CHAPTER VII

LINGUISTIC MINORITIES

Introduction

The States' Reorganisation Commission while carving out the various linguistic provinces had realised the fact that the formation of linguistic provinces could only result in bringing together in one State, members speaking one language. In a multilingual country like India, there will always be Linguistic Minorities in every State, though the linguistic States, with majority of people speaking one language, were formed for the main reason that such grouping would tend to administrative convenience. The Linguistic Minorities are bound to remain in every State. Therefore, it follows that such States are bound to contain one or more groups of people speaking other languages and they would be in a minority in that State. The States' Reorganisation Commission deeply considered the question of linguistic Minorities and made certain observations and recommendations. Hence it would be pertinent to set forth the views of the Commission in this connection, in their own words.
Para 757: "An important question connected with the Reorganisation of States is that of providing safeguards for linguistic groups which are in a minority in different States. The problem of such groups exists in Unilingual States and not merely in composite States. In a way, the problem is a cause as well as an effect of the movement for linguistic units. On the one hand, it is argued that multilingual States arrest the cultural growth of Linguistic Minorities and retard their political and economic advancement, and, on the other hand, it is contended that it is implicit in the very formation principle of a linguistic State that in such a State Linguistic Minorities must be reduced to the status of inferior citizens."(1)

Para 758: "The scheme of redistribution of State territories which we have recommended will result in many cases in bringing together people speaking a common language. To that extent, it will reduce the number of Linguistic Minorities. It is, however, quite evident that even if the linguistic principle were applied very rigidly, the problem of Linguistic Minorities will, by no means, be solved. This is because there are obvious limitations to the realisation of unilingualism at the State level, the limiting factors being the following:
1) Not all the language groups are so placed that they can be grouped into separate States;

ii) There are a large number of bilingual bolts between different linguistic zones; and

iii) There exist areas with a mixed population even within unilingual areas.

Besides, the Constitution guarantees freedom of movement to all citizens of India. The present picture of the linguistic composition of various administrative units of India, therefore, can, by no means, be regarded as static."(2)

Para 759: "It is true that often the complaints about the plight of minorities in composite States or bilingual area are greatly exaggerated. In fact, we have noticed a tendency to whip up a kind of persecution complex amongst minority language groups to secure their support for certain demands. This, however, does not mean that such groups have nowhere been discriminated against. By way of illustration we may refer to the enforcement, in a number of States, of domiciliary qualifications and"
language tests for recruitment to services, which undoubtedly cause hardship to minorities. The problem of Linguistic Minorities, therefore, is not unreal.\(^{(3)}\)

Para 760: "The problem of Linguistic Minorities in the States of the Indian Union as compared to the problem of minorities in other countries, is, we must recognize, a limited one. The arrangements for safeguarding the interest of Linguistic Minorities in other countries were adopted against their own particular backgrounds. We must be careful, therefore, in applying such precedents to our own problems."\(^{(4)}\)

Provisions of the Constitution Regarding Linguistic Minorities

The Constitution of India embodies the rights which are generally guaranteed to Linguistic Minorities, within the framework of the fundamental rights of Indian citizen in general. The provisions which are devised to safeguard the interest of minorities are contained in Articles, 29, 30 and 347. The text of the Articles is reproduced below:

Article 29: "Protection of interests of minorities:

1) Any section of the citizens residing in the
territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

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.*\(^{(5)}\)

Article 30: "Right of minorities to establish and administer educational institutions:

1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institution 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.*\(^{(6)}\)

Article 347: "Special provision relating to language spoken by a section of the population of a State:

On a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of
the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify."(7)

Proposals of States' Reorganisation Commission Regarding Linguistic Minorities

The States' Reorganisation Commission laid down certain principles which should govern safeguards for Linguistic Minorities. In paragraph 769, the Commission expressed: "Before we make our recommendations on the subject, we wish to indicate the broad principles and objectives which have governed our approach to the problem. These are:

1) As the problem of Linguistic Minorities is common to unilingual as well as polyglot areas, the measures to be adopted should be such as can be applied to linguistic as well as composite States;

2) While minorities are entitled to reasonable safeguards to protect their educational, cultural and other interests, it has to be borne in mind that such safeguards
should not operate as to perpetuate separatism or to impede the process of natural assimilation;

iii) The system of guarantees to minorities should not be such as to lend itself to misuse by parties interested in promoting a sense of disloyalty to the State; and

iv) It should be clearly understood that a State in which a particular language group constitutes the majority cannot be considered to be the constodian of the interests of all people speaking that language, even when they are residents of other States.\(^{(8)}\)

The States' Reorganisation Commission proposed certain safeguards for the Linguistic Minorities with a view to reducing the hardships that they may have to face. The following is the text of the views of the Commission in respect of their proposals as incorporated in their report.

Para 773: "The more important aspect of the problem, however, is the right of Linguistic Minorities to instruction in their mother-tongues, the use of minority languages in the administration and the representation of the minorities in the State services. The language of
instruction in educational institutions and the language of the administration are matters that touch, in practice, many vital aspects of the life of every individual. They, therefore, constitute what we regard as the core of the problem of Linguistic Minorities."(9)

Para 774: "We first deal with the question of right of minorities to instruction in the mother-tongue. The Indian Constitution guarantees to the minorities the right to private schools but does not specifically recognise the right to instruction in the mother-tongues, in public schools. It seems to us that Linguistic Minorities do not have the resources required to establish and maintain their own educational institution particularly in rural areas. In such cases, therefore, a positive duty should be cast on the State to provide for facilities to the minorities for education in the mother-tongue at the primary school stage."(10)

Para 755: "It may be recalled that the right of each language group to have education in the mother-tongue in public schools at the primary school stage has been recognised by the Congress Working Committee in its resolution adopted in August 1949 and May 1953. The right has
also been recognised in principle by the State Governments as well as the Government of India. This is clear from the resolution adopted at the Provincial Education Ministers' Conference held in August 1949, which has been approved by the Government of India and now serves as a guide to the State Governments in making arrangements for the education of their school going children whose mother-tongue is different from the regional language. This resolution states: "The medium of instruction and examination in the junior basic stage must be the mother-tongue of the child and where the mother-tongue is different from the regional or State language, arrangements must be made for instruction in the mother-tongue by appointing at least one teacher, provided there are not less than 40 pupils speaking the language in the whole school or 10 such pupils in a class. The mother-tongue will be the language declared by the parent or guardian to be the mother-tongue. The regional or State language, where it is different from the mother-tongue, should be introduced not earlier than Class III and not later than the end of junior basic stage in order to facilitate the switching over the regional stage language as medium in the secondary shall be given the option of answering questions in their mother-tongue, for the first two years after the junior basic stage."

(11)
Para 777: "So far as secondary education is concerned, the policy of the Government of India, as embodied in the resolution of the Central Board of Education adopted in 1949, has been that the regional languages should be introduced at the secondary stage, with provision for instruction in the mother-tongue even at this stage if the number of pupils in the area is sufficient to justify establishment of separate schools or for instruction in the same school if one-third of the pupils in the school ask for it. We are doubtful if this deals with the problem adequately. It is, of course, clear that, so far as secondary education is concerned, it will have to be treated differently from the education at the primary stage. We, therefore, do not recommend the extension of the principle of the constitutional recognition of the right to have instruction in mother-tongue to secondary education. At the same time, we feel that the Government of India should, in consultation with State Governments, lay down a clear policy and also take more effective steps to implement it."

Para 778: "The next question to be considered is the use of the minority languages for official purposes. Article 347 of the Constitution, as we have already stated, empowers
the President to provide for the use of a minority language also in the administration of a State. We understand that so far no order has been issued under this Article and it has been left more or less to the States concerned to regulate the use of the minorities languages for administrative purposes."(13)

Para 782: "The present position, therefore, is that, while it is generally agreed that minority languages should receive due recognition in bilingual areas, a clear policy has not so far been laid down for regulating the use of the minority languages in the administration."(14)

Para 786: "Recruitment to the services is a prolific source of discontent amongst Linguistic Minorities. The main complaint is that a number of States confine entry to their services to permanent residents of the State, permanent residents being defined in varying ways. These domicile tests, it is contended, have been so devised as to exclude the minority groups from the services."(15)

Para 789: "One from which discrimination against language group takes, it has been stated, is the tendency in certain States to make their services a preserve for
the predominant language group by prescribing a high test of proficiency in the regional language or by making this language the medium in the various competitive tests. At present, higher competitive examinations are conducted in most States in English."(16)

Para 790: "That all public servants should be conversant with the official language or languages of the State admits of no dispute. The point for consideration, however, is whether candidates belonging to one language group should have an initial advantage over those belonging to the other language groups. We feel the present practice in certain States tilts the scales in favour of the dominant language group, and consider it both practicable and desirable that, for services known as the 'State services', apart from the main language of the State, the candidates should have the option to elect, as the medium of examination, the Union language—English or Hindi or the language of a minority constituting about fifteen to twenty per cent or more of the population of the State. A test of proficiency in the State language should be held, in that event, after selection and before the end of the period of probation. In the case of subordinate services, however, the State language could continue to be the medium of examination."(17)
Para 792: "We now come to the question of devising a suitable agency to enforce the right of the Linguistic Minorities. It follows from what we have stated earlier that the Centre should only be responsible for prescribing policies governing certain important matters, such as the education of minority groups and the use of minority languages for official purposes, but also for due observance of such policies."(18)

Para 795: "Under the Government of India Act of 1935, the responsibility for protecting the interests of minorities was cast on the provincial Governors. Public opinion in India, however, viewed the special powers of Governors and the provisions for the protection of minority interests as convenient instrument of the policy of "balance and counter poise" by which the then rulers of India sought to perpetuate their power. When the Constitution was framed, the position of the Governor was examined against this background and there was a considerable body of opinion against the grant of special powers to a nominated Governor. The Constitution has, therefore, recognised the Governor as a purely constitutional head, without any discretionary functions."(19)
Para 797: "Against this background, we hesitate to revive the suggestion for vesting special powers in the Governors to ensure that the minorities are not discriminated against. There are, however, clear advantages in utilising the services of the Governor for supervising the implementation of the policies of the Central Government in regard to Linguistic Minorities. With his detached outlook and knowledge of the requirements of administration, the Governor would be better suited for this task than a judicial or quasi-judicial commission. The arrangement would also not involve extra expenditure."(20)

Para 800: "The arrangement which we have suggested will involve no constitutional amendment. It will have the clear advantage of entrusting the task of advising the Central as well as the State Governments to a person who is on the spot and is in a position to weigh the relative needs and interests of the Linguistic Minorities as well as of the administration."(21)

Para 801: "Before we conclude, we wish to emphasise that no guarantees can secure a minority against every kind of discriminatory policy of a State Government. Government activity at State level affects virtually
every sphere of a person's life and a democratic government must reflect the moral and political standards of the people. Therefore, if dominant group is hostile to the minorities, the lot of minorities is bound to become unenviable. There can be no substitute for a sense of fair play on the part of the majority and a corresponding obligation on the part of the minorities to fit themselves in as elements vital to the integrated and ordered progress of the State.\(^{(22)}\)

Thus the States' Reorganisation Commission proposed certain safeguards for the Linguistic Minorities in the matter of (1) the right to instruction in the mother-tongue; (2) the use of minority languages for official purposes; and (3) prevention of discriminatory treatment in the matter of recruitment to services. The Commission has proposed a special agency for the purpose of enforcing safeguards of the Linguistic Minorities. The Commission has recommended that the services of the Governors should be utilised for enforcing the safeguards for Linguistic Minorities. But the Government of India departed from the above recommendation and decided to appoint a Special Officer for the purpose. As a result of its decision, the Constitution of
India was amended by introducing Article 350-A and 350-B providing for the appointment of a Special Officer for Linguistic Minorities. He is called as the Commissioner for Linguistic Minorities, appointed by the President of India. The following is the text of the Articles.

Article 350: "Language to be used in representations for redress of grievances:—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." (23)

350-A: "Facilities for instruction in mother-tongue at primary stage—It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in mother-tongue at the primary stage of education to children belonging to Linguistic Minority groups; and the President may issue such directions to any States as he considers necessary or proper for securing the provision of such facilities."

350-B: "Special Officer for Linguistic Minorities: (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 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 of Parliament and sent to the Government of the States concerned." (24)

Decisions of Provincial Educational Ministers

The Special Officer is expected to visit each State and to hear complaints, if any, of the Linguistic Minorities, to investigate into the grievances of the Linguistic Minorities in that State, try to redress them and ultimately to make a report to the President of India once every year. The question of safeguards for Linguistic Minorities and the extent to which they should be afforded to them by every State was discussed for the first time at a Conference of the Provincial Educational Ministers held at New Delhi in 1949 and certain decisions were taken. The following is the text of the resolution adopted at the Conference in August 1949 and approved by the Central Advisory Board of Education and the Government of India."
The medium of instruction and examination in the Junior Basic Stage must be the mother-tongue of the child and where the mother-tongue is different from the Regional or State Language, arrangements must be made for instruction in the mother-tongue by appointing at least one teacher, provided there are not less than 40 pupils speaking the language in the whole school or ten such pupils in a class. The mother-tongue will be the language declared by the parent or guardian to be the mother-tongue. The Regional or State Language, where it is different from the mother-tongue, should be introduced not earlier than Class III and not later than the end of Junior Basic Stage. In order to facilitate the switch over to the Regional Language as medium in the secondary stage, children should be given the option of answering questions in their mother-tongue, for the first two years after the Junior Basic Stage.

In the Secondary Stage, if the number of pupils, whose mother-tongue is a language other than the Regional or State Language, is sufficient to justify a separate school in an area, the medium of instruction in such a school may be the mother-tongue of the pupils. Such schools, if organised and established by private societies
or agencies, will be entitled to recognition and grant-in-aid from Government according to the prescribed rules. The Government will also provide similar facilities in all Government, Municipal and District Board Schools where one-third of the pupils provided that there are no adequate facilities for instruction in that particular language in the area. The Regional Language will, however, be a compulsory subject throughout the secondary stage. The arrangements prescribed above, will, in particular, be necessary in metropolitan cities or places where a large number of people speaking different languages live or areas with a floating population speaking different languages.\(^{(25)}\)

**Memorandum on the Safeguards for Linguistic Minorities**

The safeguards suggested for the Linguistic Minorities in the Report of the States' Reorganisation Commission were examined by the Government of India in consultation with the Chief Ministers of the States. The Government of India forwarded a copy of the Memorandum on the safeguards for Linguistic Minorities to all the State Governments and communicated its decision on the lines of action in the Ministry of Home Affairs Letter No. 20/5/56-SH-I
dated 19th September 1956. The following is the text of the Memorandum on the safeguards for Linguistic Minorities by the Government of India in 1956:

1) "The safeguards proposed for the linguistic minorities vide Part IV of the States' Reorganisation Commission report, have been examined carefully in consultation with the Chief Ministers of the States and it is the Government of India's intention to accept most of the Commission's recommendations. The action which has been or is proposed to be taken is indicated in the paragraphs which follow:

2) Primary Education: Attention is invited to Clause 21 of the Constitution (Ninth Amendment) Bill, providing for the addition of a new Article namely 350-A to the Constitution regarding facilities for instruction in the mother-tongue at the primary stage of education. The directions which may be issued by the President under Article 350-A of the Constitution, as it is proposed to be enacted into law, are likely to be based on the resolution accepted by the Provincial Education Ministers' Conference in August 1949. The intention is that the arrangements which were generally accepted at this Conference should be brought into force in States and
areas where they have not been adopted so far.

3) Secondary Education: The Commission has recommended that the Government of India, should in consultation with the State Governments, lay down a clear policy in regard to education in the mother-tongue at the secondary stage and the effective steps to implement it. The Commission has expressed the view that so far as secondary education is concerned, it will have to be treated differently from education at the primary stage and has, therefore, not recommended constitutional recognition of the right to have instruction in the mother-tongue at the secondary school stage.

4) The resolution adopted by the Provincial Education Ministers' Conference in August 1949 contemplated the following arrangements in regard to secondary education:

a) If the number of pupils whose mother-tongue is a language other than the regional or State language is sufficient to justify a separate school in an area, the medium of instruction in such a school may be the mother-tongue of the pupils. Such schools organised or established by private agencies will be recognised for the purpose of grant-in-aid from Government according to prescribed rules.
b) Government will also provide similar facilities in all Government and District Board Schools, where one third of the total number of pupils of the school desire to be instructed in their mother-tongue.

c) Government will also require aided schools to arrange for such instruction if this is desired by one-third of the pupils, provided that there are no adequate facilities for instruction in that particular language in the area.

d) The regional language will be a compulsory subject throughout the secondary stage. The Central Advisory Board of Secondary Education, after taking into consideration the report of the Secondary Education Commission and the resolution on the subject passed by the All India Council of Secondary Education, has assigned to the mother-tongue an important position in the curriculum at the secondary stage, so that the pupils belonging to Linguistic Minorities may be enabled to study their mother-tongue optionally as one of the three languages which are proposed to taught at the secondary school stage. The Government of India, as recommended by the Commission, propose to lay down a clear policy in
regard to the use and place of the mother-tongue at the secondary stage of education in consultation with the State Governments and to take effective steps to implement it.

5) Affiliation of Schools and Colleges using minority languages: Connected with the proposals contained in the preceding paragraph is the question of the affiliation of educational institutions located in the new or recognised States to appropriate Universities or Boards of Education. It is of course desirable that every effort should be made to evolve arrangements whereby educational institutions like schools and colleges can be affiliated in respect of course of study in the mother-tongue, to Universities and other authorities which are situated in the same State. However, it may not always be possible to make such arrangements and having regard to the number of institutions of this kind, may some time be convenient, both from the point of view of the Universities or the educational authorities concerned, and from the point of view of the institutions themselves, that they should be permitted to seek affiliation to appropriate bodies located outside the State. This may be regarded, in fact, as a necessary corollary to the provisions contained in Article 30 of the
Constitution, which gives to the minorities the right
to establish and administer educational institutions of
their choice.

6) It is, therefore, proposed to advise the State
Government that in all such cases, affiliation to outside
bodies should be permitted without difficulty. It is also
necessary that any institution which is thus affiliated
should not suffer from any disabilities in regard to grant-
in-aid and other facilities, merely because it cannot,
from an academic point of view, be fitted into the frame-
work of educational administration within the State. It
is, therefore, proposed that irrespective of affiliation
to bodies situated within or without the State, all
institutions should continue to be supported by the States
in which they are located. Legislation regarding Univer-
sities or Boards of Education may, where necessary, be
reconsidered from this point of view.

7) Issue of directions by the President under
Article 347 regarding the recognition of minority languages
as official languages: Attention is invited to Article 347
of the Constitution which prescribes that on a demand
being made in that behalf, the President may, if he is
satisfied that a substantial proportion of the population of a State desire that the use of any language, to be recognized by that State, direct that such language shall be officially recognized in a portion or the whole of the State. The Commission has recommended that the Government of India should adopt, in consultation with the State Government a clear code to govern the use of different languages at different levels of State administrations and take steps under Article 347 to ensure that this code is followed.

3) The Commission has proposed that a State should be recognized as unilingual, only where one language group constitutes about 70 per cent or more of its entire population and that where there is a substantial minority constituting 30 per cent or more of the population, the State should be recognized as bilingual for administrative purposes. The Commission has further suggested that the same principle might hold good at the District level, that is to say, if 70 per cent or more of all the total population of a District consists of a group which is a minority in the State as a whole, the language of the minority group and not the State language should be the official language in that District.
9) The Government of India are in agreement with those proposals and propose to advise the State Governments to adopt them.

10) The arrangements to be made for the purpose of recognising two or more official languages in a State or District which is treated as bilingual will be without prejudice to the right, which may be exercised under Article 350 of the Constitution by any one resident in the State, to submit a representation for the redress of any grievance in any of the languages used in the Union or the State.

11) The Commission has further suggested that in District or smaller areas like Municipalities and Tehsils, where a Linguistic Minority constitutes 15 to 20 per cent of the population of that area, it may be an advantage to get important Government notices and rules published in the language or languages in which such documents may otherwise be published in the usual course.

12) The Government of India propose to suggest that State Governments should adopt the procedure suggested as a matter of administrative convenience.
13) Recognition of minority languages as the media for examination conducted for recruitment to State services: Attention is invited to the Commission's recommendation that candidates should have the option to elect as the media of examination, in any examination conducted for recruitment to the State services (not including subordinate services) English, or Hindi or the language of a minority constituting about 15 to 20 persons or more of the population of a State; a test of proficiency in the State language, may in that event, be held after selection and before the end of probation. The Government of India propose to advise State Governments that these suggestions should, as far as possible, be adopted. It is also proposed to recommend to the State Governments that where any cadre included in a subordinate service is treated as a cadre for a District, any language which has been recognised as an official language in the District should also be recognised as a medium for the purpose of competitive examinations in the District.

14) Review of residence rules and requirements: The Commission has emphasised that the domicile tests in force in certain States operate to the disadvantage of minority groups and has recommended that the Government
of India should undertake legislation under Article 16(3) of the Constitution in order to liberalise the requirement as to residence. The Government of India have carefully examined the various suggestions which have been made from time to time with reference to the form which legislation intended to be enacted by Parliament under Article 16(3) may take. They have reached the conclusion that it is, on the whole, neither necessary nor desirable to impose at the present time, any restrictions, with reference to residence, in any branch or cadre of the State services.

15) Certain exceptions may have to be made to the general rule of non-discrimination in the Telangana area and the question of making special provision in regard to employment opportunities in certain backward areas may also have to be considered. It is expected, however, that these interim arrangements will not be continued beyond a transitional period.

16) The Government of India propose to undertake legislation as soon as possible in order to clarify the position on the lines indicated. In the meantime, the State Governments will be asked to review the rules
relating to the recruitment to State services in the light of the position in paragraph 14.

17) Restriction of private rights in respect of contracts, fisheries etc: the attention of the State Government is being drawn to the relevant provisions in the Constitution regarding freedom of trade, commerce and intercourse and the right to equality of opportunity and it is being suggested that the existing restrictions should be reviewed from this point of view.

18) Recruitment of, at least, fifty per cent of the new entrants to All-India Services from outside the State: The question has been discussed informally with the Chief Ministers of States. No rigid rules are considered to be necessary but the recommendation made by the Commission will be kept in view in making future allotments to the All India Services.

19) Recruitment of one-third of the number of Judges from outside the State: The Commission's recommendations are being brought to the notice of the Chief Justice of India. There may be difficulty in some cases in implementing these recommendations, but it is intended that to the
extent possible, they should be borne in mind in making future appointments.

20) Constitution of Public Service Commission for two or more States: The proposal that the Chairman and members of the Public Service Commissions in the States should be appointed by the President, has not been welcomed by the State Governments and it is not therefore pursued. There is provision in the Constitution already for the Constitution of Public Service Commissions for two or more States vide Article 315. The procedure laid down in this Article may be followed at a later stage in case it becomes necessary or desirable to constitute Public Service Commission for two or more States.

21) Agency for enforcing safeguards: The States' Reorganisation Commission had recommended that the services of the State Governors should be utilised for enforcing the safeguards for Linguistic Minorities. The Commission had not contemplated the vesting of any discretionary functions in the Governors and they recommended as a simple procedure which could be adopted within the framework of the present constitutional arrangements. In the light, however, of the views expressed both in
the Joint Select Committee and in Parliament on the
States' Reorganisation Bill, the Government of India
now propose to provide for the appointment of a Minorities
Commissioner at the Centre on the pattern of the office
of the Commissioner for Scheduled Castes and Scheduled
Tribes. This officer will submit a report to the
President on the working of safeguards for minority language
groups at such intervals as the President may direct and
his report will be laid before each House of Parliament."(27)

Measures undertaken by the Southern States

The Southern States of Kerala, Tamil Nadu, Andhra
Pradesh and Karnataka appointed in September 1957 a small
Committee consisting of Shri C. Subramaniam, the then
Finance Minister of Tamil Nadu, Shri J. V. Konkat Rao, the
then Minister, Andhra Pradesh, Shri H. Jalingappa, the then
Chief Minister of Karnataka and Shri K. N. S. Namboodiripad,
the then Chief Minister of Kerala with Shri Subramaniam
as Convenor to give effect to the decisions embodied in
the Memorandum on safeguards for Linguistic Minorities.
The Ministerial Committee of the Southern Zonal Council
met at Ootacamund on 16th and 17th May 1959 to consider
the above safeguards for Linguistic Minorities and
decisions were reached. The Chief Ministers of States and Central Ministers met on August 10, 11 and 12, 1961 to consider the question of national integration. In a statement issued after the meeting, the general principles of the above Memorandum were reaffirmed.

In the State of Karnataka, there are as many as five Linguistic Minorities of appreciable magnitude viz; Hindustani or Hindi, Urdu, Tamil, Telugu and Marathi. Their percentages are mentioned in the following statement. (23)
### Statement

<table>
<thead>
<tr>
<th>Linguistic Minority</th>
<th>Percentages to total population</th>
<th>Names of Districts and Cities</th>
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<tr>
<td>Hindustani</td>
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<td>-do-</td>
<td>17.20</td>
<td>Mysore City</td>
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<td>Urdu</td>
<td>18.20</td>
<td>Bidar District</td>
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<td>-do-</td>
<td>17.35</td>
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<td>Tamil</td>
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<td>Tolugu</td>
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Summary of Reports Submitted by the Commissioner for Linguistic Minorities

The Commissioner for Linguistic Minorities has submitted thirteen Reports so far and all of them are published by the Government of India, Ministry of Home Affairs, New Delhi. It would be quite pertinent to examine these Reports and to compare the treatment being given by the State of Karnataka to the Linguistic Minorities with that of neighbouring States and the treatment meted out by the neighbouring States to the Kannada Linguistic Minorities of those States.

The First Commissioner for Linguistic Minorities took over charge on 30th July 1957 and his office has been located in Allahabad from 27th October 1957. The Commissioner for Linguistic Minorities issued a Questionnaire to all the States on 21st August 1957 for soliciting information on various matters relating to the Linguistic Minorities. The Chief Secretary to the Government of Karnataka replied to the Questionnaire in Letter No. GAD 120 C57 dated 4th November 1957 regarding the safeguards for Linguistic Minorities. These safeguards related to:
i) Provision of the facilities for instruction in the mother-tongue of the Linguistic Minority groups.

ii) Recognition of minority languages as official language.

iii) Publication of important Government notices, rules etc., in the minority languages.

iv) Recognition of official language or the language of the minority constituting about 15 to 20 per cent of the population of the State as medium for examination.

v) Removal of restrictions, if any, in the matter of trade and commerce.

vi) Removal of restrictions regarding domicile in the rules relating to recruitment to services.

The Chief Secretary, in Letter No. C/GD 120 C57 dated 4th November 1957, replied to the effect that "all the facilities in respect of above items had been granted to the Linguistic Minorities. As regards item No. 1, he pointed out that the Linguistic Minorities were treated on par with Kannada schools so far as opening of additional
concerned sections in High Schools is wherever there is a demand if 30 to 40 pupils are forthcoming. Every effort is being made to see that primary education is being imparted through the mother-tongue to all linguistic Minority groups in this State. As regards item (ii) there is no minority having 70 per cent or more of the total population in any District in the State, the question of recognising any minority language as the official language in any District does not arise in the case of Karnataka State. As regards item (iii), the State Governments will make arrangements to publish important Government notices and rules in the minority languages. As regards item (iv), the question of recognising any minority language as a medium for examination does not arise in the case of Karnataka State for recruitment to State Services. As regards item (v), the State Government have no objection to taking action. As regards item (vi), the State Government have no objection to remove restriction regarding domicile in the rules for recruitment to State services.∑(30)

Several complaints are made against the Government of Karnataka from time to time by the Linguistic Minorities that the safeguards enjoined are not provided to them. But the Marathi-speaking minorities have a regular
complaint that the Government of Karnataka does not treat them properly and that they are thus suffering great many hardships. Many allegations are unfounded and untrue. They are the exaggerated allegations cooked up by outsiders. Because such complaints are not made by persons residing in the concerned areas but by persons in Maharashtra. In the Memorandum submitted by the Government of Karnataka to Mahajan Commission, it is observed "There is one more aspect of the problem of Linguistic Minorities. Apart from the present move made by the Government of Maharashtra for the transfer of certain areas from Karnataka to Maharashtra, there is local agitation in some of the areas concerned and in some cases it has reached great proportion. It is said that this agitation is not merely carried on by local linguistic leaders but that it is fed and fanned by linguistic fanatics from outside the State."(31) In order to counter-act baseless charges and allegations set afloat by Maharashtrians and other Linguistic Minorities, it would be proper to rely on the irrefutable material culled out by the authentic observations made in the Reports of the Commissioner for Linguistic Minorities. The Marathi Linguistic Minorities had brought forward a number of
grievances which were investigated by the Commissioner and the position is as mentioned below:

A) Representations were made that the requirement of the State Government to the effect that a Marathi speaking candidate should also have knowledge of Kannada for recruitment to State services, was causing hardship. But the Commissioner in his second report observes: "...an enquiry it has been found that no such rule has been framed by the State. All that is required by the State Government is that in order to discharge their duties properly officers must acquire sufficient knowledge of Kannada before they can be confirmed. There is also no discrimination on grounds of language in the matter of recruitment to State services." (32)

B) There were news items in "Taruna Bharat" (Marathi Bi-Weekly) Belgaum dated 27th May 1958 and "Nava Bharat Times" (Hindi Daily) Bombay dated 28th May 1958 alleging unfair treatment to Marathi students in the matter of medium of instruction in the Technical High School, Karwar. In a Press Note No. ED 33 TRS 58 dated 13th August 1958, issued by the Government of Karnataka the fears and doubts were cleared and it was assured that the Marathi students would continue to have the facilities. The Commissioner
for Linguistic Minorities inquired into the matter and recorded his appreciation in his second report.

(c) A Memorandum was submitted to the Commissioner by the General Secretary, Students Union, Belgaum regarding introduction of Kannada in Marathi Primary Schools of Belgaum. The Commissioner, in his letter No. F 6/Rep/17/GIH/58-(826) dated 19th September 1958, made a reference to the Government of Karnataka asking its views, in order to investigate into the matter. The Education Secretary to the Government of Karnataka in his letter No. Ed.234 PHS 58 dated 25th October 1958, explained the position to the effect "Kannada which is the regional language has been made a compulsory subject of study from Class III on the ground that it is desirable for all pupils to study the Regional Language. The following allotment of periods for different languages has been made in the Primary Curriculum."(34)
### Statement

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<tr>
<th>Subject</th>
<th>Number of Periods in classes per week</th>
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<tr>
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<td>III</td>
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<td>Mother-tongue language</td>
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<td>a) for Kannada pupils,</td>
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<td>b) for non-Kannada pupils,</td>
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<td>Language (other than Kannada)</td>
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<td>and Kannada</td>
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It is quite clear from the above description that provision for learning Kannada is made not only for Marathi pupils but for all the non-Kannada pupils (Kanbil, Telugu and Urdu) in Karnataka. No discrimination is made against Marathi.

D) A complaint was brought to the notice of the Union Home Minister by the then Punjab Governor, Dr.R.V. Gadgil alleging that the Marathi schools in the Districts
transferred to Karnataka were neglected and that the schools started by the Vivekawardhini Society of Hyderabad in the Hyderabad-Karnataka Districts transferred to Karnataka were being neglected. The Commissioner, making a reference to this complaint, in his fifth report, and after investigating into this complaint, observed thus: "Whereas on 1st November 1956, there were 783 Marathi schools with 61,289 pupils and 2,221 teachers therein, the number of such schools rose to 868 with 1,10,334 pupils and 3,046 teachers as on 1st April 1961 in the six Districts of Karnataka - Belgaum, Dharwar, Bijapur, North Kanara, Bidar and Gulbarga. It was further learnt that there were no Marathi schools run by the Vivekawardhini Society of Hyderabad, in the Districts transferred to Karnataka as a result of the States' Reorganisation."(35) But on the other hand, there are several complaints against the Government of Maharashtra. Some important acts of omissions and commission may be pointed out here.

A) At the Conference of Chief Ministers held in 1961, it had been decided to make use of minority languages for official purposes at different levels of administration. The following is the text of the decision:
Publication of Rules, Notices etc.

"Whenever in a District or a smaller area, like Municipality or Tahsil, a linguistic Minority constitutes 15 to 20 per cent of the population, it would be desirable to get important Government notices and rules published in the language of the minority in addition to any other language or languages in which such documents may otherwise be published in the usual course."(56) In respect of Maharashtra State, the Commissioner, in his Ninth Report mentions: "The Maharashtra Government have prepared a list of the areas where a Linguistic Minority constitutes 15 per cent or more of the population according to the 1961 census, for implementing the safeguards. It was reported by the State Government that necessary orders will be issued only after the official language of the State is notified and arrangements are made for translating official notifications into minority languages."(37)

3) At a Conference of the Chief Ministers held in 1961, it was agreed for translation of substance of important laws, rules and regulations into minority languages. The following is the text of the decision:
Translation of Laws and Rules

"Arrangements should also be made for the publication of the substance of important laws, rules, regulations etc., in minority languages in the States or District or wherever a linguistic minority constitutes 15 to 20 per cent of the population. For this purpose, it was agreed that it would be desirable for the States to set up a Translation Bureau at the State Headquarters."(38)

In respect of Maharashtra, the Commissioner, in his tenth report, observes thus: "The Maharashtra Government have not set up a Translation Bureau at the State Headquarters. The State Government have reported that the work of translation has been entrusted to the Directorate of Languages under which regional offices have been opened. The State Government have said that no arrangements could so far be made in these offices to get important Government notices, rules etc published in minority languages in the respective areas."(39) Besides these complaints made by the Marathi speaking minorities, other Linguistic Minorities made certain complaints against the Government of Karnataka. The Commissioner for Linguistic Minorities took up the following complaints with the State Government of Karnataka.
A) i) Urdu private primary schools of Bijapur and Dharwar Districts should be recognised and grant-in-aid be given.

ii) One teacher should be appointed for every 40 pupils in Government Urdu Primary Schools.

iii) Permission should be given to keep records in Urdu in Urdu Primary Schools and for correspondence being carried out by them in Urdu.

The Commissioner, in his fifth report States: "As regards (i) and (ii) the State Government agreed to concede the request as per rules. The number of Assistant Deputy Educational Inspectors are also stated to be in proportion to the number of schools. Regarding request at (iii) the State Government feel difficulty in conceding this. They informed that the correspondence from Urdu Schools to the offices higher up cannot be carried on in Urdu as this question is linked up with the larger issue of the language of administration."

B) The Telugu Linguistic Minorities submitted the following Memorandum complaining:


i) The number of Telugu medium High Schools has come down from seven to two.

ii) Arrangements for training Telugu teachers are inadequate.

iii) Teachers not qualified to teach Telugu are being posted in Telugu schools.

The Commissioner, after examining the above complaint states:

a) "Telugu medium classes are being run in some of the High Schools of Bellary District along with Kannada and English. No Telugu classes have been closed down. There were five schools in Bellary District which imparted instruction through Telugu medium during the years 1959-60 and 1960-61.

b) Prior to merger with Karnataka on 1st October 1953, there were two training institutes for Telugu medium which have been shifted to Andhra Pradesh now. The State Government propose to solve the problem of training Telugu teachers by reciprocal arrangements with Andhra Pradesh.

c) As regards posting of teachers, the State
Government reported that the selected Telugu candidates generally do not join duty which shows that there is no fault on the part of the State Education Department. S.S.L.Cs with Telugu language have been appointed to Telugu primary schools. *(41)*

It is quite obvious from the above description that the Government of Karnataka have been sincerely implementing all the decisions arrived at the different Committees on the question of safeguards for Linguistic Minorities. It is a happy augury that the Commissioner has not a word of complaint against Karnataka. In a booklet on safeguards to Linguistic Minorities published by the Boundary Consultative Committee, it is stated: "All the Linguistic Minorities in Karnataka State receive proper treatment and enjoy full safeguards. None of them really has any complaints. It is only about Marathi that some times allegations are being flung in Newspapers or otherwise. Often times, these are got up mostly by outsiders to keep up the agitation for the claims of the areas in Karnataka." *(42)*

**Facilities to the Linguistic Minorities afforded by the Government of Karnataka**

The Government of Karnataka have extended certain
educational facilities from time to time to the Linguistic Minorities. The following are the major proceedings governing the facilities.

A) In the Government Order dated 12th September 1961, the Government directed:

1) The teaching of Kannada in non-Kannada Government Primary Schools should be on optional basis from standard IV onwards and that it should be left to the discretion of the Managements in the case of Private Schools.

2) It has been further clarified therein that all the facilities for teaching Kannada in non-Kannada Primary Schools would be continued to be made available for those who wish to study Kannada in those schools. *(43)*

B) In Government Order No. G.O. 301 D.E.S 61 dated 21st June, 1962, the following directions were issued:

1) "That the teaching of Kannada in the Standards V, VI and VII of non-Kannada Schools will be made as an additional optional subject."

2) "That in all the Primary Schools, whether Kannada or non-Kannada, the following language pattern shall be followed:
a) In Standards I to III only mother-tongue shall be studied for 14 periods of half an hour duration in Standards I and II and 10 periods of 40 minutes duration in Standard III.

b) In Standard IV, there shall be 7 periods of mother-tongue Kannada or 3 periods of lower-Kannada or higher mother-tongue for those whose mother-tongue is not Kannada. This will also include English as mother-tongue.

c) In Standard V there shall be 7 periods of mother-tongue plus 3 periods of Higher Kannada for those whose mother-tongue is not Kannada. This will also include English as mother-tongue. In addition, there shall be 6 periods of Lower English (Compulsory) for those whose mother-tongue is other than English or 6 periods of Higher English for those whose mother-tongue is English.

d) In Standards VI and VII there shall be 6 periods of mother-tongue plus 3 periods of Higher Kannada for those whose mother-tongue is Kannada or 3 periods of Lower Kannada or Higher mother-tongue for those whose mother-tongue is not Kannada. This will include those whose mother-tongue is English. In addition, there shall
be 6 periods of Lower English (Compulsory English) for those whose mother-tongue is other than English or 6 periods of Higher English for those whose mother-tongue is English. Added to these, there shall be three periods of Lower Hindi (Compulsory Hindi) for those whose mother-tongue is other than Hindi or 3 periods of Higher Hindi for those whose mother-tongue is Hindi.

3) That the orders issued in the Government Order dated 12th September 1961 shall also apply to mixed Government Primary Schools as well as Non-Government Primary Schools.

4) That in the event of the Private Management making the teaching of Kannada as a compulsory subject, the parents of the children who are not desirous of studying the regional language, shall make their own arrangements to send their children to a nearby Government school or any other schools, as the case may be, where the teaching of Kannada is being done on an optional basis.

5) That for the teaching of Kannada in a non-Kannada Primary School, on an optional basis, there shall be at least a minimum number of ten students in a class interested in learning Kannada." (44)
There were various rules and practices in vogue regarding the medium of instruction in the five integrated areas of the State - Ex-Nyso area, Ex-Hyderabad Karnataka area, Ex-Hyderabad Karnataka area, Ex-Goa area. On account of the diversity in the rules and practices obtaining in the various integrated areas of the State, the Government of Karnataka evolved a uniform set of rules on educational facilities for Linguistic Minorities in primary and secondary schools in G.O.No. ED-6-SP0 62 dated 16th October 1962. The following are the provisions of the order:

Educational Facilities for Linguistic Minorities in Secondary Schools

1) (a) The Regional Language will be the medium of instruction as a general rule.

(b) With a view to creating facilities for the Linguistic Minorities, provision will be made for the instruction through the medium of their mother-tongue, subject to the following conditions:

2) The minimum number of children for opening a section with anyone of the minority languages as medium of instruction shall be as follows:
i) There ought to be at least 15 students in each of the Standards VIII, IX and X or a total of 45 or 60 students for Standards VIII to X or VIII to IX put together respectively belonging to the minority language, who are willing to receive instruction in that language as medium.

ii) The figure 45 or 60 for all the 3 or 4 Standards put together and 15 for each Standard, should be computed separately for each one of the diversified course and for the academic courses separately in the Standards IX, X and XI.

iii) It would be sufficient if the total strength of 45 or 60 pupils in Standards VIII to X or VIII to XI respectively is built up progressively during the 3 or 4 years, by providing these facilities to 15 pupils in Standard VIII in the first year, 30 in the second year (15 in each of the Standards VIII and IX) and so on, till at the end of 3 or 4 years, the strength of 45 or 60 has been reached in Standards VIII to X or XI.

iv) On being promoted from the VIII Standard to the IX if the number of students in a class with a medium in any minority language should be less than 15, these students may be allowed to take English as the medium of
instruction for their non-language subject in Standards XI, X and XI wherever there is provision.

3) Previous permission of the Director of Public Instruction should be obtained to open sections with minority languages other than English, Marathi, Urdu, Hindi, Tamil, Telugu as medium.

4) In places, where there are more schools than one and where students of different minority languages exist in sufficient numbers, the provision for the media in all the minority languages should not be made in every school. For example, if in a locality, there are two or three schools and if in one of them, there is provision for Tamil medium, the other schools should not introduce this medium as a general rule. They should direct the students with Tamil medium to join the other school where the provision for this medium exists, unless the number of pupils warrants the provision of facilities in the other school.

5) Only students who have studied the non-language subject through their mother-tongue at the primary school stage, will be eligible to choose their mother-tongue as the medium at the secondary stage.
English-Medium in High Schools

This facility is provided for the following categories of students:

i) Those whose mother-tongue is English and those who are promoted from the primary schools with English as medium;

ii) Those who belong to the migratory population, whatever their mother-tongue may be;

iii) Children of parents belonging to the All-India Services liable to transfer from State to State;

iv) Children of employees of Banks, Firms and other Business Concerns which have branches in more than one State who are liable to transfer from State to State;

v) Those whose mother-tongue is a minority language for which no provision for teaching the minority language exists at the secondary stage in the schools of the locality;

vi) Seats left over after providing for the above categories of students may be filled up by other students who desire to take up English medium on the basis of the
marks obtained by them in English at the 7th Standard Annual Examination.

2) If the strength of the English medium section is 50 to 60, there shall be only one section and if it exceeds 60 another English Medium Section may be opened with the previous permission of the Director of Public Instruction.

III) Procedure to be Followed in Opening of English Medium Sections

1) The rules regarding the opening of English medium section indicated above apply to all Government and Local Authority Secondary Schools. Private Secondary Schools also should adhere to these rules as far as possible.

2) Even in the case of small schools, if the total number of students in any class who satisfy the conditions envisaged in Section II under Rule 1(i) to (v) and are entitled to get English-medium is not less than 15, an English medium section has to be opened.

3) If there is only one section in the VIII Standard, the medium should be English or Kannada or any other
language according to the needs of the locality and the circumstances of the case. The medium that is started in the VIII Standard shall be continued in the IX, X and XI Standards until that batch leaves the school, provided the minimum strength in each Standard and the total strength for all the Standards together prescribed in Section 1(2) is maintained.

4) In special cases, where the circumstances warrant it, the Director of Public Instruction may permit the opening of an English medium section even though the conditions prescribed above are not fulfilled.

IV) Qualifications and Eligibility of Teachers to Teach Through Several Language Media

For a teacher to be qualified to teach the non-language subject through the medium of any particular language, he should have taken this language as one of his subjects for at least his S.S.L.C. or he should have undergone instructions through the medium of this language for his S.S.L.C.

Educational Facilities for Linguistic Minorities in Primary Schools

1) In all primary Schools, the medium of instruction shall ordinarily be the regional language or the mother-tongue of the child.
2) With a view to creating facilities for the Linguistic Minorities, provision shall be made for their instruction through their mother-tongue, subject to the following conditions:

a) There shall be a minimum strength of 10 pupils for each of Standards I to IV or 30 pupils in all the Standards I to IV together and a minimum strength of 10 pupils for each of the Standards V to VII.

b) During the first four years after the commencement of the provision of the facilities, a strength of 10/each Standard in which the facilities are provided, will be inadequate. It will be sufficient if the total strength of 30 pupils is built up progressively during the four years by providing these facilities to 10 students in Standard I in the first year, 20 (10 each in Standards I and II or 20 for both Standards together) during the second year and so on till, at the end of the third year, a strength of 20 is built up and retained in the IV year.

3) All primary schools in the State should maintain a Register of Applications from parents belonging to the Linguistic Minority groups for admission of their children
in schools. The applications may be received for a period of three months ending a fortnight before the commencement of the school year, so that the strength of the various Linguistic Minority groups may be ascertained wherever necessary. Inter-School adjustments within the same locality should be made in the matter of admission of the minority pupils so as to see that no applicant is refused admission for the reason that the number is insufficient in the particular school where the application is made.

4) The District Educational Officers are authorised to call upon the managements of Private recognised Primary Schools to open separate sections in their schools for Linguistic Minorities and to admit the additional staff and other approved items of expenditure towards grant provided the conditions laid down in para 2 supra are satisfied.

5) Provision shall be made for the study of the regional language on an optional basis from Standard IV onwards, so that the students belonging to the linguistic groups may not be at a disadvantage.
English-medium Primary Schools

English medium schools or English medium sections in the existing Primary Schools may be opened for the benefit of the following category of students:

i) Those whose mother-tongue is English.

ii) Those whose parents belong to All India Services liable to transfer from State to State.

iii) Children of migratory groups.

iv) Children of employees of Banks, Firms and other Business Concerns which have branches in more than one State, who are liable to transfer from State to State.

v) Such schools should be started only after obtaining the permission of the Director of Public Instruction.

vi) The minimum strength of 10 per class or 30 for the Standard I to IV taken together and minimum strength of 10 per class for Standards V to VII shall apply to the sanctioning of the English-Medium schools also. 

D) Simplified Three-Language Formula as followed by Karnataka State

"First language = (a) Mother-Tongue or (b) Regional
Language if mother-tongue is English.

Second Language - Compulsory English;

a) Kannada for those who join the VIII Standard.

b) Those who come from other States and join the IX or X Standard are permitted to take up alternative English instead of Kannada.

Third Language - Hindi. *(46)*

Thus the Government of Karnataka have extended several facilities quite generously to the Linguistic Minorities. The remaining problems pertaining to the Linguistic Minorities have been dealt with in the concluding Chapter.
FOOT NOTES


2) Ibid., p.205.

3) Ibid., pp.205-206.

4) Ibid., p.206.


6) Ibid., p.19.

7) Ibid., pp.156-157.


9) Ibid., p.209.

10) Ibid., p.209.

12) Report of the States' Reorganisation Commission,
published by the Manager of Publication, New Delhi,
1955, pp.210-211.

13) Ibid., p.211.

14) Ibid., p.212.

15) Ibid., p.212.

16) Ibid., p.213.

17) Ibid., p.213.

18) Ibid., p.214.

19) Ibid., p.215.

20) Ibid., p.215.

21) Ibid., p.216.

22) Ibid., p.216.

23) Jagdish Lal, The Constitution of India,
published by Delhi Law House, New Delhi and printed at

24) Ibid., p.158.

26) Ibid., Ch.III, p.10.


28) Ibid., p.89.

29) Ibid., p.87.

30) Ibid., pp.87-89.


33) Ibid., p.299.

34) Ibid., p.300.

35) Ibid., Para 332.


41) Ibid., Para 345.


44) Ibid., pp.255-257.

45) Ibid., App.XII, pp.249-254.