious, caste, tribal and language policies of India.

4.1. Religion Policy

The management of religious diversity in India has indeed been among the more successful experiments of social engineering in the history of modern India. The politicization of religious identity in India, as well as the role of the state in its manipulation, suppression or fomentation, cannot be understood without taking a few steps back in to history. In the late 19th century, the Aligarh movement, under the leadership of Sir Syed Ahmad Khan, aimed at empowering the Muslim community through religious and educational reform, especially modern western education. Syed Ahmad Khan was, however, a nationalist who believed that the destiny of Indian Muslims was Indian, but that the community

would stand to gain from being loyal to the British rulers. The Government of India Act of 1909 provided for separate electorates for the Muslims, a decision that was to have been far reaching, profound and enduring consequences.

Recognizing that equal treatment would be insufficient to improve historic discrimination suffered by the lowest social groups, the constitution provided legislative reservations for the scheduled castes and scheduled tribes. Similar consideration, however, was not extended to Muslims or women. In granting rights to various groups a basic distinction was thus being made between the rights of groups, which were socially discriminated through untouchability or physical isolation, and the rights of religious minorities, which were viewed as part of the larger concepts of pluralism and the need to accommodate diversity. The minorities were given the freedom to observe and preserve their language, culture and religious practices, establish, and administer educational institutions of their choice and, separate personal laws were retained for different communities (N.G. Jayal, 2006).

On the other hand, an enormous amount of cases and controversy has taken birth due to the provisions under Article 30 especially with regard to quantum of reservation of places for members of the minority that has established in the educational institution. Even though, it was finally settled and allowed to follow their separate personal laws in matters relating to marriage, divorce, inheritance etc. and so on. Therefore, the long term demand of a Uniform Civil Code for members of all religious communities which was mentioned in Directive Principles of State Policy under Article 44 of constitution which is the non-justifiable in nature (Managing Diversity: *Institutions Policies and Politics*, P.47-49).

4.2. Caste Policy

Caste in Indian society refers to a social group where membership is largely decided by birth. Hence, our colonial rulers treated caste as 'the institutional keystone of Indian society. Beginning with the first decadal period of India census of 1871, the census became the main instrument in the hand of government with the purpose of gathering information and collecting data. These data and information helped government make laws and policies in order to



organize the armies and regiments and strategies. The measurement of castes and sub-castes according to size and number in the census contributed to the 'fixing' of caste identities as whole. With their identities so fixed, caste groups began to form caste associations, some of which would periodically petition the Colonial Government to reconsider their ranking in the hierarchy (Wong, S. L. 2001).

In independent India, our leader had decided that India will be Democratic, Socialist and Secular Country. According to this policy perspective there is a separation between religion and state as per constitutional provision. Practicing any kind of untouchability or discriminating a person based on his or her caste is legally forbidden and punishable. Along with this law the Government allows positive discrimination of the depressed classes of India (Sukumar, N. 2022).

The Constitution provisions of newly independent India have sought to enact a Universal Citizenship. This is defined particularly in the chapter on the Fundamental Right. In this Fundamental Right, citizen has two articles that specifically talks caste. Article 15 which prohibit the state from discriminating between citizens on grounds of religion, race, caste, sex or place of birth. It means that recognition of the practice of Untouchability is banned in India. On the other hand, Clause 2 of Article 15 goes further to list a number of sites in which such discrimination may be practiced and is therefore forbidden. These include access to shop, public restaurants, hotels and place of public entertainment, as well as, tanks, roads, bathing ghats and place of public resort which are either wholly or partially funded by the state (Bakshi, 2006).

4.3. Tribal Policy

The former policy declaration on tribal policy was perhaps Nehru's accent of the Panchashila doctrine, in which he argued that people should be permitted to develop along the lines of their own brain without any imposition from the outside, they may organize their management of affairs and developmental activities and finally their land and forest rights must be respected in accordance with the law of the land. Despite such different Nehru's approach, even though, syntheses of both policies have been followed towards the tribal communities. On the one hand, the policy focuses on

protective measures for tribal culture and welfare, but on the other hand, tribal areas became question of government official development, sometimes in the name of the national interest, and at other times in the name of tribal development itself (Bakshi, 2006).

Post independent India, discrimination and irregularities on ground of caste line was common phenomena. It is in this context the discrimination on account of caste was officially declared illegal. Therefore, our policy measures for the scheduled tribes and scheduled caste try to sort out the issued caused by the problems due to caste line (Jayal, 2006).

First, this policy is called 'protective' measures as they seek to address the problem of the material development of these groups. Till 1970s, the state government approach towards the protection of tribal interests took the form of welfare measures in the field of the economy, education, health and communication. Second, this is related to provisions for compensatory discrimination or reservation policy in accordance with the Constitution of India and appropriate state legislation time to time. Thirdly, this type of policy targets to assess the specificity and causes of spread of the tribal situation in particular region. The fourth policy strategy could be described as remedial, as it seeks to provide opportunity by which aggrieved members of these groups may approach state institutions. The National Commission for Scheduled Caste and National Commission for Scheduled Tribe were established for this purpose (Priyadarshini, P., & Abhilash, P. C., 2019).

4.4. Language Policy

The language question in post independent India has created a no of controversies such as English language as a medium of instruction is mandatory, and the second to the relationship between the Indian languages, most notably Hindi and Urdu. At the time of colonial period Lord Curzon the then Viceroy of India has allowed the mother-tongue to be the language of instruction for primary school children. However, English was also to be included at the middle level of school. On the other hand, at higher level, medium of instruction will be English (Bakshi, 2006).

Language diversity in independent India has been politically under two type of situation. First, when it was proposed that Hindi (spoken by 40% of the population) be designated as the official or

'national' language for the country as a whole; and second, in the reorganization of the states of the federation on the basis of language (Laitin, 1989).

While framing Constitution, Indian leaders formulated language policy focussed on both aspects such as development of language as well as survival of language. The language policy of Independent India rounded around Part III of Indian Constitution under which language rights are assumed as fundamental rights which also gives reference language as rights to education. Therefore, it says that “All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. This policy and consequent government circulars have brought an unique type of school system which promotes three form of language in education system namely education with mother tongue, Hindi and English. However, Constitution highlights the importance of mother tongues but practically it has proven impracticable to protect and preserve the 22 Scheduled Languages of India mentioned in Indian Constitution (Groff, 2007).



Conclusion

By examining the language and ethnic policies as well as the basic cultural and religious rights in the Indian Constitution, the article draws the model of pluralism in the Indian society. Thus, the most important feature in the politics of pluralism is maintaining unity in the midst of plurality. In this model, the organization of the country's political and social body is applied in such a way that every social and ethnic group has the possibility to protect their own values and achieve their rights. In a pluralistic society, many accepted social and cultural groups are realized by maintaining their characteristics through participation and coexistence in the political and social system. Therefore, by taking advantage of this model, while maintaining its national cohesion, India strives to strengthen and maintain its national cohesion, to strengthen and preserve individual identities, and to strengthen cultural, social and political ties between them. However, due to ethnic and religious discrimination, especially towards the Muslim community, and the historical conflicts of India, there is a distance from the complete and desirable realization of the model of politics and religious and cultural rights in practice.



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سیاست‌های فرهنگی و زبانی به عنوان ابزاری برای همزیستی در جامعه متنوع هند

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چکیده

هند بزرگ‌ترین کشور فدرال جهان است و با تنوع نژادی، فرهنگی، زبانی و مذهبی، چشم‌انداز مهمی از تساهل و همزیستی مسالمت‌آمیز ارائه کرده است. در قانون اساسی هند، هجده زبان به عنوان زبان‌های رسمی کل کشور ذکر شده است. علاوه بر این تنوع زبانی در هند، شاهد تنوع خط در این سرزمین هستیم. سوال اصلی این است که هند چگونه مسئله تنوع زبانی، فرهنگی و مذهبی را از نظر وحدت ملی حل کرده است؟ و مساله همزیستی در جامعه چندفرهنگی هند چگونه حفظ می‌شود؟ سیاست‌های زبانی و فرهنگی و همچنین حقوق قومی، مذهبی و زبانی در جامعه هند چگونه با این مسائل برخورد کرده است؟ این مقاله با بررسی سیاست‌ها و جنبه‌های حقوقی جامعه چندفرهنگی هند، الگویی از وحدت و کثرت را برای جامعه هند ترسیم می‌کند. در این مقاله به مدل تنوع فرهنگی، زبانی، قومیتی و مذهبی در جامعه چند فرهنگ‌های هند می‌پردازیم.

واژگان کلیدی

تنوع، سازگاری، فرهنگ، دموکراسی، زبان، هند.

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