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## Anti-Hindi Protest

Mayank Raj<sup>a</sup>

<sup>a</sup>Chanakya National Law University, Patna, India

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*An identity is not always limited to the name of a person but a never-ending process it is. One finds its identity in most of the things but what matters most in our country is caste, tribe, religion, region, state, and language. Language is also as sensitive a topic as religion. Secularism teaches us to respect all the religion and is also a basic feature of our constitution but we stuck here at language. It's not the situation in India that we had not paid any heed to the language. This was a hotly debated topic in the constituent assembly and we had come up with some provisions to avoid any further agitation. This article revolves around the language provisions concerning the Anti-Hindi agitation of Tamil Nadu. Language provision is mentioned in the Part XVII of our constitution from Article 343-351. This article explains the language provision and the cases like Madhu Limaye vs. Ved Murthy linking with the language itself. Official language Act, 1963 was introduced for some purpose but it failed initially but the same act declared English as an official language along with Hindi after being amended in 1967. The eighth Schedule of the Constitution is further discussed with the conclusion in the last.*

**Keywords:** *language provision, eighth schedule, anti-hindi agitation.*

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## INTRODUCTION

A country with a rich diversity of people, religions, opinions, festivals, traditions, and customs is in such diversity but the language is the only common element that connects us despite various diversity throughout the country. Language is a structured system of

communication, which is used by humans only, starting from the sign language to such diversity, almost 5000-7000 languages in the world. Language connects people, justifies one's expressions, and makes one capable of delivering what they are struggling to deliver. Language does connect people but divides as well and this is evident from Anti- Hindi Protest in India itself. Hindi is the widely spoken language in India but not in the whole of India and imposing Hindi on the whole of India by declaring it the national language was the issue. A country can't force to opt any group of people the language which they are not well versed of and Tamil Nadu Anti-Hindi protest of 1937 and 1965 is a classic and lively example of it. The first Anti- Hindi protest was launched in the opposition in the Madras Presidency of the British Raj between 1937-40 to the introduction of compulsory teaching of Hindi in the schools of Presidency. The protest lasted for three years involving marches, fast, Dharnas, and ends up killing 2 protestors and 1198 arrests. The second protest was held in 1965 in Tamil Nadu against the use of Hindi as a national language. The government of India acted sensibly and with the fine balance of legislation and judgments by the Indian judiciary, now, we have settled the issue. This article will talk about languages, the 1965 Anti-Hindi Agitation, and the legal aspect related to it by way of judgments, Schedule VIII of the Indian constitution, and language provision defined under different articles under the Indian Constitution.

### **ANTI HINDI AGITATION 1965**

The adoption of an Official language was a hotly debated topic in the constituent assembly post-independence. Hindi was the major language and also some significance with freedom agitations but was not in majority. The constituent assembly took some time and adopted Hindi as the official language along with English as an associate language for the next 15 years, a compromise also called the "Munshi-Iyengar" formula which was incorporated in Part XVII, Chapter I of the Constitution. It stated that after 15 years Hindi would become the sole official language of the Republic of India for all the official purposes. This sparks the agitation again in Tamil Nadu led by The Dravida Munnetra Kazhagam (DMK), a descendant of Dravidar Kazhagam. To allay the fear of the agitation, then PM Jawahar Lal Nehru introduced the Official language Act,1963 to continue the use of English. But protest broke on 25 January

1965 and ended only when the then PM Lal Bahadur Shastri assured that English would be continued till the non-Hindi States wanted. The Official Language Act, 1963 was then amended in 1967 providing indefinite use of Hindi and English as an official language.<sup>1</sup> Some discontentment was also raised after the NEP 2020 regarding Non-Hindi speaking states who are fighting for the use of English as an official language but does every Non-Hindi state follows English as a common language? The answer is NO.

## **1986 DISCONTENT**

The, then, Prime Minister, Rajiv Gandhi introduced Navodaya Vidyalaya under the National Education Policy 1986 where DMK claimed teaching of Hindi would be compulsory. Karunanidhi started an agitation against Navodaya Vidyalaya in Tamil Nadu and on November 13, the Tamil Nadu Assembly unanimously passed a resolution demanding English as the sole official language and repealing of Part XVII of the Constitution.

## **OFFICIAL LANGUAGE ACT 1963**

An Act to provide for the languages which may be used for the official purpose of the Union, for the transaction of business in Parliament, for Central and State Acts, and a certain purpose in High Courts<sup>1</sup>. The said, act, was brought into force in 1963 and was amended in 1967 to provide indefinite use of Hindi and English as an official language. The Official Language Act was opposed by DMK on the fact that "may" should replace with "shall" in Section 3 of the Act doing away with any ambiguity in the Act. This act has a total of 9 sections with Section 1 defining "Short titles and commencement". Section 2 defines the "appoint day" about Section 3, it is 26th January 1995 and for the other provisions, it is the day when the act came into force. This section also highlighted what Hindi is and the Devanagari script Hindi is what it talks about. Section 3 states the continuation of English for the official purpose of the union and the transaction of business in the Parliament along with Hindi. Section 4 states about the committee on official language.

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<sup>1</sup> Chenthil Nathan, 'The History of Anti-Hindi Imposition movement in Tamil Nadu' (*The News Minute*, 4 June 2019) < <https://www.thenewsminute.com/article/history-anti-hindi-imposition-movements-tamil-nadu-102983> > accessed 05 October 2021

Section 5 authorises the Hindi translation of central acts. Section 5(1) states the publication of the official gazette on or after the appointed day under the President of India and this applies to any ordinance or Act passed by the President of India. Any order, rules, regulations either passed as per constitution or under any central act shall be translated into Hindi. (2) As from the appointed day, any authoritative text in English of any bill must be accompanied with a translated copy of it in Hindi as prescribed under the Act before introduction, amendment, or moving to any house of the Parliament. Section 6 talks about the authorised translation of state acts.

Section 7 of the Act goes on by giving some liberty to the Higher courts of our country by stating "As from the appointed day or any day thereafter, the Governor of a State may, with the previous consent of the President, authorized the use of Hindi or the official language of the State, in addition to the English language, for any judgment, decree or order passed or made by the High court for that State and where any judgment, decree or order is passed or made in any such language (other than the English language), it shall be accompanied by a translation of the same in the English language issued under the authority of the High Court."<sup>2</sup> The provisions of Section 6 and Section 7 shall not be applied to Jammu & Kashmir as stated in Section 9 of the Act. This act was introduced to assure the use of English along with Hindi and to avoid any further violence or agitations by Non-Hindi speaking states like what we had experienced in 1937-40.

## CONSTITUTION AND LANGUAGE

Independence from British rule came at a cost for India that is partition into India and Pakistan. The first meeting of the constituent Assembly was held on the 6th of December, 1946 to draft the Constitution of India. Although, a number of the provisions were taken from the Constitution of different Constitutions of the country but majorly from the Government of India Act, 1935. The language provision of our Constitution was a hotly debated topic. The Constitution of India in Part XVII (Article 343-351) specifically discusses the Language provisions titling "Official Language".

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<sup>2</sup> Official Language Act 1963, s 7

Article 343 talks about the Official Language of the Union. Article 343(1) states that Hindi in the Devanagari script shall be the official language and the form of the numerals used by the Union for its official purposes to be used as the International form of the Indian Numeral. Article 343(2) states that English will be continued as an official language for the first 15 years but the president may authorise the use of an International form of Indian numerals and Hindi in Devanagari script for the official purposes. Article 343(3) Parliament by law may provide for use of English language and Devnagri form of numerals for such purposes as may be specified in the law, after an aforesaid period of 15 years. Article 344 deals with the Commission and committee of Parliament on Official Language.

Article 344(1) deals with the commissioning of a commission at the end of 5 and 10 years. Article 344(2) discusses the duty of the commission. Article 344(3) Due to regard to the industrial, cultural, and scientific advancement of India and just claims and interests of persons belonging to the non-Hindi speaking areas regarding the public services. Article 344(4) deals with the constitution of the committee. Article 344(5) deals with the duty of the committee. Article 344(6) deals with the Issuance of direction by the President. Article 345 deals with the official language or languages of the states. Provided, if a state doesn't adopt an official language, then, English as an official language will continue. The official language of UP is Hindi with Urdu. The UP government adopted Hindi as an official language by the Uttar Pradesh Official Language Act, 1951, and Urdu, established by the Amendment to the same in 1989. Hindi was given the status of Official Language in Bihar under Bihar Official Language Act, 1950 but Urdu was also accorded the status of the second official language in 1981.

Article 346 deals with the official language used between two states to communicate. Article 347 deals with Special provisions relating to language spoken by a section of the population of a State. Article 348 deals with the language used by the Supreme Court and High Courts and for Acts, Bills. Even the language to be used in various High courts too have to be English. The compulsory use of English in the Supreme Court can be traced back to the

case of *Madhu Limaye vs Ved Murti*.<sup>3</sup> However, by the provision of Article 348(2) use of Hindi has been allowed till now in Patna High court, Allahabad High court, Jodhpur High court, and Jabalpur High court. Article 349 was barred after 15 years of the commencement of the Constitution of India. Article 350 deals with the language of redressal. Article 351 deals with the duty of the union government to promote the Hindi language.

Article 351 provisions substantiated under the landmark case of *R.R Dalvai v. State of Tamil Nadu* in which it is observed by Justice A.N Ray of the Supreme court. "If any state would be engaged in exciting emotions against Hindi or any other language such provocation had to be nipped in the bud because these are anti-National and anti-democratic tendencies."<sup>4</sup> This case came into being after the Tamil Nadu government has declared pension for the anti-Hindi Protestors which was declared violative of Article 351 in this case. Article 29 of the Indian constitution mandates that there should be no discrimination on the basis of caste, race, religion, language (also mentioned in Article 15) but this article of the constitution provides citizens the right to conserve or protect certain languages, cultures, or script of them.

## SECTION 272 OF CRPC

It deals with the language to be used which may be decided by the concerned state government except the language to be used in the High court.

**Eighth Schedule** - The Constitution of India is the longest written constitution of the world which comprises 448 Articles, 25 parts with 12 schedules, and 105 Amendments now. The eighth Schedule of India comprises a total of 22 languages (initially 14). The Eighth Schedule lists the number of languages that can be used as an official purpose in its reason. The Eighth Schedule brings a sense of recognition for the speaker of that language and members of Parliament can speak any of the 22 languages. The Constitutional provisions related to Eighth Schedule is listed in Article 344(1) and Article 351. The original 14 languages are Hindi, Kannada, Assamese, Sanskrit, Tamil, Telugu, Bengali, Odia, Punjabi, Kashmir, Konkani, Malayalam, Urdu and Marathi.

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<sup>3</sup> *Madhu Limaye v Ved Murti* AIR 1971 SC 2481

<sup>4</sup> *RR Dalvai v The State of Tamil Nadu* AIR 1976 SC 1559

Sindhi languages find their place in the 21st Constitutional Amendment Act, 1967. Konkani, Manipuri, and Nepali got added after the 71st Constitutional Amendment Act, 1992, and Bodo, Dogri, Santhali, and Maithili were added through the 93rd Constitutional Amendment Act of 2003. There is also a demand raised for the inclusion of certain languages in the list that is Angika, Banarasi, Bhojpuri, English, Garhwali, Siraiki, Tulu, and other 31 languages.

### **PROCEDURE FOR INCLUSION OF THE LANGUAGES IN THE 8<sup>TH</sup> SCHEDULE**

The report of a committee set up under the chairmanship Shri Sitakant Mohapatra in 2003 to evolve criteria for inclusion of more languages in the Eighth Schedule submitted its report in 2004. The report is currently under consideration in consultation with the ministry of central government concerned. The attempt was earlier made under the Pahwa committee (1996) as well but both had not borne any fruitful result. With the rising demands and sentiments attached to the language of a particular group, the government should come up with a framework and add more languages to the Eighth Schedule of the Constitution.

### **CONCLUSION**

The anti-Hindi agitation is not a new issue for our country but it has its origin in the Pre-Independence period. Language is a sensitive topic to ad-lib as it is looked upon as one of the sources of identity in our society. Despite, certain provisions, legislation, and judgements, the issue has not been solved till now and we have witnessed an agitation of 1965 and 1986 in Tamil Nadu post-independence. English is a connective language and links both Hindi speaking as well as Non-Hindi Speaking region acting as a common language at both sides. Hindi as a sole official and national language is not a pragmatic solution to this critical situation. Hindi is not spoken in the southern and different parts of our country and it will create a divide between Hindi-speaking regions and Non-Hindi speaking regions. Imposing Hindi on a major chunk of the population will leave them in the backseat. The demand of declaring English as the sole official language of our country mostly by southern states will leave a fraction of our society in limbo. The current provisions of our country seem promising

and continuing Hindi and English both as an official language could be a feasible solution. Regional languages along with Hindi and English should be promoted or leaving it to the states to decide as they deem fit. The government should also not promote Hindi as a national language as it will leave the Non-Hindi speakers of our country in discontent.