

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

© 2022 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestion or complaint, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

“Language in Education” Vernacular or Global? – A Study in Legal Perspective

DR SITA MANIKYAM¹ AND SONI DWARAMPUDI²

ABSTRACT

India is a country with diversified languages. The country has seen a lot of changes regarding language formula in its education system, since ancient days. Though English and Hindi were official languages of the country, vernacular languages dominated the local state of affairs in each State. In this scenario, the present article focuses on the pros and cons on inculcating mother tongue as medium of instruction vis-à-vis Global Language. While dealing with the significance of vernacular language, the article also highlights the advantages of global language as medium of instruction. Concomitantly, the detriments of vernacular language and global language as medium of instruction are also described. On a study of the opportunities and obstacles, it has been felt that a balance has to be struck between both the languages. Besides, the legal components driving the Indian education system viz., Articles 19, 21, 26, 29, 30 and 350A of the Constitution of India, Directive Principles of State Policy and Right to Information Act are also dealt in the article.

Keywords: Vernacular Language, Global Language, Constitution of India, Directive Principles of State Policy, Right to Information Act.

I. INTRODUCTION

Thought, ideas, and education can all be expressed through language. Its significance cannot be debated or denied. Language, on the other hand, has not remained a unified entity as communities and civilizations have grown and fragmented. It comes in a variety of shapes and sizes, and can be used in a variety of ways. One example is the contrast between the global and vernacular. The language heard on the streets is known as vernacular.³ Languages like these will be spoken by the general population and utilised as a means of defining distinct groupings of people. During the early centuries, the Vernacular Language had a significant impact on and changed the cultures. Despite this, global language has no geographic bounds

¹ Author is an Associate Professor of Law at Dr BR Ambedkar College of Law, Andhra University, Visakhapatnam, India.

² Author is a Research Scholar at Dr BR Ambedkar College of Law, Andhra University, Visakhapatnam, India.

³ Adumu, 'Student's Attitude towards Mother Tongue Instruction as a correlate of Academic Achievement', Online thesis, Chumbow (1990)

and is widely used around the globe. One of these languages is English. When it comes to something as important as education, which shapes a person's entire identity, the choice of language matters a lot. Educated people incorporate it into their work and personal lives, which they then pass down to the next generation.⁴

Many proponents of vernacular languages are concerned about their cultural identity because of the increasing use of English in education and the growing recognition of English as a global language.⁵ Despite the prevalent belief that English is a universal language, very little systematic data has been obtained on the impact of English on educational policies and practices in educational systems around the planet. Any language that is considered superior to another has sparked this concern, not only English.⁶ India is a multilingual country. The dialects of each location are distinct from one another. As a result, relying on a single language to serve as our national tongue is not only unfeasible, but also unjustified for many people.⁷

In the contemporary era, Asian societies with a wide variety of languages have had to deal with the loss or decline of many of their vernacular and indigenous languages. Globalization and urbanization have changed the way that languages are taught in schools and how they are spoken in public. Education in or delivered through regional or indigenous languages has been severely hampered as a consequence of the increased or exclusive emphasis placed on fluency in international languages like English. Indigenous languages have also been negatively impacted by this.⁸

Keeping each language in use and learning it is a good policy since each language is a unique repository of culture, social resource, key to knowledge, and means to competence and entitlement. However, the implementation of this policy is jeopardized by a number of practical issues: For example, the low priority given to regional languages in the Constitution's language policy could lead to an underutilization of these languages even at the basic school level. The lack of sufficient numbers of students may put a stop to the use of the language in schools; inherent difficulties such as a lack of script or literacy resources or

⁴ Chopra, *Sex Difference in Social Structure and Dynamics of Educational Institutions at the Secondary Level*, Indian Dissertation Abstracts, June, 1982, Vol XI, 1-2 (2003)

⁵ Grmbs, J.D. & Watjen, *Male and Female: There is a Difference, Education in the World Today*. Addison-Wesley Publishing Company, Reading Massachusetts, Menlo Park, California, London, p 179- 192 (2006)

⁶ Donna, Laboy & Cazden, Online Resource Digest on her study on Vernacular Dialects in U.S. Schools, Center for Applied Linguistic, EDO-FL-97-09 (1988)

⁷ N. Reddy, *Students, teachers and Parents Academic Interaction in Educational Setting*, Ajanta Publication, P 154-155 (2003)

⁸ Saraswat, *Self-concepts in Relation to Adjustment, Values, Academic Achievement, Socioeconomic Status, and Sex of the High School Students of Delhi*, Indian Educational Review, Vol. XX(3), July 85, p 567 (2006)

computer-ability may hinder its conservation and development; the lack of research, publication and immersion courses, either sponsored by the State or the linguistic community or private agency, may fail to keep the language alive; and a lack of enthusiasm on the part of educators may impede the conservation and development of the language.⁹ Further complicating social life are factors such as the lack of English-medium schools in rural areas, high tuition fees in urban English-language schools and vernacular schools, parents' preference for modern schools offering English-language instruction, and the regional government's policy of promoting regional language education. There is a stark contrast between the advantages of urbanization, international schools, and modern sophistication. All of these have thrown a wrench into the ideal triangle balance of access, equity, and quality in education.¹⁰ People in different parts of the world have varied chances, advantages, and obligations when it comes to learning a new language. Such scenarios put the freedom to choose a language or a medium of instruction up for debate, so confirming the idea that inequality threatens liberty.

II. VERNACULAR LANGUAGE AS MEDIUM OF LEARNING: UNDERSTANDING ITS SIGNIFICANCE

Every community or group of people has its own unique dialect of the mother tongue, known as the vernacular language. As a mother tongue, it plays a crucial role in the preservation of a group's unique cultural identity. Different dialects are used by Indians residing in various regions of the country. Many vernacular language intellectuals were concerned about their extinction due to the advent of English-medium education and christen missionaries.¹¹ There are various committees formed to study whether or not language should be the foundation of states in a varied country like India, where vernacular languages serve as a unifying feature for groups. It should be noted, however, that the importance of regional dialects was not ignored. For this reason, vernacular languages grew tremendously in size and scope. In addition, "three language formulas" were critical in the development and preservation of vernacular languages. A number of vernacular schools have been set up to encourage the growth of regional dialects. Many vernacular schools were forced to shut down as English-medium schools grew more common, and this trend continued as time went on. As a result, a

⁹ S. Desai, *Segmented Schooling: Inequalities in Primary Education*. In *Blocked by Caste: Discrimination and Social Exclusion in Modern India*, edited by K. Newman and S. Thorat. New Delhi: Oxford University Press (2009)

¹⁰ Chaudhury, N. & Hammer, *Missing in Action: Teacher and Health Worker Absence in Developing Countries*, *Journal of Economic Perspectives* 20 (Winter):91-116 (2006)

¹¹ E. Bettinger, *Private School Vouchers in Colombia*, In Harvard University and World Bank Conference on "Mobilizing Public Sector for Private Education". Cambridge: Massachussets (2005)

vernacular language is a dialect spoken by a particular community or group of people in a particular place. The local or native language is used as the medium of teaching in vernacular medium schools.¹² Schools in India that use a vernacular medium are becoming fewer and further between. The number of schools using the vernacular as a medium of instruction is also on the rise. However, many rural residents are unable to afford the tuition imposed by private English-medium schools. Due to lack of opportunity, vernacular medium schools are being replaced by English language institutions. Because people in different parts of India speak different languages, different states have different kinds of schools that use vernacular as their medium of instruction. The primary goal of vernacular schools is to teach students their native language. Maintaining a community's cultural identity is a vital role for the preservation of its language. Writing in a range of languages on a variety of topics, challenges, obstacles, and cultural awareness across groups has also been generated of the highest quality. The greatest success of the vernacular languages is their survival and inclusion in the 8th schedule of the Indian Constitution.¹³ Despite the fact that the 8th schedule only includes twenty-two languages, hundreds of dialects remain unheard and must be protected. The relevance of vernacular languages is demonstrated by the inclusion of many of them on national and state level competitive tests for public service. The incorporation of Indian vernacular languages in numerous competitive assessments puts the country on a path to its own growth. Because of the country's growth through these vernacular languages, Indians became aware of the necessity for a thorough and autonomous national education.

The use of the country's native tongue is still critical to the country's progress and to ensuring that all stakeholders are included in the process. Ex-Indian President and Nobel Laureate Dr. APJ Abdul Kalam's statements on the importance of vernacular language can be seen as a good example of how important vernacular language is in the education of young people. He advocated for teachers to teach science in the native language of the students they were working with in order to foster their creativity and curiosity. According to Kalam, teachers should teach pupils how to be job producers instead of job seekers. The generation benefits from the disparities between Vernacular and English language schools.

UNESCO has emphasised the importance of mother tongue-based vernacular medium schools in several ways. Students, particularly children, place a high priority on their native language. Since language and cognition are intertwined, it is hard to think until you are able

¹² Chakrabarti, R. and Paul, *School Choice International: Exploiting Public-Private Partnerships*, Cambridge, Mass.: MIT Press (2008)

¹³ Chopra, R. and Jeffrey, *Educational Regimes in Contemporary India*, New Delhi: Sage (2005)

to communicate, it helps develop perspective.¹⁴ It is impossible to overestimate the socio-cultural significance of vernacular language. Use of your native language as a teaching medium improves your child's ability to retain information. Consequently, students are able to learn at a faster pace. According to a study, children who transfer from their native language to a foreign one is more likely to suffer from low self-esteem. School, education, and teachers have lost their appeal to students. Pupils' intellectual and social well-being are negatively impacted by changes in teaching medium.¹⁵ Students' ability to acquire facts and develop abilities like reading may be hindered by this element.

According to the National University for Education Planning and Administration, English is the primary language of instruction for the vast majority of Indian teachers and administrators. From 2003 to 2006, English was the third most commonly taught language in schools worldwide. More students were enrolled than ever before. There were 54.7 million people in the country that year. 95.1 million people lived in the United States as of 2006. It's important to keep in mind that India has 22 official languages.¹⁶ India's Hindi-speaking states have the largest populations compared to the other states, and Hindi is the most widely spoken language. More than half of all secondary school pupils in India are enrolled in Hindi-medium programmes, according to data provided by the National University for Education Planning and Administration (NUEPA). Only 6% of them are able to communicate in English.¹⁷

III. SIGNIFICANCE OF GLOBAL LANGUAGE AS MEDIUM OF LEARNING

By looking into the whys and wherefores of English's rise as the global language of communication, David Crystal provides an intriguing and realistic account of English' emergence as a global tongue. As soon as a language has a distinct role in every country, it becomes a truly global powerhouse. Although it may appear to be obvious, the concept of a "unique location" consists of several components. In nations where English is widely spoken as a first language, such as the United States, Canada, the United Kingdom, Ireland, Australia, New Zealand, South Africa, and a number of Caribbean countries and territories, this role will be most apparent.¹⁸ Mother tongue use alone does not confer global status on a language

¹⁴ Arkoudis, *Teaching English as a second language in science classes: Incommensurate epistemologies?* Lang Educ. 2003

¹⁵ Jitendra AK, DiPipi CM, Perron-Jones N. An exploratory study of scheme-based word-problem solving instruction for middle school students with learning disabilities: An emphasis on conceptual and procedural understanding. *J Spec Educ.* 2002

¹⁶ Fuchs LS, Fuchs D, Yazdin L, Powell SR, *Enhancing first-grade children's mathematical development with peer-assisted learning strategies*, *School Psychol Rev.* 2002

¹⁷ Cummins J. *Language, Power and pedagogy: Bilingual children in the crossfire*, Clevedon: Multilingual Matters; 2000.

¹⁸ Campagna, S., Pulcini, *English as a Medium of Instruction in Italian Universities: Linguistic Policies*,

because no language has ever had a majority of native speakers in more than a few countries (Spanish leads in this regard in roughly twenty countries, largely in Latin America). To be considered a global language, a language must be embraced by other countries around the world. Mother tongue speakers must resolve to place it in a special place in their communities even if there are few or no native speakers.¹⁹ There is no correlation between the number of people who speak a language and whether it becomes a global language. It all comes down to who the speakers are. Not because of the Roman Empire's size, but because Latin became a universal language because the Romans were more numerous than the people they overthrew. Quite simply, they had more strength. Because of Catholicism's ecclesiastical authority, Latin remained an international language for millennia after Roman military might was depleted. Language dominance and economic, technological and cultural power are closely linked, and this will become clearer as the history of English is narrated.²⁰ Without a solid power base, no language can become an international medium of communication. Rather than being a separate entity from the people who speak it, language does not exist apart from the people who use it. A language is a product of the people who speak and write it. As their global success grows, so does their language. When they stumble, so does their words.

For a variety of reasons, a global language has been useful. Human communication has relied on translation for millennia, despite the fact that it is often overlooked. There were usually interpreters present when kings or diplomats met on the world stage to discuss international affairs. But there are limits to what can be achieved this way. It is more difficult for a community with a wide variety of languages to maintain cross-group contact. In countries where only two or three languages are spoken, bilingualism (or trilingualism) is a viable choice because most early children are able to learn more than one language. Since several languages are spoken throughout Africa and Southeast Asia, a natural approach is challenging to execute in these regions. Establishing a "common language" has traditionally been the solution to this challenge. Communities may employ a simplified language known as a pidgin when they begin to trade with one another, which combines aspects of their multiple languages.²¹ West African Pidgin English, for example, is commonly spoken by ethnic groups along the coast of West

Pedagogical Implications, Textus, 1, pp. 173-190 (2014)

¹⁹ K. Bolton, *English in Asia, Asian Englishes, and the Issue of Proficiency*, English Today, 94, 24, 2, pp. 3–12 (2008)

²⁰ Beacco, J-C., Byram, Guide for the Development of Language Education Policies in Europe - From Linguistic Diversity to Plurilingual Education - Draft 1 (rev.), Language Policy Division/ Council of Europe. France, Strassbourg (2003)

²¹ Garret, P., Gallego Balsa, *International universities and implications of internationalisation for minority languages: views from university students in Catalonia and Wales*, Journal of Multilingual and Multicultural Development, 35(4), (2014)

Africa that were colonised by European forces in the 19th century. An indigenous language can emerge as a common language in some areas, like Mandarin Chinese, which is the most powerful ethnic group's language. It's at this point that the other tribes strive to learn this language to some degree and thus become bilingual. Because of a foreign power's political, economic, or religious influence, English or French are the most frequently accepted languages in a society. It wasn't until the 1950s that people began to realize that a global lingua franca was necessary. In 1945, the United Nations, the world's most important forum for political exchange, was established. A number of international organisations, including the World Bank, UNESCO, UNICEF, the World Health Organization, and the International Atomic Energy Agency, have subsequently been established. The number of countries participating in one meeting (around 190 in the case of a number of UN committees) has never been so large. Multinational regional or political organisations, such as the European Union and the Commonwealth, have evolved at a more limited level.²² When it comes to improving communication in settings like this, establishing a single language franca is a significant motivator.

There are both positive and negative outcomes of using English as a medium of education in the classroom. To blame for this broad educational devastation is the use of English as a medium of instruction, which is ironically called the language of instruction, or even outright annihilation. The use of English as a medium of instruction in schools in some of the world's poorest countries is strongly linked to educational marginalisation and failure. Confusion, depression and high dropout rates on numerous countries have resulted from attempting to learn English. It has been successfully implemented in a number of locations with the aid of appropriate instructional techniques, with positive results that will last for some time.²³ As a result of practical and political reasons in developing countries, the adoption of European languages such as English, French, and Portuguese has been common. In this situation, national language policies may have been developed to promote social cohesion, educational advancement, or other objectives. However, the success or failure of these rules in the classroom depends on how they are actually put into practise. Over the years, there have been notable successes and failures in the use of a second or foreign language in the classroom. Also notable is the lack of discussion among educators who are in charge of various circumstances

²² M Kuteeva, *The parallel language use of Swedish and English: the question of 'nativeness' in university policies and practices*, Journal of Multilingual and Multicultural Development, 35(4), (2014)

²³ P. Sian, *The Multilingual University: The Impact of Linguistic Diversity in Higher Education in English-dominant and English Medium Instructional Settings*, The Routledge Handbook of Language and Identity, London and New York: Taylor & Francis Group (2016)

in which the teaching medium acts as a barrier or difficulty in the classroom.²⁴ Underdeveloped countries and those undergoing large educational reforms in response to globalisation are not the only places where issues relating to the medium of instruction arise. Some of the world's wealthiest countries share these concerns, but for different reasons. If the use of English as a medium of instruction results in a "language problem," then classroom solutions must be discovered and implemented. Aside from finding out if teaching in English enhances general education, finding out what makes students successful and disseminating that information is equally critical. The curriculum is designed to meet the needs of today's students. Education is changing to fulfil the knowledge and skill demands of an increasingly "integrated" society as a result of the speed and pressures brought on by globalisation and the impact of converging technological systems.²⁵

IV. CRITICAL ANALYSIS: DOWNSIDE OF USING VERNACULAR AND GLOBAL LANGUAGE

As a global language of instruction, English has its drawbacks. There is a shortage of English teachers in India. Changing the language of instruction will be a challenge. The depth of the problem can be discovered in the fact that public schools offer English-language instruction. Teachers, on the other hand, are in a position to solve this problem since they are qualified to do so. It would be difficult to introduce English as a second language in tribal areas.²⁶ Teachers who are not from the area will be unable to participate in discussions about the subject. It's true that regional dialects will predominate as the primary medium of instruction, which is cause for concern. Teachers that are hired as a result of this occurrence will be local residents who previously taught in the district. They will continue to pass on their knowledge for generations to come. The fear is that English will be forgotten in a few generations if it is made the primary language of instruction. Both primary and secondary schools should teach in English, which is the best alternative.²⁷ Local/native language should be utilized while describing things, however. Students' English language skills and their capacity to reconcile national and international issues will both increase as a result of this course. Students should be taught about the language of their own country.

Vernacular language has its own set of rules and regulations when it comes to its use. Choosing

²⁴ Wiseman, A., Odell, *Should non-English speaking countries teach in English?* Voices, (2014)

²⁵ K. Heugh, *The case against bilingual education and multilingual education in South Africa*, PRAESA: Cape Town (2000)

²⁶ D. Crystal, *English as a global language*, Cambridge: Cambridge University Press (1997)

²⁷ F.G. Altbach, *Global Perspectives on Higher Education*, JHU Press (2016)

a language for instruction at a relevant university or institutions is made much easier when there is just one vernacular language to consider. Numerous regional dialects are widely used in places where universities can be found, including the United States, Canada, the United Kingdom, and other countries. When this happens, it's difficult to decide which of the various regional vernacular languages should be used as the primary medium of teaching at community colleges. Is the language of instruction going to be determined by 'majority rule,' in which the vernacular language of the majority is used? What would become of the languages of the marginalised groups?

Using vernacular languages as the medium of instruction at specific colleges located in specific geographic or political regions of a country or continent may unwittingly enhance the danger of ethnic or racial prejudice. For ethnic or racial groups concerned about their children's education, the risk of seeing certain universities where their local vernacular languages are used as "their universities" increases if educational policy is changed to introduce vernacular languages as the medium of instruction at universities. In a policy-driven approach to university enrollment, it is possible to create 'islands' of schools catering to specific ethnic or racial groupings where the majority of students speak a single vernacular language (and hence belong to a specific ethnic or racial group). So-called "isolationism," in which countries and continents are divided along ethnic or race lines, could result from this strategy.²⁸ If an international language were used to teach at universities, ethnic or racial groups from different backgrounds would be able to mix while maintaining their distinct cultures and vernacular languages, which would not necessarily have to be preserved through the use of vernacular languages as a medium of instruction. As a post-colonial language, English retains some of the "neutrality" of its colonial past, making it less susceptible to racial and ethnic discrimination and "isolationism" than languages of the region's vernacular dialects in higher education settings.²⁹ While this is true, it does not imply that English is better than other languages because of its widespread use around the world; rather, it serves as a valuable tool or medium. For the sake of social and economic progress and the betterment of poor people, countries should employ English to their economic advantage by becoming globally competitive and self-sustaining participants.

For students who lack fluency in an international (second) language, the employment of local vernacular languages rather than an international language at university may merely be a

²⁸ Griffin C, Jitendra AK, *Word problem-solving instruction in inclusive third-grade mathematics classrooms*, J Educ Res. 2008

²⁹ Orosco MJ, Swanson HL, O'Connor R, Lussier C, *The effects of dynamic strategic math on English language learners' word problem solving*, J Spec Educ. 2011

deferral of the issues associated with inadequate skill to the post-university stage in their lives. After graduation, graduates may have no choice but to integrate into real-world settings where an international language is the official language of communication. They may nevertheless be hindered in their professional advancement efforts because they lack fluency in the foreign language utilised in the real world despite having completed university education in their native language. It is possible that the graduates' inability to communicate effectively in a foreign language will limit their capacity to succeed as self-employed entrepreneurs. The language of choice for corporate tenders is usually English. Most business proposals are prepared in English. A company's customer base need not be restricted to those who are fluent in a particular dialect.

V. CREATING A BALANCE: USING GLOBAL LANGUAGE AND CONSERVING THE VERNACULAR LANGUAGE

There are a number of important concerns and long-term ramifications to consider when governments in developing countries consider amending legislation to declare some vernacular languages official languages of teaching in universities. Bilingual education should begin with the primary language of instruction and gradually introduce an international second language while maintaining the use of the primary language of instruction.³⁰ By the time they reach middle school, students should be fluent in their second language and ready to switch from the local tongue to the international one. A foreign language would be used as a medium of instruction from middle school to college. As a prelude to the introduction of an international language, relevant local vernacular languages could be used for instruction from pre-school through middle school. However, policymakers should investigate bilingual systems that include an international language if local vernacular languages are to be used as official languages of instruction up to university level. As a result of policy changes, vernacular languages may not be allowed to be used as a medium of instruction at the university level. Such policy alterations may unintentionally harm the indigenous students who stand to gain the most from them. A short-term focus on university pass rates of "indigenous" students could have a long-term negative impact on (1) students' ability to secure employment in national and international markets, (2) university productivity, and (3) university ability to attract high-quality students and research funding.³¹ This is a risk that must be taken into consideration. Due to demographic differences and the wide variety of regional dialects spoken within and

³⁰ J.C. Aggarwal, *Progress of Education in Free India*, Arya Book Depot, New Delhi, (2005)

³¹ Vakil, K.S. & Natarajan, *Education in India*, Allied Publisher, Bombay, Atharva Veda -1.3, (2003)

between countries, international collaboration between and among developing countries would be hampered without the adoption of a common international language. For example, it would be difficult for an East African university to work with a southern African university on research or educational exchanges if the two institutions did not share a common language. Students whose mother tongue is not the language of instruction may have lower grades because of a variety of factors, including the quality of their primary and secondary schools, the quality of their teachers, the socioeconomic status of their families, and the type of environment in which they live and study.³² Students and their parents; academics; tertiary education policymakers; politicians; funding organisations; industry; as well as local communities in the vicinity of the university should be the focus of more empirical research in order to develop evidence-based policies on language of instruction for developing countries' educational systems.

The development of a language is the outcome of long-term social interactions. Social identity and history are intertwined in these emblems of social identity. According to Myers McDougall and others, "Language is a rudiment of consciousness and close to the basis of personality; deprivations in regard to language profoundly affect identity." A language's survival or demise is largely influenced by how well and how willing people are to communicate with each other. The strength of a language is not found in the language itself, but rather in its demographic, economic, and political ties.³³ Some languages sank into slumber or even extinction as a result of widespread illiteracy. Because of their broad usage in daily business, popular vernacular languages have prospered whereas Sanskrit, despite its enormous literary resources, has failed to convince ordinary people to study and use it." Sudipta Kaviraj feels that "socially, linguistic competence places capacities onto people, and their lack proportionally removes them." Widespread language teaching and increasing public use have contributed to this proficiency. A person's ability to speak and write in other languages depends on their education.

Because it is the embodiment of cultural expression, language is a combination of personal social experiences and a symbol of collective identity. As a result, there is a wide range of languages spoken around the world. By using a common medium of communication and a shared history of millennia, it binds people together.³⁴ Public or common resources that are tied to expressive behaviours and cultural rights are referred to as commons. Is an expression

³² L Vernal, 'Students Attitude towards School', Educational Review, Vol.14, No. 1-4, Jan-Oct 79, Vol 4 (2004)

³³ A Banerjee, *Remedying Education: Evidence from Two Randomized Experiments in India*, Quarterly Journal of Economics 122 (3) (2007)

³⁴ J. Coleman, *High School Achievement: Public, Catholic and Private Schools Compared*, New York: Basic Books (1982)

of the entire community's wisdom and beliefs. It includes taxonomy of plants and animals, folklore and art, religious and ethnic expressions, and traditional medicine expertise.

Any social resource, such as a natural resource, should be held in public trust for the benefit of future generations to come. The method used to protect the environment is well-known. When a person loses their ability to speak a language, they lose their ability to perceive the world in a certain way. Even if only a handful of people continue to use a language, the cultural significance of that language is irreplaceable.³⁵ It's no surprise that, despite its predatory nature and reliance on free market principles, global language strategy's free market theory of global language strategy or the idea of "survival of the fittest" is appealing. To paraphrase Rigberto Menchu, "Language is the vehicle through which people's cultures are transmitted."³⁶ A language's demise can only be avoided if it is used and developed at all levels.

Multilingual societies need to maintain the status and opportunity for each language, regardless of how many people speak it. A person's ability to communicate socially and legally is jeopardised if he or she lacks proficiency in one or more languages. Using this argument as a justification for English-medium schools, as well as a case for strengthening the status or competence of indigenous or vernacular languages, can be applied to both. In terms of the latter, it is important to recognise that the strength of speech can vary. For the reasons stated above, fluency in official and international languages is an essential human right. The right to a basic education in one's own mother tongue, the right to choose the medium of instruction, and the right to access higher education or employment through the use of one's own language are some of the components recognised by legal interpretation of the language right.

VI. THE LEGAL DIMENSION OF LANGUAGE IN LEARNING

Children between the ages of 6 and 14 are required to receive free and compulsory elementary education under the Right to Education Act (RTE). In 1950, India's constitution included Article 45 of the Directive Principles of State Policy, which stated that the goal of universalizing elementary education (UEE) should be pursued. Due to a lack of progress in five-year plans and other flagship programmes, the UEE's goal has been constantly shifting. An amendment to the 86th Constitutional Amendment Act of 2002, which led to the RTE Act in 2009, recognised primary education as a fundamental right for all. With this decision,

³⁵ S. Desai, Segmented Schooling: Inequalities in Primary Education. In *Blocked by Caste: Discrimination and Social Exclusion in Modern India*, edited by K. Newman and S. Thorat. New Delhi: Oxford University Press (2009)

³⁶ Donna, Laboy & Cazden, Online Resource Digest on her study on Vernacular Dialects in U.S. Schools, Center for Applied Linguistic, EDO-FL-97-09 (1988)

the many state-run initiatives to expand access to elementary education in India were finally given the legitimacy they sorely needed.

In addition to the legal framework, the RTE Act enacted numerous radical reforms: A regular school of minimum quality was established for the first time as a result of this legislation. Because of this, the Act establishes basic standards for infrastructure, teacher qualification and curriculum design, and classroom transactions. Consequently (including assessment: continuous and comprehensive evaluation [CCE]). According to the Act's Section 16, children could not be held back or expelled from the school until they finished primary education. Consequently, no detention policy was established.

Remember a recent case involving RTE's mandate on educational media when talking about RTE. Andhra Pradesh High Court's decision to overturn the state's plan to make English the language of instruction for students in grades I through VI beginning in the 2020-21 academic year was not stayed by the Supreme Court. The Court cited Section 29(2)(f) of the Right to Education (RTE) Act, 2009, which states that the medium of instruction should be in the child's mother tongue as far as possible.

Several points were clarified in this decision with regards to constitutional and other statutory laws. Any child between the ages of six and fourteen in his or her immediate neighbourhood is entitled to free education up to the eighth grade under the Right to Education Act of 2009. The Act makes no reference to "compulsory" instruction in a child's native language. Education funding and the medium of teaching are not linked in any way. Under this legislation, the federal government would foot the bill for children who attend private English-medium schools. A state's official language cannot be utilised as a medium of instruction under the Act. Pupils aren't obligated to stay in class for the entire workday. For primary and upper primary, the number of hours per day has been reduced to four for primary, and four and a half for secondary. In order to prepare and correct students' work, teachers must stay longer at school. Our children's education is more essential to us than our own. Making the official language a required second language based on the child's wish, encouraging teachers to explain difficult topics in the child's mother tongue, and hosting annual competitions in the official language are other ways to promote the mother tongue.

This discussion on medium of instruction has been under judicial scrutiny. Many countries have laws governing the use of the medium of teaching. Language in Education Policy (1997) is a good example of this commitment to an additive approach to bilingualism in education. In this statement, it is explicitly stated that the goal is to "keep home language(s) while

allowing access to and effective acquisition of other languages.” There has been no meaningful change in a scenario where most children are forced to receive their primary education in a second or third language ten years into the new regime.

In India, too, there is this legal dimension. It was found to be unconstitutional a Karnataka Government Order, which declared that: “Kannada or mother tongue instruction should be used in all government-recognized primary and secondary schools. Articles 19(1)(a), 19(1)(g), 19(1)(h), 21A (education), and 26, 29, and 30 (minority rights) were used by the Associated Management of Primary and Secondary Schools in Karnataka to dispute this policy.” Also, at issue was how to interpret Article 350A of the Constitution, which stated that “It shall be the endeavour” of every state and every local authority to provide “adequate facilities” for instruction in the mother tongue at the primary level of education for children from linguistic minority groups.

What really mattered in this case was whether and to what extent the legislative ability to regulate schools was constrained by existing fundamental rights. Article 350A’s “mother tongue” clause was first interpreted by the Supreme Court. Going back in time, it stated that the Amendment was the consequence of state-level reforms that sought to preserve the languages spoken by minorities within states, which themselves were founded on the basis of their own languages. The term “mother tongue” was used to describe the language of linguistic minorities in States where the prevailing regional language differed from their own. In particular circumstances, the decision would be made by the parent or guardian.

The legitimacy of the Government Order was the next issue to be addressed after the definition of “mother tongue” was clarified. Here, the Constitution came into play, as stated in the document. Article 19(1)(a) was the first thing the Court looked at. In order to comprehend free speech’s intellectual basis, it quoted Mill and Laski. On Liberation, Mill describes the “liberty of preferences and interests; of building the plan of our existence to fit our own nature” According to Laski, “The liberties I must have to enjoy a general liberty are those which, in their sum, will comprise the path by which my best self is capable of realisation.”

One can learn a lot from the selection of quotes by the Court. Freedom of expression can be defended on two fronts. In a functioning democracy, free speech is seen as a need for expressing one’s views. A well-informed voter is a prerequisite for a government that can claim legitimacy because of the free exchange of ideas and opinions in the public domain. American scholars Mikeljohn and Post developed this vision of free speech, tracing its

philosophical roots to an idea of democracy as a process in which people form their interests and preferences, make collective decisions, and participate in a free and unrestricted conversation, set up and pursued on equal terms.

Another view of free speech, however, sees it as essential to individual liberty. We build and transmit our very identities through our preferences, hobbies, and other expressive actions. As a result, free speech is a fundamental benefit. Rather of valuing its contributions to a larger cause – such as democracy – we should consider how essential it is to our own growth and sense of self. These visions are frequently complementary, although they might at times compete with each other. When it comes to free speech, the Supreme Court has historically focused on the democratic justification of free speech, such as in notable decisions regarding press control, cinema censorship, the right to vote, censoring unpopular speech, and so on. This is a clear affirmation of the autonomy-based view of free expression by the Supreme Court. This raises a number of intriguing questions. Individuals have a right to express themselves, and this right is provided by expressive activity, thus if we accept this, then the government cannot intervene since certain forms of speech may corrupt or otherwise mould an individual's identity in a way that the State deems undesirable. According to Mill, "each individual must in certain matters be left alone to frame the plan of his life to suit his own character and conduct himself in accordance with that character and to do as he wishes without any impediment and even if he decides to act foolishly in such matters, society or on its behalf, or the State should not interfere with the individual's decision."

Under Article 19(2) of the constitution, "morality" is one of the grounds for regulating free expression. After carefully examining the content of this restriction, we've concluded that it should be construed to mean "constitutional morality," as opposed to the other two definitions of the term "morality." Individual morality (which was a part of the Court's decision in *Ranjit Udeshi*, when it upheld the ban on *Lady Chatterley's Lover*) is out, according to the Court's autonomy vision of free speech, which states that the way one expresses one's personality is up to the individual. Limits cannot be justified by moralistic or paternalistic grounds. When it comes to banning pornography and other forms of communication that have historically been seen as "immoral," this ruling could have a significant impact on future free speech disputes.

As a result of its understanding of free speech, the Supreme Court was able to conclude that "the right to freedom of speech and expression under Article 19(1)(a) of the Constitution includes the freedom for a child to be educated at the primary stage of school in a language of the choice of the child and the State cannot impose controls on such choice just because it

thinks that it will be more beneficial for a child.” As a result, we believe that a child or on his behalf, his parent or guardian, has a right to choose the medium of instruction in which he would prefer to be educated at the primary school level.”

According to the Court, “harmful to the development of personality” and “not in the wider national interests” are the only acceptable restrictions under 19(2). Although Article 19 explicitly states that “public interest” exceptions are not permitted, the Court has frequently interpreted the wording of Article 19 to allow exceptions based on the “public interest” (Ranjit Udeshi is one glaring offender, but by no means the only one). Because Article 19(2) already strikes a balance between free speech and the public interest, it is incorrect to impose an additional restriction based on the public interest, says this ruling. Court rejected Article 21A, but affirmed Articles 29 and 30’s minorities rights claim relatively straightforwardly. Article 19(1)(g) was then invoked to extend the argument to non-minority, unaided schools. Article 19(1)(g) protects the right of a citizen to establish a school in which the medium of instruction is a particular language, the Supreme Court explained, citing T.M.A. Pai. “This right may be exercised subject to the reasonable regulations made by the State under Article 19(6) of the Constitution.” There was no reasonable restriction in the public interest shown by the government in this case, such as the maintenance of educational standards.

Even more interesting, the Court was confronted with a claim from educationists, who argued that children should be taught in their native language at an early age for educational and personality development purposes. To what extent do the internal rules of autonomous social systems influence fundamental human rights, even though this isn’t a legal issue? We frequently give professional groups like the medical community, academia, and so on a great deal of leeway to set their own rules for how they conduct themselves, relying on the norms established by people in those groups who are vested with authority. The tension between what we take to be individual rights in an abstract environment and these rules can sometimes be unresolved, and it is not immediately evident which one must give way. Despite the Supreme Court’s decision, an explanation of why individual rights, such as freedom of speech and the right to work, must take precedence over the educational profession’s own internal regulations would have been beneficial. It’s a good thing that the Court has affirmed the individual-centric view of free speech, but it’s not certain if the Court will follow through in future instances concerning Article 19(1)(a).

VII. CONCLUSION

There has been a lot of controversy about the global growth of English as a language of

instruction. The teaching of English as a second or foreign language has made substantial progress during the past two decades. Teaching approaches have changed substantially for some subjects while others have not changed much. When it comes to teaching, this is just as true. Technology has had a huge impact on our culture, particularly in terms of how we obtain and filter information. We've also seen a major shift in the expectations we place on employees and how we might better prepare them for the challenges they will face in the future. As a result, educational philosophy has undergone a paradigm change, altering how we view and approach education. It becomes imperative to modify when the majority of students' primary language is not used in the classroom. As the world has gotten increasingly interconnected, so has the curriculum and teaching methods. The primary goal of vernacular schools is to educate students in their own language. The first language a child learns is their own. Thus, the native tongue is the most widely spoken. The primary goal of vernacular schools is to teach students their native language. The first language a person learns is their mother tongue. Thus, the most common language is the one spoken by natives. Students, particularly children, place a high priority on their native language. Due to the close relationship between language and cognition, learning to communicate is essential for the growth of one's point of view. It is impossible to overestimate the socio-cultural significance of vernacular language. Use of your native language as a teaching medium improves your child's ability to retain information. Consequently, students are able to learn at a faster pace. According to a study, children who transfer from their native language to a foreign one is more likely to suffer from low self-esteem. Students are no longer excited about school, education, or teachers. All levels of education, from primary through high school, should be conducted in the local or native tongue. Changing the language of instruction will be a challenge. The depth of the problem can be discovered in the fact that public schools offer English-language instruction. Both primary and secondary schools should teach in English, which is the best alternative. Local/native language should be utilised while describing things, however. Students' English language skills and their capacity to reconcile national and international issues will both increase as a result of this course. Students should be taught about the language of their own country/community.
