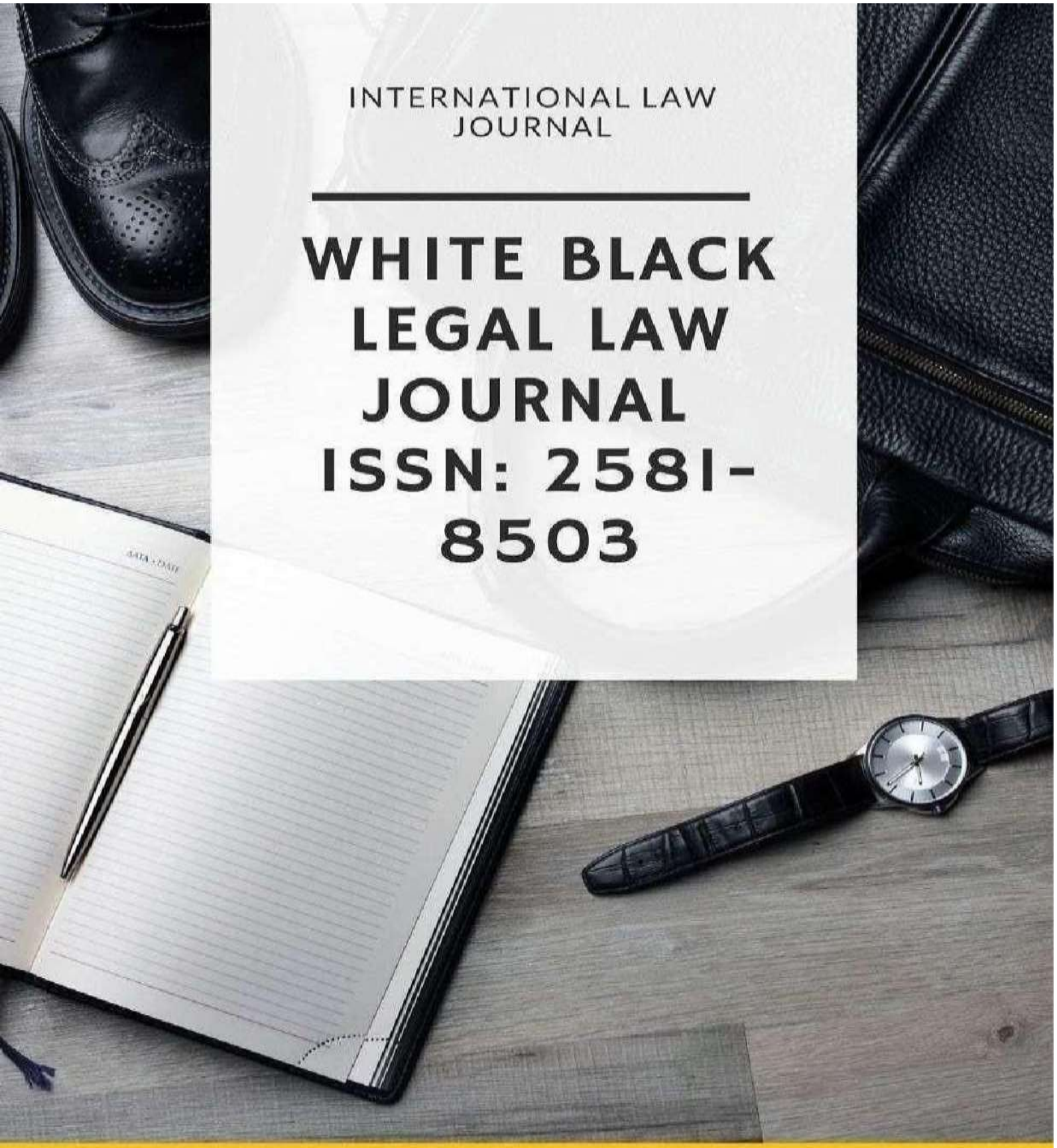


INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

CONSTITUTIONAL LANGUAGE PLURALISM AND POLITICAL LANGUAGE NATIONALISM IN INDIA: A DOCTRINAL AND ANALYTICAL STUDY WITH REFERENCE TO MAHARASHTRA

AUTHORED BY - SUSHMITA MISHRA
Student
Department of Law, Atal Bihari Vajpayee School of Legal Studies, CSJMU, Kanpur

CO. AUTHOR - DR. SHASHIKANT TRIPATHI
Associate Professor
Department of Law, Atal Bihari Vajpayee School of Legal Studies, CSJMU, Kanpur

Abstract

India's constitutional language regime is deliberately pluralist and federal. Part XVII authorizes Hindi as the Union's official language while preserving English for Union purposes, allows states to choose one or more official languages under Article 345, and embeds safeguards for linguistic minorities through Articles 347 and 350–350B. Census 2011 data underscore this diversity: 121 languages and 270 mother tongues with at least 10,000 speakers, with 96–97% of Indians reporting one of 22 Scheduled Languages as their mother tongue—confirming India's structural multilingualism without a single majority language. Despite this design, political practice often drifts toward Hindi-centric language nationalism, transforming neutral administrative policy into cultural hierarchy and symbolic loyalty tests. The 2025 Maharashtra three-language controversy— where Hindi was mandated as a compulsory third language in primary schools before being withdrawn amid intense backlash—illustrates how such initiatives spark flashpoints in non-Hindi regional states, exposing tensions between constitutional pluralism and perceived imposition. Concurrently, Supreme Court jurisprudence on linguistic secularism, exemplified by the Varshatai judgment upholding Urdu signage alongside Marathi, reaffirms an accommodative regime rejecting exclusionary monolingualism. Ultimately, a stable multilingual republic requires policies rooted in flexibility, mother-tongue support, and respect for regional linguistic dignity rather than coercive uniformity.

Chapter 1: Introduction

Language in India functions as everyday communication, identity marker, and gateway to education, state power, and economic opportunity. Constitution framers deliberately avoided declaring a single "national language," designating Hindi in Devanagari script as the Union's official language under Article 343 while retaining English through Article 343(2)'s transitional scheme and its extension via the Official Languages Act 1963. Article 345 empowers state legislatures to adopt "any one or more" local languages or Hindi for official purposes, explicitly permitting multilingual arrangements that balance administrative unity with entrenched regional identities. This architecture reflects a compromise between common governance needs and federal pluralism.[1]

The 2011 Census underscores this necessity: 19,569 raw mother tongue names consolidated into 1,369 rationalized forms and 121 languages with ≥10,000 speakers (22 Scheduled, 99 non-scheduled). Indo-Aryan languages cover ~78% of the population, Dravidian ~20%, plus Austro- Asiatic and Tibeto-Burman families. Hindi leads at 43.6%, followed by Bengali (8.0%), Marathi (6.9%), Telugu (6.7%), and Tamil (5.7%)—no language holds absolute majority or aligns neatly with national borders.[2]

This linguistic plurality fuels political contestation whenever one tongue symbolizes national authenticity. Tamil Nadu's anti-Hindi agitations (1937–40, 1965 riots, ongoing NEP 2020 resistance), alongside Karnataka and Maharashtra's three-language formula debates, demonstrate how imposition reshapes state politics and strains federal ties. The paper posits that India's Constitution rejects monolingual nationalism, constructing multilingual governance with explicit minority protections in education, administration, and grievance redress. Normatively, it questions whether contemporary policies honor this pluralist-federal design or drift toward centralized, exclusionary linguistic order.

Problem Statement

The paper examines the growing gap between constitutional language pluralism (Part XVII's multiple official languages, court/administrative access, Article 350A mother-tongue

[1] Tamil Nadu's opposition to three-language policy has historical roots. Centre must respect it. (2025, February 23). *The Indian Express*. https://indianexpress.com/article/opinion/columns/tamil-nadu- opposition-three-language-policy-historical-roots-9853267/indianexpress

[2] Jolad, S., & Agarwal, A. (2021, August 5). *India's linguistic diversity: How the census obscures it*. The India Forum. https://www.theindiaforum.in/article/what-census-obscurestheindiaforum

education) and political language nationalism privileging Hindi as national loyalty symbol via central education policies. This creates two harms: (1) pressuring states like Maharashtra to adopt Hindi-mandated curricula ignoring local realities; (2) marginalizing smaller linguistic communities' access to schooling/services in their languages. When language becomes a loyalty test rather than inclusion tool, it undermines federalism, minority rights, and democratic participation.

Research Questions

This paper is structured around five interrelated research questions:

1. How does the Indian Constitution structure official language pluralism at the Union and state levels?
2. What is the conceptual and practical difference between constitutional language policy and political language nationalism?
3. How have courts, particularly the Supreme Court, interpreted the rights of linguistic minorities and the permissible limits of state language policy?
4. What does the Maharashtra three-language controversy reveal about the politics of official language enforcement in a non-Hindi-majority state?
5. What policy model better protects democratic inclusion and minority rights in a multilingual federation?

Research Methodology

The study employs a doctrinal and analytical research design, examining constitutional texts, statutes, and judicial decisions to evaluate India's official language framework. It draws primarily on the Constitution (Part XVII, Articles 343–351), the Official Languages Act, 1963, relevant Supreme Court judgments like *Varshatai v. State of Maharashtra (2025)*, Census 2011 language data, and academic literature. The analysis is interpretive and comparative, focusing on the balance between Hindi promotion and minority protection, the Union–State language powers, and the constitutional principles of linguistic pluralism versus political nationalism, using doctrinal, demographic, and contemporary policy insights.

Scope and Limitations

Scope. The study focuses primarily on:

- The Union-level constitutional design (Part XVII) and how it interacts with state powers under Articles 345 and 347.

- Doctrinal developments in the Supreme Court and key High Court judgments that illuminate language rights, official language policy, and minority protections.
- A single, detailed contemporary case study of the 2025 Maharashtra three-language controversy used to illustrate how constitutional principles play out in practice in a non-Hindi majority state.
- The 2011 Census is the main empirical reference point for the linguistic composition of India, with particular attention to Scheduled Languages and major Non-Scheduled Languages. This gives the research a clear focus on constitutional structure, judicial interpretation, and one prominent policy conflict, rather than a broad survey of all state practices.

Limitations.

1. Non-empirical fieldwork. The study does not include interviews, surveys, or ethnographic fieldwork with affected communities, teachers, or administrators. As a result, it cannot directly measure how language policies are implemented at the classroom or local office level, or how citizens subjectively experience them.
2. Temporal limitation. The empirical baseline is the 2011 Census, and while more recent political developments (like the 2025 Maharashtra case and recent Supreme Court decisions) are included, there is no post 2011 census level language data yet, which may limit the precision of current demographic trends.
3. Case study focus. The Maharashtra controversy is analysed in depth, but other important language conflicts, such as long-running debates in Tamil Nadu or the North East, are only referenced illustratively and not treated with the same level of doctrinal and empirical detail. This narrows the comparative scope.
4. Reliance on reported judgments and secondary summaries. For practical reasons, the analysis often uses published summaries and commentaries on judgments (e.g., Varshatai, linguistic secularism cases) rather than extensive citation of full pleadings and records, which may omit some nuance of argument or factual context.
5. Normative framing. The evaluation of "democratic inclusion" and "language nationalism" is based on a particular normative framework that privileges pluralism, minority protection, and federal flexibility; alternative theories of nation-building and integration might place greater weight on linguistic uniformity and arrive at different assessments.

Chapter 2: Constitutional Framework Union-level language provisions

At the Union level, the Constitution adopts a balanced compromise: Article 343(1) designates Hindi in Devanagari script as the official language of the Union, without declaring it the national language, while Article 343(2) allows English to continue for fifteen years, recognising its established role in administration, judiciary, and communication. This arrangement preserves functional bilingualism and reflects India's inclusive linguistic federalism.

Article 343(3) authorises Parliament to extend the use of English beyond this initial fifteen-year period by law, and Parliament exercised this power in the Official Languages Act 1963 and its 1967 amendment, which effectively entrenched a bilingual administrative order in which English continues alongside Hindi as an associate official language for Union purposes. This legislative choice was shaped by strong resistance in non-Hindi-speaking states, especially Tamil Nadu, to any fixed deadline for "switching off" English, and reflected the realisation that a sudden, complete transition to Hindi would be both practically disruptive and politically destabilising.[3]

Articles 344 and 348–349 provide the institutional and procedural scaffolding for this framework. Article 344 mandates the appointment of a Commission and a Parliamentary Committee on Official Language at specified intervals to review the progress of Hindi, the continued use of English, and the impact of language policy on different regions, creating a mechanism for periodic re-evaluation rather than a one-time settlement. Articles 348 and 349 provide that proceedings in the Supreme Court and High Courts, as well as authoritative texts of legislation, shall be in English (with certain exceptions and possibilities for the use of Hindi or other languages), thereby ensuring continuity and certainty in the language of the higher judiciary and statute law. Article 349 adds a safeguard by requiring the President to obtain the Commission's recommendations and to consider the potential effect on interstate communication and minority interests before assenting to laws that significantly alter language use for official purposes.[4]

Article 351 directs the Union to promote Hindi so that it may express India's composite culture,

[3] Priyakar, P. (2015). *Hindi as the national/official language: Arguments for repealing Part XVII of the Indian Constitution*. CALQ, 2(3), 39–46. http://docs.manupatra.in/newsline/articles/Upload/616132FA- 0B38-4DD3-AB80-E02553FA2234.3-c_constitution.pdf

[4] Department of Official Language. (n.d.). *Constitutional provisions*. Ministry of Home Affairs, Government of India. https://rajbhasha.gov.in/en/constitutional-provisions

developing it through Sanskrit and other Indian languages. However, this provision is promotional, not coercive intended to encourage Hindi without diminishing other languages. This approach reflects the Munshi–Ayyangar formula, a Constituent Assembly compromise between Hindi advocates and non-Hindi regions. The formula affirmed Hindi in Devanagari as the Union's official language while retaining English for an extended transitional period, ensuring gradual adaptation rather than abrupt replacement. Over time, English has continued to serve key administrative, judicial, and interregional functions, demonstrating the enduring practicality of bilingualism. The compromise thus embodies a federal balance recognising Hindi's symbolic unity while respecting India's linguistic diversity and has evolved into a stable, cooperative framework for language policy that avoids both monolingualism and exclusionary nationalism.

State autonomy and official languages

If Articles 343–351 provide the Union-level framework, Article 345 is the key provision granting states autonomy over their own official languages. It states that, subject to Articles 346 and 347, "the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi" as the language or languages for all or any official purposes of that state. This wording gives state legislatures wide discretion: they can choose a regional language, Hindi, or more than one language, and they can adjust this choice over time as political and demographic circumstances change.[5]

The proviso to Article 345 states that English shall continue for official use until a state legislature enacts a law specifying another language. Case law affirms that Article 345 is enabling, not self- executing: English does not automatically end once a new official language is adopted, and states may designate more than one official language or revise their choices over time. Articles 346 and 347 balance this autonomy. Article 346 governs communication between states and with the Union, requiring Hindi or English unless states mutually agree on another language ensuring administrative coherence. Article 347 protects minority linguistic groups, empowering the President to direct a state to recognise a language if a substantial proportion of its population requests it. Together, these provisions allow regional linguistic identity while preventing exclusion of minorities through federal oversight. In practice, several states such as Karnataka (Kannada and Urdu) and Jammu & Kashmir (multiple official

[5] De Facto Law. (2025, March 22). *Language and the Indian Constitution*. https://www.defactolaw.in/post/language-and-the-indian-constitution

languages) adopt plural arrangements. This constitutional structure of state discretion plus central safeguards illustrates a flexible and inclusive federal model, affirming that India's language policy is pluralist in spirit, balancing recognition of dominant regional languages with meaningful protection for internal linguistic diversity.

Safeguards for linguistic access and minorities

Beyond prescribing official languages, the Constitution embeds safeguards to prevent language from limiting access to the state or eroding minority identities. Articles 348–349 secure English as the language of higher courts and authoritative legal texts, ensuring clarity and continuity. The most direct minority protections arise under Articles 350, 350A, and 350B. Article 350 guarantees that any person may submit a grievance or representation to Union or State authorities in any language used within that jurisdiction, protecting citizens who do not know Hindi, English, or the dominant state language. Article 350A, introduced by the Seventh Amendment (1956), directs every state and local authority to provide facilities for instruction in the mother tongue at the primary level for children of linguistic minorities. This duty prevents marginalisation after the linguistic reorganization of states and supports schooling in minority languages. Article 350B establishes the Special Officer for Linguistic Minorities, appointed by the President, who investigates compliance with constitutional safeguards for linguistic minorities and reports to Parliament and state governments. Through field assessments and grievance redressal, this office fosters accountability, ensuring constitutional promises of linguistic inclusion are upheld across governance and education systems.

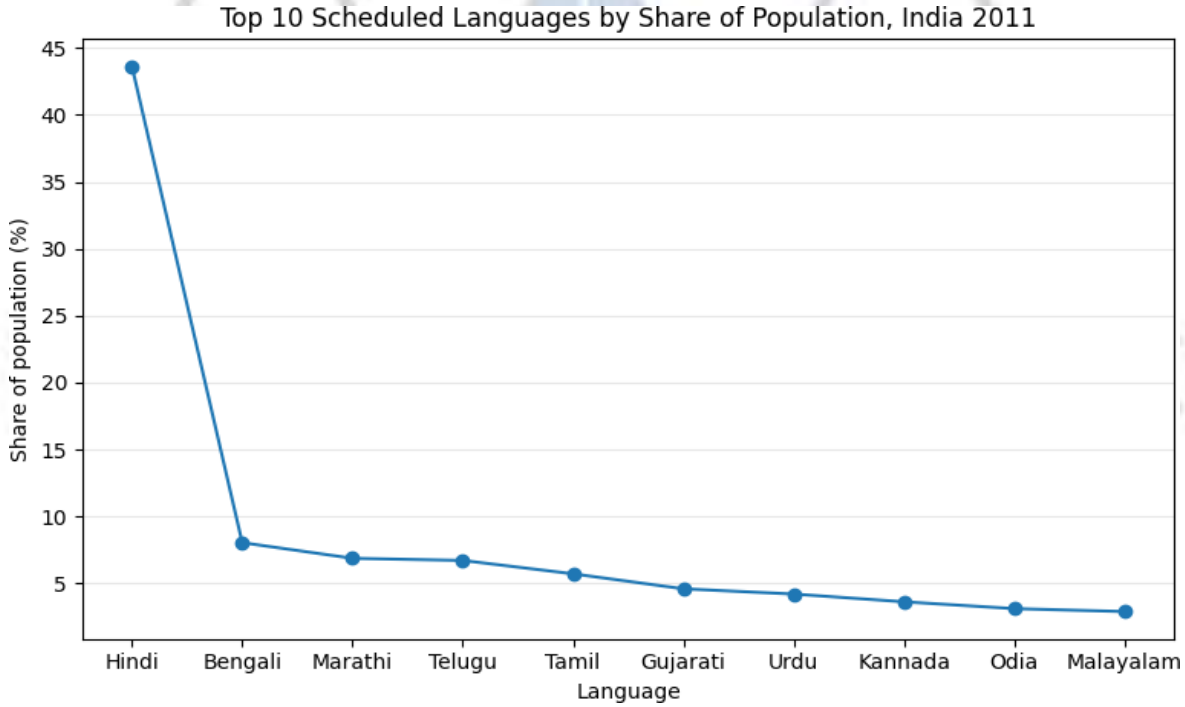
Taken together, Articles 350–350B show that constitutional language policy is explicitly concerned with access, fairness, and minority protection, not merely with the designation of official languages. Any person can approach the state in a language used in the Union or state; minority children are supposed to have facilities for primary education in their mother tongue; and a dedicated constitutional authority exists to investigate failures to honour these safeguards. This confirms the paper's claim that the constitutional scheme is not assimilationist: the Union may promote Hindi, and states may select one or more official languages, but they must do so within a framework that guarantees minority language speakers practical access to education and grievance redress, and that permits multiple official languages and recognition of additional languages where numbers warrant.[6]

[6] Department of Official Language. (n.d.). *Constitutional provisions*. Ministry of Home Affairs, Government of India. https://rajbhasha.gov.in/en/constitutional-provisions

Chapter 3: Empirical Landscape from Census 2011

The 2011 Census (Paper 1 of 2018, Table C-16) offers a detailed view of India's linguistic diversity. Respondents reported 19,569 mother tongues, rationalised into 1,369 and grouped under 121 languages (22 Scheduled, 99 Non-Scheduled). Of India's 121.09 crore people, 96.71% speak Scheduled Languages and 3.29% Non-Scheduled or others. Hindi leads with 43.63%, followed by Bengali (8.03%), Marathi (6.86%), Telugu (6.70%), and Tamil (5.70%). Smaller Scheduled Languages like Bodo, Manipuri, Konkani, Dogri, and Sanskrit have limited national shares but regional significance. Trend data from 1971–2011 show Hindi's steady growth and relative stability of major regional languages. Non-Scheduled languages, often tribal or local, exhibit mixed trends shaped by migration, education, and policy factors. Overall, the census confirms Hindi's demographic dominance alongside India's enduring linguistic pluralism, where regional languages and minority tongues remain vital to identity and governance.

Table 1: Top 10 Scheduled Languages by Share of Population, Census 2011



This distribution shows that even the largest language, Hindi, is not a numerical majority, and that a cluster of large regional languages each commands substantial populations and cultural capital. Any language policy that ignores these facts risks both administrative inefficiency and political backlash.[7]

[7] Census C-16 language paper (C-16_25062018.pdf)
Office of the Registrar General & Census Commissioner, India. (2018). *Language (Paper 1 of 2018): Census of India*

Chapter 4: Literature on Linguistic Diversity and National Integration

Scholarly work on Indian language politics repeatedly emphasises the dual character of multilingualism: it is simultaneously a rich cultural resource and a formidable governance challenge. On the one hand, India's linguistic diversity, documented in Census 2011 and subsequent analyses as encompassing hundreds of mother tongues and at least 121 languages with more than 10,000 speakers, embodies deep historical traditions, literary cultures, and local knowledge systems that are central to people's sense of identity and belonging. On the other hand, this diversity complicates the design of educational curricula, administrative systems, and legal regimes, because the state must decide in which languages to educate, legislate, adjudicate, and communicate, all under resource constraints and political pressures. Much of the literature argues that successful management of this diversity is a precondition for democratic stability and meaningful national integration, rather than a peripheral cultural issue.[8]

A large policy-oriented body of work focuses on access to dominant languages, primarily English and Hindi and their effects on socio-economic mobility. Studies of education and labour markets show that knowledge of English is strongly correlated with higher incomes and better employment opportunities, especially in urban and formal-sector jobs; meanwhile, Hindi, as the most widely spoken Indian language and a major medium in central government, media, and migration corridors, functions as an important link language across states. Scholars argue that exclusion from these dominant languages, whether because of weak schooling, geographic isolation, or language policy choices, can reproduce and deepen existing inequalities, leaving speakers of smaller regional or tribal languages at a systematic disadvantage in competitive examinations, higher education, and state employment. This has led some authors to call for a "both-and" approach: strong mother-tongue education for cognitive development and identity, combined with serious second-language teaching in one or more link languages.

At the same time, the literature warns that imposing dominant languages without adequate pedagogical support or community consent is counter-productive. Historical work on the anti-

2011 – India, states and union territories (Table C-16). Office of the Registrar General & Census Commissioner, India. https://censusindia.gov.in/nada/index.php/catalog/42458/download/46089/C- 16_25062018.pdf

[8] Forum of Federations occasional paper (OPS-58)

Sarangi, A., & Sharma, A. (2022). *Language policy and federalism in independent India* (Occasional Paper Series No. 58). Forum of Federations. https://forumfed.org/wp-content/uploads/2022/06/OPS-58- Language-Policy.pdf

Hindi agitations in Tamil Nadu and more recent conflicts around the three-language formula in southern and eastern states shows that attempts to mandate Hindi as a compulsory language have repeatedly triggered political backlash, sometimes violent. Similar concerns arise in the imposition of English as an exclusive medium in primary education: while English is a ticket to opportunity, sudden English-medium policies can harm first-generation learners who lack home support, leading to lower learning outcomes and higher dropout rates. The literature therefore stresses that dominant-language acquisition must be enabled, not enforced, through high-quality teaching and gradual introduction, otherwise it risks marginalising regional and minority language speakers and fuelling resistance rather than integration.[9]

In recent years, Indian constitutional and policy commentary has increasingly used the concepts of "linguistic secularism" and "federal pluralism" to frame language rights. Analyses of Supreme Court jurisprudence argue that the Court has developed a principle of linguistic secularism, by which the state must remain neutral and accommodative among linguistic communities, analogous (though not identical) to its posture on religion. Judgments on medium of instruction, minority institutions, and official language use in local bodies tend to stress flexibility over compulsion, and to uphold the rights of linguistic minorities to maintain their own institutions and languages, particularly in education.[10]

Policy discussions around the National Education Policy (NEP) 2020 and the three-language formula have generated a substantial literature that documents uneven implementation and political contestation. NEP 2020 reiterates support for mother-tongue or regional-language instruction in the early years and endorses a three-language formula, but leaves considerable discretion to states in choosing which three languages to offer. Commentators note that non-Hindi-speaking states, especially in the South and North-East, remain wary that the formula could become a vehicle for automatic Hindi expansion through central pressure or textbook control. Case studies of Karnataka and Tamil Nadu, and now Maharashtra, show that the same formal policy (three languages) can be interpreted very differently: as a vehicle for strengthening regional languages, as a compromise between regional language, Hindi and

[9] Indian Express column on Tamil Nadu and three-language policy
Tamil Nadu's opposition to three-language policy has historical roots. Centre must respect it. (2025, February 23). *The Indian Express*. https://indianexpress.com/article/opinion/columns/tamil-nadu- opposition-three-language-policy-historical-roots-9853267/

[10] Insights IAS article on multilingualism and Census 2011
Insights IAS. (2025, March 2). *Multilingualism in India: Census 2011 data & three-language formula*. https://www.insightsonindia.com/2025/03/03/multilingualism-in-india-2/

English, or as a Trojan horse for Hindi imposition, depending on local politics and history.

Beyond India, comparative work on nationalism and language offers a conceptual lens for understanding these dynamics. Classic and contemporary theorists argue that language nationalism often transforms a language from a neutral communicative tool into a marker of identity and loyalty, drawing a symbolic line between insiders and outsiders. In this view, insisting that "true" citizens speak a particular language, whether French in France, Turkish in Turkey, or Hindi in India, turns language into a boundary-making device, with those who do not speak it fluently or who resist it portrayed as less loyal or less authentic members of the nation.[11]

In multilingual democracies, the literature identifies a persistent tension between nation-building and minority protection. Nation-building projects often favour a common language for administrative efficiency and symbolic unity, while minority-rights frameworks stress the preservation of linguistic diversity, educational autonomy, and non-discrimination. Where the balance tilts heavily toward uniformity, there is a risk of democratic erosion, as minority groups may feel pressured to assimilate linguistically as the price of full citizenship or opportunities; where it tilts heavily toward fragmentation, common institutions and shared deliberation may weaken. Scholars therefore recommend consent-based, accommodative frameworks that promote a small number of link languages for wider communication, but also guarantee robust rights for minority and regional languages in education, media, and local governance.[12]

India exemplifies multilingual democracy's risks and possibilities. Its Constitution rejects a single national language, embraces plural official-language provisions, and safeguards minorities hailed as postcolonial federal pluralism. Yet recurring Hindi policy conflicts, state laws, and curriculum battles reveal fragility when politics mobilizes language nationalism. The Supreme Court's 2025 Varshatai ruling, upholding Urdu signage in Maharashtra, reaffirms this accommodative ethos against exclusivist monolingualism.

[11] The Boundaries of Democracy (book)
Beckman, L. (2023). *The boundaries of democracy: A theory of inclusion*. Routledge. https://library.oapen.org/bitstream/id/65987d1b-214a-48f6-802f-c3aaf96eb2ff/9781000824810.pdf
[12] Council of Europe reference study (Starkey)
Starkey, H. (2002). *Democratic citizenship, languages, diversity and human rights: Guide for the development of language education policies in Europe – From linguistic diversity to plurilingual education (Reference study)*. Council of Europe, Language Policy Division. https://rm.coe.int/democratic- citizenship-languages-diversity-and-human-rights/1680887833

Literature consensus: India's multilingualism is structural/enduring; dominant-language access (Hindi/English) is essential but must avoid erasing others; constitutional design/courts favor pluralism/minority protection; political nationalism destabilizes, requiring institutional checks, norms, and inclusive policies.

Chapter 5: Judicial Approach to Language Rights

The Supreme Court's approach to language rights has gradually constructed a constitutional doctrine of linguistic pluralism and secularism, which both reflects and reinforces India's multilingual character. Rather than treating language as a purely technical matter of administration, the Court has framed it as a question of culture, identity, and equality, requiring flexibility and accommodation from the state. Over time, its judgments have converged on three broad themes: (1) rejection of rigid, exclusivist readings of language provisions; (2) robust protection of linguistic and educational rights under Articles 29 and 30, read with 350A–350B; and (3) affirmation that official language status does not mean the exclusion of additional languages from public life, as crystallised in *Varshatai v. State of Maharashtra* (2025).[13]

A first important strand is the Court's insistence that language laws must evolve organically and remain open to regional aspirations. In *U.P. Hindi Sahitya Sammelan v. State of U.P.* (2014)[14], the Court addressed the validity of state measures promoting Hindi and related issues of recognition and status. While upholding the power of the state to encourage Hindi, the Court explicitly rejected a rigid, one-time interpretation of language policy, observing that India's linguistic situation is dynamic and that language laws must be interpreted in an evolving, context-sensitive manner. Commentators describe this as part of a broader doctrine of "linguistic secularism": the idea that, just as the state must not privilege one religion, it must avoid elevating one language as the sole emblem of national identity, and instead accept and accommodate the aspirations of multiple language communities. This reasoning has been read as a judicial endorsement of a pluralist language order rather than a hierarchical one.

The Court has firmly grounded language rights in Part III of the Constitution, especially Article 29(1), which guarantees every linguistic or cultural group's right to conserve its heritage. This

[13] Varshatai case (Supreme Court of India)
Varshatai v. State of Maharashtra, Civil Appeal Nos. 5187–5188 of 2025 (India, Supreme Court, Apr. 15, 2025). https://indiankanoon.org/doc/47212544/
[14] U.P. Hindi Sahitya Sammelan case (Supreme Court of India)
U.P. Hindi Sahitya Sammelan v. State of Uttar Pradesh, Civil Appeal No. 459 of 1997 (India, Supreme Court, Sept. 4, 2014).

protection extends not only to national minorities but also to state-level or context-specific linguistic groups, even if numerically large. Read with Article 30, which safeguards minority educational autonomy, Article 29 has been invoked to prevent states from imposing compulsory media of instruction or curricula that undermine linguistic freedom. Beyond Part III, Articles 350A and 350B are treated as substantive obligations: states must provide facilities for mother-tongue instruction at the primary stage and adhere to monitoring by the Special Officer for Linguistic Minorities. Courts emphasize genuine implementation rather than formal compliance. A recent development, Varshatai v. State of Maharashtra (2025), clarified the relationship between official and additional languages in administration. Upholding bilingual signage in Urdu and Marathi, the Court found no violation of the Maharashtra Official Languages Act, affirming that official language laws cannot prohibit supplementary linguistic use. Collectively, these rulings reinforce India's constitutional linguistic pluralism and bar coercive assimilation under the guise of uniformity.

The Supreme Court rejected this exclusivist reading. It held that while the Act clearly mandates Marathi as the official language of local authorities, it does not bar the use of additional languages; the statute sets a floor, not a ceiling. The Court pointed out that Article 345 itself allows states to adopt "one or more" languages for official purposes, and that nothing in the constitutional text supports the idea that recognising an official language automatically requires the suppression of others in public communication. In its reasoning, the Court emphasised that language reflects "people and communities, not religion", and that allowing Urdu on signboards in areas with significant Urdu-speaking populations was a matter of inclusion and dignity, not communal favouritism.[15]

The Varshatai v. State of Maharashtra (2025) judgment is hailed as a milestone affirming linguistic pluralism, clarifying that an "official language" is not the *only* permissible language and that additional languages may be used where local demographics justify. This principle supports multilingual signage or documentation across states for diverse communities Bengali, Tamil, or tribal languages ensuring inclusive governance. Together with protections under Articles 29, 30, 350A, and 350B, Varshatai strengthens a judicial doctrine that treats linguistic diversity as a constitutional value and requires language policy to remain flexible and

[15] Liberation article
Liberation. (2025, April 24). *In defence of Urdu: The Supreme Court upholds linguistic diversity*. Liberation – Central Organ of CPIML. https://liberation.org.in/detail/in-defence-of-urdu-the-supreme- court-upholds-linguistic-diversity

accommodative. The Supreme Court's evolving jurisprudence establishes limits on state or political attempts at cultural dominance through language, emphasizing educational rights, minority inclusion, and cooperative pluralism. In doing so, it anchors India's language regime firmly within the Constitution's pluralist vision, providing a robust counterbalance to political language nationalism.

Chapter 6: Political Language Nationalism

Political language nationalism departs sharply from the pluralist spirit of India's constitutional language framework, both in its goals and in its techniques. Whereas the Constitution treats language primarily as a functional instrument for administration, education, and the protection of cultural rights political language nationalism turns it into a symbolic badge of belonging and loyalty. In this mode, speaking (or refusing to speak) a particular language, most often Hindi, becomes a political litmus test: those who embrace the language are valorised as more "national", while those who resist are portrayed as obstacles to unity or even as disloyal. This re-coding of language as a loyalty marker effectively inverts the constitutional logic, which envisages multiple languages coexisting under a common framework, not one language standing above all others.[16]

This style of politics is especially potent because language is intimately tied to memory, region, and dignity. For many communities, the mother tongue is the primary vehicle of literature, worship, local history, and everyday life; it is where people first learn to name the world. Mobilisations around linguistic identity therefore carries an emotional charge that can be electorally fruitful: political parties can rally support by promising to defend or promote a particular language, or by warning of its alleged marginalisation. Yet the literature and historical experience suggest that when political actors seek to project one language as the only legitimate public language, they risk converting cultural pride into coercive policy and provoking sharp backlash from regions whose own languages embody long-standing identities.[17]

Tamil Nadu's history provides the clearest example. From the 1938 protests against compulsory Hindi in schools to the massive 1965 anti-Hindi agitations, the state has repeatedly

[16] Foucher, P. (2022). *Language policy in federal and devolved countries: Recognition, inclusion and current issues (OPS-58)*. Forum of Federations. https://forumfed.org/wp-content/uploads/2022/06/OPS- 58-Language-Policy.pdf
[17] The News Minute. (2019, June 3). *The history of anti-Hindi imposition movements in Tamil Nadu*. https://www.thenewsminute.com/tamil-nadu/history-anti-hindi-imposition-movements-tamil-nadu- 102983

resisted central attempts to elevate Hindi into a sole or dominant national language. The 1965 protests, which saw widespread unrest, deaths, and a dramatic reshaping of the state's political landscape, ultimately forced the Union government to back down from plans to phase out English and to accept a "virtual indefinite policy of bilingualism" at the Union level. More recently, Tamil Nadu has opposed aspects of the NEP 2020 three-language formula, interpreting central pressure to adopt it as a covert attempt to introduce Hindi into its state school system, and has maintained a two-language policy (Tamil and English) as a core element of its regional autonomy. Other southern and eastern states have voiced similar anxieties about NEP's language provisions and the perceived risk of automatic Hindi expansion through school curricula.[18]

The 2025 Maharashtra three-language controversy shows how political language nationalism can surface even in a state with a strong regional language and a sizeable Hindi-speaking population. By issuing a Government Resolution that made Hindi the default third language for Classes 1 to 5 in Marathi-medium and English-medium schools, the state government effectively signalled that basic Hindi proficiency was a required element of good citizenship and educational success. While framed as alignment with NEP 2020 and justified in terms of mobility and employment prospects, the decision was widely read by regional parties, civil-society groups, and linguistic organisations as an act of Hindi imposition that downgraded Marathi's symbolic primacy and reduced space for other Indian languages.

The resulting protests and eventual rollback illustrate how quickly administrative decisions about curriculum can acquire symbolic meaning in a multilingual polity. What might be presented on paper as a neutral "language-skills" reform can, in practice, be understood as a political statement about which language counts as the true language of the nation, and whose identities are considered secondary. In this sense, political language nationalism does not merely coexist with constitutional language pluralism; it actively presses against its limits, testing how far multilingual federalism can be bent toward symbolic uniformity before social resistance and constitutional constraints push back.[19]

[18] The Economic Times. (2025, March 1). *Tamil Nadu vs three-language formula: A look at state's history of opposing Hindi in education and why it continues to resist*. The Economic Times. https://economictimes.indiatimes.com/news/india/tamil-nadu-vs-three-language-formula-a-look- at-states-history-of-opposing-hindi-in-education-and-why-it-continues-to- resist/articleshow/118661698.cms

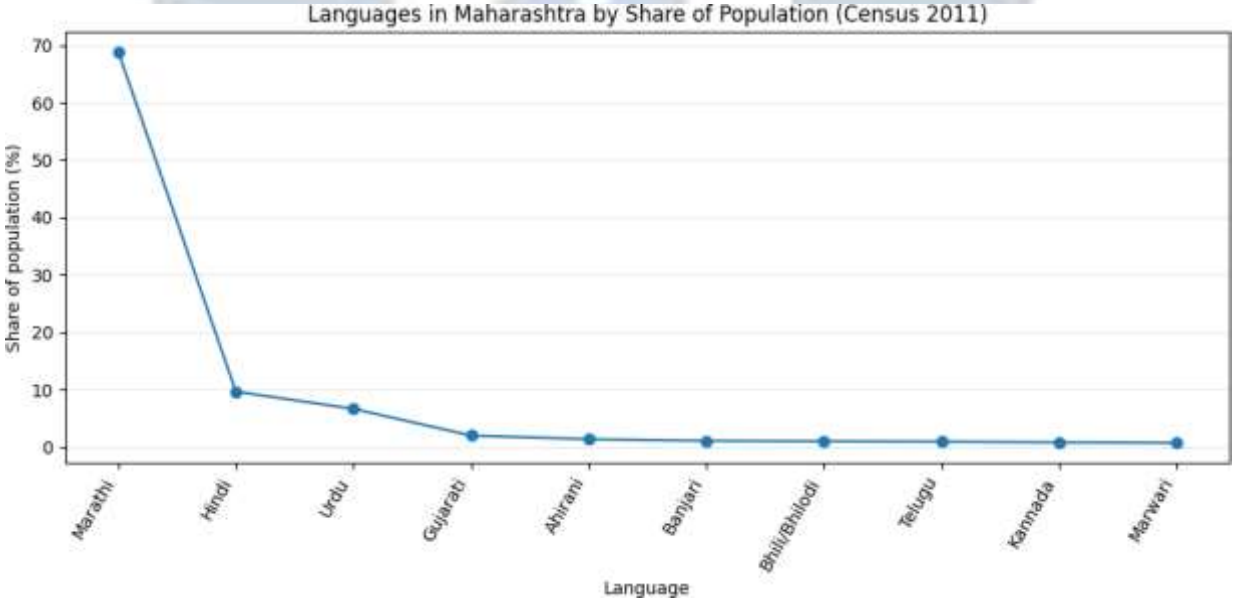
[19] Nakul, A. (2025, June 28). *Maharashtra withdraws 3-language policy order amid Hindi 'imposition' backlash*. India Today. https://www.indiatoday.in/india/story/maharashtra-puts-three-language-policy- on-hold-amid-backlash-forms-panel-to-decide-implementation-framework-2748032-2025-06-29

Chapter 7: Maharashtra Case Study: The Three-Language Controversy

Policy decision and justification

In April 2025, the Maharashtra government issued a Government Resolution (GR) revising the state's three-language policy in line with the National Education Policy (NEP) 2020. For Classes 1– 5 in Marathi- and English-medium schools, Marathi and English were made compulsory, with Hindi introduced as the default third language. The government justified the move as promoting all-India competitiveness and inter-state mobility, noting Hindi's prevalence in central governance and national media. Officials argued this approach aligns with the NEP's vision of learning a regional language, Hindi, and English enabling national integration while maintaining Marathi's primacy. Supporters claimed the GR simply adds Hindi as a subject without altering Marathi's administrative or cultural status. Yet, in Maharashtra's multilingual setting where Marathi is dominant but Hindi has significant presence the default selection of Hindi carries strong political and identity implications, as shown by Census 2011 data on diverse linguistic representation across the state.

Table: Major mother tongues in Maharashtra (Census 2011)



The table reveals Marathi as Maharashtra's dominant mother tongue (around 69%), with Hindi at 9.7% and notable Urdu, Gujarati, tribal, and regional language populations. In this context, making Hindi the default third language symbolically privileged it over Marathi and other non-Hindi Indian languages within the school curriculum.[20]

[20] Maharashtra language profile (LangLex)

Opposition and backlash

The Maharashtra Government Resolution (GR) mandating Hindi as a compulsory third language sparked widespread backlash across political and cultural circles. The Maharashtra Navnirman Sena (MNS) led protests condemning the move as "Hindi imposition", arguing it undermined Marathi's primacy and ignored locally relevant languages like Kannada, Telugu, or tribal tongues. Critics framed the controversy as a defense of linguistic dignity and federal autonomy, rejecting the conflation of Hindi nationalism with national identity through slogans such as "We are Hindus, not Hindi." Observers noted that the NEP 2020 promotes flexibility in its three-language formula and does not mandate Hindi, making Maharashtra's decision a political choice, not a constitutional requirement. Educational experts warned of pedagogical strain from introducing a third language at Class 1 and urged community-based flexibility. Media reports portrayed the conflict as a struggle over Centre–State relations, asserting that voluntary Hindi learning differs fundamentally from state-imposed compulsion. Overall, the GR was viewed as hierarchical, privileging Hindi over Marathi and other Indian languages, contrary to Article 345's federal and pluralist spirit.

Rollback and committee formation

Amid mounting protests and coalition tensions, the Maharashtra cabinet in June 2025 withdrew the Government Resolution (GR) making Hindi the default third language, announcing an expert committee to review the policy. While reaffirming commitment to the NEP 2020 goals of multilingualism and national integration, officials admitted the need for sensitivity to regional linguistic sentiments. Under the revised plan, Hindi remains optional alongside Sanskrit, Urdu, Kannada, Telugu, or tribal languages, with teaching support provided if at least 20 students select a language. This restored student choice within the three-language framework. Politically, the rollback signalled a retreat from perceived Hindi imposition, underscoring the limits of centrally oriented policy in a predominantly Marathi-speaking state. The controversy revealed that while Hindi aids mobility, citizens resist top-down actions that appear to diminish Marathi or local autonomy. Constitutionally, the episode exemplifies the ongoing tension between language pluralism and political nationalism, emphasising that effective policy must arise from consultation, diversity, and respect for linguistic dignity not unilateral mandates justified by national integration rhetoric.

LangLex. (n.d.). *Maharashtra language profile*. Retrieved September 27, 2025, from https://langlex.com/cens/StateLangProfile.php?statename=MAHARASHTRA

Chapter 8: Linguistic Minority Rights and Educational Access

Linguistic minority rights occupy a central place in the constitutional language order. Article 29(1) guarantees the right of any section of citizens with a distinct language, script, or culture to conserve the same, while Article 30 allows minorities to establish and administer educational institutions of their choice. Articles 350A and 350B, as noted earlier, specifically instruct states to provide facilities for mother-tongue instruction at the primary level for linguistic minority children and create a Special Officer to report on the implementation of these safeguards.

Judicial interpretations have treated these provisions as substantive obligations rather than mere aspirations. The Supreme Court's articulation of "linguistic secularism" emphasizes that the state must accommodate multiple languages and avoid privileging one language in ways that undermine the rights and identities of others. In education cases, the Court has highlighted parental choice, minority management of institutions, and the need to avoid policies that indirectly coerce minorities into linguistic assimilation, such as restrictive medium-of-instruction rules or adverse recognition norms.

Language policy can nonetheless generate indirect burdens on minority groups when official languages are tightly linked to competitive examinations, public employment, or access to social services. For example, children from communities whose home language is neither the dominant state language nor Hindi may face layered disadvantages if primary schooling is not available in their mother tongue and if higher-level examinations privilege Hindi or English without adequate support. This is particularly salient for speakers of smaller tribal and regional languages, many of which appear in the 2011 Census with modest but significant populations and are concentrated in rural or socio-economically marginalized areas.

Chapter 9: Analysis: Constitutional Pluralism versus Political Nationalism

India's constitutional language framework is founded on pluralism and flexibility, not on monolingual nationalism. Part XVII distinguishes between the *official* and *national* language Article 343 designates Hindi in Devanagari as the official language of the Union but does not declare it or any other as India's national language. English continues as an associate official language under the Official Languages Act 1963, maintaining administrative practicality and reflecting the enduring Munshi–Ayyangar compromise. At the state level, Article 345 authorizes legislatures to adopt one or more local languages or Hindi for official use, while

Article 347 allows the President to recognize minority languages where substantial populations demand it. Together, these provisions create an open-ended multilingual framework rather than a rigid hierarchy.

Judicial interpretation reinforces this design. The Supreme Court's doctrine of linguistic secularism requires state neutrality among linguistic identities and insists on accommodation over assimilation. In cases concerning education and admission, the Court emphasizes parental choice and warns against coercive language policies that pressure minorities to abandon their mother tongue. In Varshatai v. State of Maharashtra (2025), the Court further held that Marathi's status as the official language of local bodies does not exclude Urdu or other languages from public signage where communities use them. It decisively rejected exclusivist interpretations, asserting that India's linguistic diversity is a constitutional strength reflected in governance and public life.

In contrast, political language nationalism seeks to recast this plural model into a hierarchy with Hindi as a national symbol. It promotes uniformity through top-down curricular mandates, discourages multilingual signage, and equates Hindi promotion with patriotism, stigmatizing dissent as anti-national. Such practices contradict constitutional provisions Articles 343, 345, 347, and 350A–350B which uphold choice, minority protection, and multilingual coexistence. The tension between constitutional pluralism and political nationalism thus defines India's evolving language politics.

The Maharashtra episode crystallises these tensions. On the one hand, *Varshatai* embodies constitutional pluralism in action: the Court endorsed Urdu alongside Marathi on municipal signboards, making clear that the elevation of Marathi as an official language does not justify excluding other languages used by substantial local populations. On the other hand, the state government's April 2025 GR, making Hindi the default third language in Classes 1 to 5, justified in the name of NEP 2020 and national integration, revealed how administrative decisions can be used to advance a more centralised, Hindi-centric linguistic agenda. For many Maharashtrians, especially those committed to Marathi linguistic pride or belonging to other language communities, this move crossed the line from constitutional promotion to perceived coercion, prompting protests and accusations of Hindi imposition.[21]

[21] India Today Web Desk. (2025, June 18). *Fadnavis defends Maharashtra's third language policy, Raj Thackeray opposes Hindi*. India Today. https://www.indiatoday.in/india/story/fadnavis-defends- maharashtra-third-language-

The subsequent rollback of the GR and the creation of an expert committee indicate that constitutional pluralism still commands substantial social and political allegiance: once citizens mobilised around linguistic dignity and federal autonomy, the government was forced to retreat and restore a measure of choice in the third-language slot. This outcome suggests that while political language nationalism can temporarily push policy toward symbolic hierarchies, the deeper constitutional structure, combined with judicial doctrine and popular attachment to regional languages, continues to pull the system back toward a more plural and accommodative equilibrium.[22]

Chapter 10: Suggestions for Constitutional Language Inclusion

A constitutionalist policy model for language in India must take seriously both the empirical facts of multilingualism and the normative commitments embedded in the Constitution. It starts from the premise that linguistic diversity is not a temporary obstacle to be ironed out but a permanent feature of India's federal democracy, which the framers chose to accommodate through Part XVII, minority rights provisions, and the specific duties created by Articles 350A and 350B. The model, therefore seeks to translate these textual commitments into operational principles and institutional practices that reduce exclusion and prevent language from becoming a source of recurrent political conflict and social hierarchy.

Mother-tongue primary education: Demands rigorous implementation of Article 350A, requiring states to provide facilities for minority children's instruction in their mother tongue at primary level. Though worded as an "endeavour," courts treat this as a binding duty, especially in minority- concentrated areas. This core equality measure improves learning outcomes, preserves cultural continuity, and reduces dropout rates. Implementation requires teacher recruitment, minority- language textbooks, materials, and community-driven curriculum design ensuring education reflects children's linguistic reality rather than forcing premature assimilation.[23]

Flexible three-language formula: reimagines school language policy as a context-sensitive

policy-raj-thackeray-opposes-hindi-2742836-2025-06-19

[22] Nakul, A. (2025, June 28). *Maharashtra withdraws 3-language policy order amid Hindi 'imposition' backlash*. India Today. https://www.indiatoday.in/india/story/maharashtra-puts-three-language-policy- on-hold-amid-backlash-forms-panel-to-decide-implementation-framework-2748032-2025-06-29

[23] Athens Journal of Law article
Alam, M. T. (2022). Language policies and linguistic rights. *Athens Journal of Law*, *8*(4), 505–520. https://www.athensjournals.gr/law/2022-8-4-9-Alam.pdf

template, rejecting rigid, Hindi-centric mandates. States and schools should ensure proficiency in three domains: a regional language (state culture), a link language (Hindi/English for mobility), and a third language chosen per local needs. The Maharashtra controversy proves that compulsory Hindi without consultation breeds backlash and undermines reforms. Instead, flexibility treats communities as partners, enhancing legitimacy and aligning with constitutional pluralism over central imposition.[24]

Multilingual Public Services and Signage: Varshatai v. State of Maharashtra (2025) affirms that official language laws like Maharashtra's 2022 Act mandate Marathi but permit additional languages (Urdu signage) where demographics justify. Linguistic diversity strengthens constitutional inclusion, not threatens official status. States must normalize multilingual administration offering forms, information, and signage in Hindi, Urdu, Bengali, or others in diverse urban areas. This reduces access barriers for minorities and signals their belonging in public spaces, operationalizing Part XVII's pluralism beyond Union-state communication.

Monitoring and remedial mechanisms: Article 350B's Special Officer must investigate minority safeguards and report to Parliament/states, yet reports often lack follow-through. Strengthen this with regular, detailed audits on mother-tongue education, multilingual services, and grievances. Mandate parliamentary/state debates, time-bound action plans, and public accessibility for civil society oversight. This creates accountability loops, ensuring constitutional duties (Articles 350A– B) translate into practice and prevents language policy from becoming exclusionary.

Decoupling language from loyalty tests: Language choice must be separated from patriotism tests. Comparative studies warn that elevating one language (Hindi) as the "true" national tongue stigmatizes others as disloyal, eroding institutional trust. In India, rhetoric linking Hindi to nationalism contradicts constitutional equality for all Scheduled/Non-Scheduled languages. Leaders, educators, and media should affirm that citizenship requires no specific language multilingualism strengthens, rather than undermines, national integration and democratic inclusion.[25]

[24] arshatai case (Supreme Court of India)
Varshatai v. State of Maharashtra, Civil Appeal Nos. 5187–5188 of 2025 (India, Supreme Court, Apr. 15, 2025). https://indiankanoon.org/doc/47212544/
[25] "Inclusive Democracy and Justice" PDF (Odisha S3WAAS document)
Government of Odisha. (2025). *Inclusive democracy and justice* [Conference/issue paper].

Support for endangered and smaller languages. Smaller tribal and region-specific languages need targeted protection to prevent decline and cultural loss. Support should include documentation, community schools, cultural centres, grants for media and digital content, and public recognition of linguistic diversity. These measures must be shaped with active participation from speaker communities so that preservation efforts reflect local needs and respect linguistic rights, cultural autonomy, and equality.[26]

Taken together, these elements describe a policy model that brings everyday language practice closer to constitutional principle. By prioritising mother tongue schooling, permitting flexible language combinations, normalising multilingual administration, activating monitoring mechanisms, rejecting loyalty tests, and supporting smaller languages, the state would both honour the constitutional design and reduce the likelihood that language policy becomes a recurring flashpoint for political conflict.

Chapter 11: Conclusion

India's constitutional language framework prioritizes pluralism, federalism, and minority protection: Part XVII designates Hindi as the Union's official language within a bilingual system retaining English for administration and judiciary, while Article 345 grants states autonomy to adopt one or more local languages; Articles 347, 350–350B, and the Special Officer for Linguistic Minorities ensure recognition, mother-tongue education, and state access, rejecting forced assimilation. Census 2011 confirms this necessity 121+ languages (>10,000 speakers), 22 Scheduled Languages (96–97% population), Hindi at 43.6% with no absolute majority, alongside strong regional tongues like Bengali, Marathi, and Telugu. Political language nationalism polarizes through Hindi-centric mandates and loyalty tests, as seen in the 2025 Maharashtra three-language controversy that imposed then rolled back Hindi amid protests, straining federal relations. Conversely, Varshatai v. State of Maharashtra (2025) upheld Urdu signage alongside Marathi, rejecting exclusivity and affirming diversity as constitutional strength. Stable multilingualism requires consent-based policy flexibility, accommodation, quality teaching for link languages, treating regional/minority languages as assets, not obstacles, to build bridges rather than barriers.

https://cdnbbsr.s3waas.gov.in/s37a68443f5c80d181c42967cd71612af1/uploads/2025/03/2025031917784 33288.pdf

[26] Census C-16 language paper (C-16_25062018.pdf)
Office of the Registrar General & Census Commissioner, India. (2018). *Language (Paper 1 of 2018): Census of India 2011 – India, states and union territories (Table C-16)*. Office of the Registrar General & Census Commissioner, India. https://censusindia.gov.in/nada/index.php/catalog/42458/download/46176/C- 16_25062018.pdf