

Language in Political Economy and Market Economy: A Case Study of India

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Abstract

The political philosophy underpinning the Indian Constitution is socialist economy in a multilingual political landscape. The Constitution grants some fundamental rights to all citizens regarding language and to linguistic and other minorities regarding education. It also obligates states to use many languages in school education. Restructuring the economy with free market as its pivot and the growing dominance of English in the information driven global economy give rise to policy changes in language use in education, which undermine the Constitutional provisions relating to language, though these changes reflect the manufactured consent of the citizens. This is made possible by the way the Constitution is interpreted by courts with regard to the fundamental rights of equality and non-discrimination when they apply to language. The unique property of language that it can be acquired, unlike other primordial attributes such as ethnicity or caste, comes into play in this interpretation. The result is that the law of the market takes over the law of the land.

1. Language in Nation Building

As with other new countries freed from colonial powers, the independent Indian state took it upon itself the responsibility of developing its native languages for filling in the vacuum perceived to be left by the departure of the colonial language. One task was to build a viable nation out of the geographic regions and cultural traditions amalgamated into a political unit for governing by coercion of, and cooperation from, the people there, who became its subjects. One task of the independent state, therefore, was building a cohesive nation of consenting citizens, who give themselves a Constitution providing a framework to be governed. The other task was to build an economy to increase the wealth of the nation that flows into the hands of its citizens. This task presupposes enhancing the skills and knowledge of the citizens in a way to contribute to the growth of the national economy. This enhancement will be done with the aid of formal education. In such a scheme of nation building, language becomes a tool of paramount importance to ensure a government that is responsive to citizens, who participate in it through their language, a system of education that is inclusive and creative and a network of communication between citizens that provides social cohesion.

Independent India contested the European notion of one nation with one language and one culture. Since no country is monolingual and monocultural, this, in practice, means that a nation is defined by its dominant language and dominant culture. The multilingual and multicultural India resolved this issue by separating the national from the official and selected one language (Hindi) to be the official language of the country and left the de facto multilingualism to symbolize the nation. This separation leads to a legal challenge: to decide when the policy of grooming a language to be official, which gives it unequal access to the resources of the state and endows upon it an advantage in distributing material benefits to its speakers (whether they are first language or second language speakers), comes into conflict with the policy of promotion of multilingualism, which is built on the premise that the speakers of no language will be denied equal opportunity to pursue their life's goals including the economic ones. This conflict could be reframed as one between the language choice of the state and of the individual or community in pursuit of their respective interests. The citizens' consent to the state for governing them could get politically strained when this conflict manifests openly. (Annamalai 2010).

2. Discrimination by Language

Indian Constitution (Awasti 2004) provides some legal principles to find resolution of this and other conflicts arising out of language, which give rights to the citizens and place some obligations on the state. The binding principles are established in the Constitution as Fundamental Rights of citizens that guarantee non-discrimination and equal opportunity to all citizens.

Article 15.

The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

Article 16.

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

It must be noted that the specified grounds counted to constitute discrimination are religion, race (i.e. ethnicity, which includes, in the Indian context, caste), sex (i.e. gender) and place of birth (i.e. homestead), but do not include language. Language in this conceptualization of discrimination is an acquired attribute, not an ascribed one like others in the list. This would argue that the principle of equality of opportunity for employment would be satisfied if knowledge of a particular language is a requirement for employment provided it is not a pre-condition for hiring, but a post-condition that the knowledge and skills must be acquired within a stipulated time after hiring.

There are, however, jobs that do not consider language skills essential, which could be employment of manual labor. This could be the case with some kinds of sub-contract and

self-employment. When language skills are not essential, there could be no discrimination by language. It is nevertheless possible for an employer to make a case that the job requires skills in the local language, pointing to the minimal need for communication with supervisors, co-workers and contractors of the manual job. Sub-contractors and self-employed people will have customers to deal with. In theory, then, every economic opportunity requires skills of a particular level in a language.

3. Unique Property of Language

It would be discrimination by language, if the candidate for a job is rejected on the ground that he or she speaks a language different from the one of the state where the job is, though skills in this language are not required for the job. This would be discrimination like denial of job by using the fact that one is born or does not reside in the state where he or she seeks employment. This may arise with migrant workers from one linguistic region to another as well as to the settled people in a linguistic region, who are a minority and have no or only the survival level skills in the language of their state, which are only spoken.

Unlike the other grounds used to define discrimination, language, being a set of skills, comes in different degrees of ability. Prospective candidates for employment are differently rewarded depending on the level of skills and knowledge they bring to the job including language skills. Language is not a binary attribute amenable to be characterized in terms of yes and no. The notion of discrimination by language is fundamentally different in this respect from discrimination by ethnicity or religion. (Gender as a criterion is complex, as some argue that it is a matter of orientation, not of category and some others argue that differentiation in work may be necessitated by the biological differences between genders. The latter argument takes the position that differentiation is not necessarily discrimination, which is difficult to demonstrate purely legally).

The unique nature of language brings in education squarely in the discussion of discrimination by language. It also brings in the role of the state in providing opportunities, by far the common means of which is the school system, for learning the language(s) required for employment by others. This means schools, whether they are public or private, cannot discriminate any from admission on the basis of language.

4. Linguistic Minorities

The Constitution includes language as a ground for discrimination with regard to the education of minorities, which include linguistic minorities.

Article 29

(2) 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.

A student may not have any skill in the language required by the educational curriculum when he or she comes to school for admission. He or she should not be denied

admission on this fact. As per the national policy of education of India, a student, in ten years of schooling, must learn three languages to different levels of competency. By and large, in practice, they are the official language of the state and the two official languages of the Union (i.e. Hindi and English). (This would be two languages for students who leave school after the mandatory eight years of education, which would be the state official language and English). The state official language is generally the first language in public schools that are run by government bodies or by private people or foundations who receive funds from the government to augment their funds. The first language has heavier curricular content and more instruction time in terms of number of weekly hours and the number of years taught, which generally begins from Grade one. The focus is on teaching literacy in the first language.

A linguistic minority student cannot be denied admission on the ground that he or she does not speak the first language taught in the school. The legal distinction between equal treatment irrespective of debilitating differences and equal outcome which is differential correlating with the original differences becomes relevant here. The argument that linguistic minorities get the same education in the majority language like the majority ignores the fact that the minorities bring a different linguistic resource to school, which turns out to be to their disadvantage, and the fact that this needs to be overcome. If the problem of equal outcome is not addressed to, it is possible that non-discriminating education comes to reproduce inequality, as it often does in practice. This distinction has not come up in Indian courts in regard to the rights of linguistic minorities to get their legal opinion based on the Constitution.

5. Rights of Minorities in Education

There is another kind of discrimination, which is discrimination of a language, which is different from the discrimination of a person speaking a language. Exclusion of a language from the educational curriculum, in which it is not a taught language (which helps the speaker understand and perpetuates the culture it represents) and is not used as medium of instruction (which will facilitate learning to become critical and creative). This issue has been deliberated by Indian courts more for literate Indian languages against the choice of English or the state official language in education (Annamalai 1999) and less for pre-literate languages against the choice of the state official language.

The Constitutional provisions to mitigate this discrimination of language itself by its non-recognition in education are the following. The first of these provisions (Article 29) gives the fundamental right to any linguistic community to conserve their language. Part of this conservation or preservation right is continuation of the script the language uses, if the community does not want to change it for whatever reason [1]; it is also adherence to the cultural practices and beliefs of the community aided by its language and their transmission to the next generation. Though this right could be exercised by a community outside of education, it is the education that provides the enabling context and intellectual resources to do this exercise.

Article 29

Any section of the citizens 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 may be noted that this right is not to minorities alone, but to every section of the citizens. The wording of this Article was changed from ‘minorities’ in the draft to ‘any section of the citizens’ when reading the draft formulation for the final approval of the Constituent Assembly. This was for the specific reason that this language right is given to people by the fact that they are citizens of India, not by the fact that some belong to groups that are in minority numerically. The right of language preservation, in other words, is a universal right, not a group right.

Discrimination in educational opportunities (which will impact on employment opportunities ultimately) by discrimination of language in its use in education is mitigated by two provisions in the Constitution. These apply specifically to minorities. The minorities in India may be divided into two categories based on their position, historically, in the political and economic map of the state in which they live. One category is minorities who live in the midst of a majority language community and both participate in the same market economy. Tulu and Urdu, whose speakers live in the midst of Kannada speakers, are illustrative examples of this. Tulu is the language of a culturally distinct linguistic group in the state of Karnataka in southern India, whose majority language and official language is Kannada. Its speakers and the hilly region they live in play a prominent role in the cash crop economy of the state. Urdu is the language of a culturally and religiously distinct linguistic group, who are converts to Islam and who live in geographically dispersed areas within the state. Their participation in the market economy is largely in small business and in the low level service sector (as craftsmen). They have linguistic affiliation with Urdu speakers in other parts of India. Whereas the Urdu linguistic community has a link outside the state, the Tulu linguistic community does not. The Constitutional provision for this category of linguistic minorities to have additional access to education is the following one.

Article 30

1. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

2. The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

When read in conjunction with Article 29, this right is intended for the minorities to establish and administer their own educational institutions to conserve their language, script and culture. But court cases relating to this Article, filed by minorities or the state, do not argue if this purpose is served, but argue for minority status for an educational institution or challenge the limits of institutional autonomy. National Commission for Minority Educational Institutions, a quasi judicial body established in 2004, decides on petitions claiming eligibility following the guidelines given by courts (NCMEI n.d., Swamy 2003). The cases claiming autonomy are commonly about departing from the educational policy of the state relating to curriculum, with particular reference to the place of language(s) in it, and departing from the state’s norms about teacher recruitment and fee

collection. The other issue before the courts is whether the minority educational institutions can admit majority students.

The Constitution is not helpful with a definition of the minority; the Supreme Court decided that the state (not the country or the district) is the unit to decide the minority status of a community. It also decided that the minority status will remain when less than fifty per cent of students from majority communities are admitted (Molishree 2006). Neither the minority communities made use of Article 30(1) to their educational institutions for preserving and promoting the minority language and culture, nor the courts interpreted it to serve this purpose. This Constitutional provision is taken to mean increasing educational opportunities for minorities, without necessarily using their language in education. The minorities may instead go for English for that matter.

6. Marginal Minorities

The second category of minorities is the communities who are peripheral to the majority communities, geographically and economically. Their participation in the market economy is marginal. They are the tribal or indigenous communities who live in a non-tribal state as well as minor non-tribal minority communities, who share with the tribes their marginal place in the larger society and in the common market. The Constitutional provision with regard to their language in education is the one below. Though this Article encompasses all minorities in principle, it is more relevant for minorities without political or economic clout.

Article 350A

It shall be the endeavour of every state and of every local authority within the state to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any state as he considers necessary or proper for securing the provision of such facilities.

This Article, which found its place in the Constitution through an Amendment, is different from the point of view of law from the earlier Articles discussed. It is not a fundamental right granted to minorities, but it places an obligation on the state. It is not justiciable when the state has practical reasons not to implement the provision, such as lack funds, lack of teachers etc. Its implementation is also subject to state's administrative regulations about the number of minority students enrolled in a class or school.

The superintendence of implementation of this Article is left to a federal officer, who reports to the President of India. The government of India has constituted a Linguistic Minorities Commission, which this officer presides over. This officer or the Commission has no legal power to seek the intervention of courts when there is violation of this Article. This makes the implementation of this provision a bureaucratic issue, not a legal one.

Article 350B

1. There shall be a special officer for linguistic minorities to be appointed by the President.

2. It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the governments of the states concerned.

This Article aims at ensuring equality of outcome in education by providing initial education in the mother tongue of linguistic minorities to bring them on par with the majority language students. It will also help maintenance of the minority mother tongues by making them written languages, which adds prestige to them and infuses linguistic pride in their communities. But the states often do not meet their obligation for political, bureaucratic or fiscal reasons. And this does not come to the court for deliberation. With its failure on the ground, the main Article 350, to which the above two are amendments, becomes infructuous for these minorities. They will not have acquired the skill to write in their language to their government. This would rob one foundational element of language policy, which is to assist every citizen to communicate with the government in the language they know and make democracy participatory, as mentioned in the beginning.

Article 350

Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case may be.

7. New Economic System

After half a century of Independence, the political economy of language in the country changed. The political fights on language between Indian language speakers in order to protect or promote their economic interests became less significant. The fights shifted to contesting social inequality through inclusion of backward communities in the scheme of affirmative action, called reservation in India, which is sanctioned by the Constitution. This scheme earmarks a percentage of seats in employment and educational institutions for social groups defined by social backwardness of their castes (not marginality of their language). The contestation is for an increase in the earmarked percentage, called quota, and inclusion of new groups in the list of eligible communities for affirmative action.

This is probably related to the shift in its economic policy by embracing market economy. The state conceded its commanding role in the economy to the market. The market forces came to be global due to developments in information technology and, consequently, in global trade. The new technology and economy determined the language skills needed for employment. This impacted education as the state conceded its commanding role in it to private enterprises driven by the urge to make money by supplying work force to the new market. This tied with the state's goal of generating national wealth mentioned in the beginning. This nation building by the market forces was indifferent to equal treatment of speakers of all languages and consequently to opportunities for using many languages in education and in employment. In the perspective of market economy,

doing things in one language is more efficient than doing in many languages, as making one standard product is more efficient for the market than having many variants.

8. Resurgence of English

These developments outside and within India set the ground for the resurgence of English in India. Its second rise consolidates the benefits of the elite who have been advantaged by it from the colonial times. Other citizens have lost the political incentive to invest in their languages; the state limits its role in promoting the use of Indian languages in public domains to acts of political symbolism rather than of substance.

English has been perceived to be the language of power and progress right from the time in 1835 when the colonial government accepted English to be the language of education in order to inculcate the European ideas and values in the minds of its subjects and to train them to acquire skills in English for assisting them in administering its subjects and to aid its project of civilizing the subjects. The same linguistic ideology about English and the political idea of its purpose in India continues after Independence. The only difference lies in encouraging the Indian languages to be in a perpetual catching up game with English (Annamalai 2003a). In the new market economy, the dice are loaded in favor of English more than before and the political cost of resistance to the cosmopolitan elite of the state from the traditional elite who suffer loss of status to their languages in the game is minimized. The little cost there is, it is believed, could be offset by bestowing *de jure* status to Indian languages in the political realm without any *de facto* power to them in the economic realm.

The crucial aspect of the resurgence of English is the creation of the image that it is not by any elitist imposition but by popular demand. Evidence can be found anywhere you look for the popular demand of English (Graddol 2010). The response of the state to this demand is by teaching English from earlier Grades and for longer time and accepting English as medium of instruction, against the earlier language policy in education, while ignoring the disability these endow on the first generation learners and entrants to the non-local job market. These students coming from disadvantaged social (caste and class) and geographic (non-urban and non-coastal) backgrounds lose out in schools and in the job market because of the skills in English they poorly acquire in spite of longer period spent on learning it at great monetary cost to their parents and at the cost of learning their (and other) languages and subjects (Graddol 2010).

9. Discrimination by English

There are many reasons for the poor performance of such students in communicating in English, the most important of which is the erroneous policy assumption that immersion in English through its use as the medium to teach all subjects is conducive to learning English irrespective of other factors such as poor English language teaching methods, poor teacher competence in English in primary schools, absence of reinforcement of English

learning outside the school, especially at home and negligible attention given to communication skills in the first language of the students (of which the non-grammatical ones can be transferred to English) (Annamalai 2004). The idea of immersion in English at any cost and in all circumstances is attributable to the misguided popular perception that good education equals learning English – a colonial hang over.

The national shift in predicating the national and individual progress on competence in English for everyone is reflected in national policy documents, though couched in words of being successful in the economy driven by information technology delivered through English and of acquiring competitive edge in the global market place by augmenting the social capital of English inherited from the colonizers. British Council (Graddol 2010), in its commissioned report of the study of English, makes almost a slogan out of it: Lose English, lose India's future.

10. Policy Shift

The Knowledge Commission, an expert body to advise the national government on policy for transforming the Indian society into a knowledge society, mentions the desirability of maintaining 'multilinguality' without giving any direction for achieving it, while making recommendations to strengthen teaching of English in the country (Pitroda 2008). To quote the Commission's recommendation (3.4 of 2.2(A)),

Proficiency in English is widely perceived as an important avenue for employment and upward

mobility, which also greatly facilitates the pursuit of higher education. The incorporation of English into the curriculum, through the introduction of English as a language in Class I and the teaching of one other subject in English medium in later classes, requires pedagogical changes to contextualize language learning, increasing the availability of English language teachers and those who can teach at least one subject in English, as well as bilingual and supplementary teaching materials. At the same time, school education must commit to promoting multilinguality, given the multilingual nature of our country.

That task of making a blueprint for students to acquire multilingual competence is left to the Framework for a National Curriculum. This policy document recommends (Yash Pal 2005: Executive Summary):

“...recognition of children's mother tongues, including tribal languages, as the best medium of education. The multilingual character of Indian society should be seen as a resource to promote multilingual proficiency in every child, which includes proficiency in English. This is possible only if learning builds on a sound language pedagogy in the mother tongue”.

This recommended curricular framework for the states to adapt is for school education, not for higher education. One cannot fail to notice the difference in the role of English vis a vis mother tongues in education recommended in the National Curriculum and by the National Knowledge Commission. The former projects proficiency in English as an equal part of multilingual proficiency while the latter projects its primacy or dominance

in multilingualism, which somehow needs to be accommodated in the goals of education. This difference entails the difference in the recommendations on the medium of instruction.

11. Primacy of English

The reform of higher education, supported by the Knowledge Commission and others, emphasizes the primacy of English at this tertiary level of education. This has a downward spiraling effect in giving primacy to English in school education by the necessity to master English to enhance the chances of access to higher education. The Knowledge Commission's policy recommendation for English in school education rationalizes it saying that English 'greatly facilitates the pursuit of higher education' (see the quote above). This is reinforced by the Commission in its recommendation on language (2.3) thus: "An understanding and command over the English language is a most important determinant of access to higher education...". This is the same structural situation in favor of English created by the colonial government (Annamalai 2003).

An important development that has an impact on education policy is the passage of a new act in 2009, Right of Children to Free and Compulsory Education Act, which makes access to education a fundamental right. (Govt. of India 2009). This Act, however, does not extend this right to the content of education, particularly to the languages that are offered in schools and options of medium of instruction that students can choose. Access to language education and to the medium of instruction is left to the determination of the state. The forces that shape the state's decision are elite's interests and popular demand, which coincide being shaped by the forces of the market economy, which includes specific marketing of English.

12. Judicial Interpretations

Promotion of English in education in policies and Acts enacted after the Indian state embraced free market economy has implications to the language rights of willing citizens and promotion of multilingualism guaranteed in the Constitution. An implication is that the state does not play a pro-active role with regard to language rights and its arbiter role, through its courts, that adjudicates language claims jeopardizing the future of minority languages, is abridged. This does not contribute to promoting multilingualism.

Divorcing education from promoting multilingualism by not viewing education as an important site for such promotion is a serious implication. Encouragement given to private initiatives in education in the new education policy takes the privately funded schools away from language obligations that are still in the books that codify state's policies in education. Managements of private educational institutions go to courts seeking exemption from state's mandates for curricular space for the official language of the state, which is not English, for the medium of instruction in the state official language to continue, as a parallel medium to English, for not using English medium in nursery schools, which foster

toddling pre-school children and such. Courts have given, under the autonomy of management, leeway to privately funded schools in charting their own language policy in education to follow in these schools.

In employment, where the state's role as provider of jobs is greatly reduced after the shift in the economic model, requirement of communicative competence in English as a pre-condition has become the norm. Employers do provide training in English skills after employment, but only for those who have acquired reasonable English skills in school. The post-employment training is generally in learning the mode of delivery of English, including its accent, intelligible to the clients of the companies, who are in English speaking countries abroad. It means that access to employment depends on reasonably good English skills learned in school. As discussed above, this is not discrimination by language in a legal sense, as Article 15(1) is framed. But elite private schools deny admission to students who do not have any exposure to English (these schools often expect the mother of the students to know some English to give a helping hand in homework!). This is violation of Article 29 that gets by in the name of admission by merit. English is not just a language; it is a sign of intelligence and resourcefulness.

Some states, such as Tamil Nadu, issue ordinances and even pass Acts in their legislature to give special weight to students who study in the medium of the state official language, such as Tamil, in admission to professional colleges and in public employment. They try to give incentive to such students to choose the medium of state official language over English as the medium of education. These ordinances and Acts are struck down by courts as discriminatory and so unconstitutional citing Articles 15(1) and 16(2), though they do not mention language as a criterion for discrimination. There are thus contradicting interpretations of these Articles by courts with regards to management of private schools and preferential treatment of students by the state relating to language in education. Denial of the option to study in private schools through a language in which one has competence, which is the home language, is not discriminatory, but rewarding after schooling students who made that option in public schools is discriminatory. The court's view seems to be that language and medium of instruction in schools is a matter of choice on the part of students and it is not discriminatory when they suffer from the denial of opportunities in education and employment by the choice they made. Any preferential treatment of such students by the state in education and employment after school to mitigate the ill effects of their choice is discriminatory.

13. Constitution and the Free Market

Such denial of opportunities in school and out of school push students from disadvantaged backgrounds to English medium and English learning from Grade one. They fail to acquire the prescribed competence in English at the end of school or when they drop out of school, which again denies them opportunities in violation of the spirit of Article 16(1). This violation is aggravated by the emergence of the free market as the engine of economic development and opportunities. The role of the state in the economy has changed

to be a facilitator of the expansion of the market and of the resources of the market players, and to be a regulator of the market from malignant behavior. The Constitutional provisions relating to ensuring non-discriminatory and equitable access to education and employment are based on the assumed educational and economic system where the state has a commanding role. When the role of the state is changed and compacted in education and employment and these two areas, which need most the fair play for all citizens, have moved from the public to the private domain, the Constitution gets paled. The political economy of language as the means of improving one's economic fortunes with political strategies predicated on one's language yields to the market economy in which one's economic improvement dictates the strategy of adopting the winning language. The law of the market takes over the law of the land.

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[1] There are instances of communities changing the script of their language for cultural and political reasons. One example is the change of script of Sindhi from Perso-Arabic to Devanagari after India's independence.

Instance is of Sindhi community in India changing the script of their language from Perso-Arabic to Devanagari after the partition of India. The Manipuri speakers in the north eastern part of India agitate to go back to their traditional script, which was replaced by the Bengali script in the seventeenth century.