Article: A Life in the Shadow of the Mountains: An Empirical Study of the Lesser Known Speech Community of Dhimal

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Source: Explorations, ISS e-journal, Vol. 5 (2), October 2021, pp. 145-165

Published by: Indian Sociological Society
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An Empirical Study of the Lesser Known Speech Community of Dhimal

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Abstract

The Constitution of India makes provision for a heterogeneous and multi-cultural society. A reading of Parts III and IV reflects broad differentiation between provisions empowering the individual and the community. Articles 29, 30 provides for Cultural and Educational Rights for communities. Articles 21, 21A champions individual rights and liberties. Thus, we come across a dichotomy between the individual and the group (community) aspirations, requirements and probable choices. The modern State deals the more obvious dichotomies legally (e.g. rules of marriage, family, inheritance). However, subtle dichotomies manifests as social processes, and must be carefully recognised (e.g., language erosion). Leaving them to the mercy of the dominant social identities will impact the redistributive goals of justice, a primary concern of the law. Language has to be preserved if multiculturalism is to be preserved. Education (perhaps the only subject mentioned in all the Parts III, IV and IV-A) involves questions of mother tongue, medium of instruction and inclusive growth. Dhimals, a lesser known speech-community in the Indian Terai-Himalayan region, have been facing the dominant social identities of Bengali, Gorkhali and Rajbanshi since long. The paper discusses how their cultural identity and language are at stake and may proceed to the path of extinction as most of the constitutional and legal benefits are directed to the other linguistic communities in the region while Dhimals are not even legally recognised as a tribe.

Key words: Dhimals, Identity-crisis, Linguistic-minority, Rights

What moves us, reasonably enough, is not the realisation that the world falls short of being completely just – which few of us expect – but that there are clearly remediable injustices around us which we want to eliminate.

– Amartya Sen (2009)
Introduction

The normative foundation\(^1\) of the Constitution was decided by the Constituent Assembly, and though the Constitution has often been amended, yet, the normative foundation is to be preserved\(^2\). The Preamble reflects this foundation and the society that it wills into existence\(^3\), in which the principles of Justice, Liberty, Equality and Fraternity\(^4\) are secured to all the citizens. Thus, the Constitution ensures, amongst other ends, social and economic justice, liberty of thought and expression, equality of opportunity and dignity of the individual. The value of justice and equality\(^5\) are the primary subject of this essay; however, certain aspects of the value of liberty will also be inquired into.

In our heterogeneous society\(^6\), languages like Tamil, Telegu, Odia, Bengali, etc. have always been popularly cherished with strong social presence. The provincial-committee reorganisation of the Congress party in the 1920s (Krishna, 1966) gave a boost to linguistic identities and language nationalism. Soon after independence, the federal division was redrawn in 1956 primarily on the linguistic basis (Choudhry, 2009) which henceforth dramatically changed the sociological effects of now federally entrenched linguistic identity\(^7\). Hence linguistic identity can be singled out for the basis of analysis between various competitive constitutional values.

Being a unique social and constitutional problem, legally languages are diversely classified as Classical Languages, Scheduled Languages, Official Languages, Mother Tongue and Other Languages. Language is an instrument of upward social mobility and also has overtones of emotional attachment and individual identity. Evaluating\(^8\) an occurrence or practice as constitutional or unconstitutional forms an integral part of any understanding of constitutional law and thus, it necessitates the examination of the actual effect of the Linguistic Rights in developing the society promised. The concerned constitutional provisions\(^9\) are primarily found in Part III and Part XVII respectively.

The small linguistic communities\(^x\) in India have a much heightened form of complex relationships with the present form of language classification referred above. Very often, small-languages are relegated to the informal domain of the home/family and may be perceived as an inferior language\(^xi\) which is to be avoided in the general social interactions. It is important to explore this maze of language rights from a constitutional perspective and a socio-legal empirical
approach seems to better calibrate this exploration with the ground-reality. Within this theme of identity crisis, the present paper seeks answers to the following research questions with respect to the Dhimals:

**RQ 1:** What is the perception of the community on the role of Dhimal language in shaping the cultural identity of an individual?

**RQ 2:** What necessitates the people of Dhimal community to adopt the language of other linguistic communities?

**RQ 3:** What role does the law play in facilitating or restricting the learning, use and preservation of Dhimal language *vis-à-vis* other languages?

**RQ 4:** How far are the specific demands of the Dhimal community in so far as language is concerned in competing with other linguistic communities and is constitutionally compatible?

The specific focus of this essay is on the Dhimals in relation to the other dominant communities, yet, the findings will serve greater purposes in similar contexts. It is expected that this paper will attempt to provide an understanding of the social-psychological impact of the constitutional and legal provisionsiii. The question of language is studied at the very bottom of the social structure, as it is realised and experienced in day-to-day life and education. In this respect, this essay makes one of the first attempts to study and understand the effects of law on a social question with respect to the Dhimals.

**An Account of the Dhimals**

The Dhimals live in close vicinity to the dominant linguistic community of Bengali (this term refers to West Bengal Bengalis only) and share their neighbourhood with the other community of *Rajbanshis* (the North Bengal development department website specifically mentions the districts of Jalpaiguri, Cooch Behar, Darjeeling, Malda and Murshidabad in West Bengal as home to the speakers’ of this language). It was found that the latter have been increasingly occupying the immediate neighbourhood of the Dhimals and thus directly affecting the language used. Further, many words from the *Gorkhali* community have entered into and are widely used in the Dhimal community. This provides an interesting account of the interplay of the various socio-legal aspects connected to the issue of language preservation. These other linguistic groups have had a history of language-development, language-movement and West Bengal has time and again seen separatist movements from the Gorkhas and the Rajbanshis. Thus,
the Dhimals become more vulnerable to language and identity dilution whereas the minority groups referred to above have been given protection as castes and tribes and thus gains from the substantive equality principle.

Dhimal is a community in Northern part of West Bengal (popularly known as North Bengal) residing in nearby three villages of the Naxalbari region (popularly known as Dhimal Basti, known as Ketugapur in the Dhimal language) of the Darjeeling district. Though a small section of Dhimals can be found in Nepal also, but their only major concentration of population is in this place in India which further accentuates their vulnerability. It is found that the approximate population of Dhimals are 1000 (Lahiri, 2016), however, during the present enquiry, the number was suggested (by the participants) to be approximately 2000. Dhimals prefer to conduct marriages within the community itself, claiming that inter-community marriages are generally prohibited or looked down upon. Yet, during the present study it was reported by one of the participant (Ganesh Mallick, name changed) that such marriages do take place and in most of such cases, the bride or the groom take up the identity of the other community, mostly being Rajbanshis and/or Gorkhalis and this shows the level of vulnerability prevalent.

However, the situation is slowly becoming favourable as more and more persons from the Dhimals become aware of the language and shows interest in learning and preserving the same. One of the participants of the present study was the first graduate from the community (have been a school teacher) who recalls a life-long struggle to preserve his mother tongue.

Dhimals are one of the oldest inhabitants of the region right from the first census of 1872, and along with Meches, are said to be the early chief inhabitants due to their not being affected by the then unhealthy nature and climate (Khasnobish, 2012). This was also corroborated by the participants who claimed that the population that resides in Nepal have migrated from here due to a number of reasons like the unwillingness to work as tea-plantation labourers, breach in traditional forest-dependant lifestyle and limited interaction with the huge influx population that came when the tea industry evolved. The Dhimals of Nepal are at a relatively beneficial position due to the favourable circumstances (Biswas, 2008) and this further creates incentives for migration.

Interestingly, the Dhimals were placed at the mercy of the colonial laws of forest conservation, tea-garden establishment, etc. which affected their practice of jhum
cultivation and made them depend on other sources of livelihood. Gradually they migrated from their home and went on to other territories, leaving behind their home to many of the influx population. One of the participants in the present study even pointed out that their identity is often mixed with that of Rajbanshis, Mechies, etc. and this can be corroborated by the historical documents studied by earlier scholars (Biswas, 2008). This respondent stated that this community was treated all along as a tribal community, and yet due to some reason they did not end up being a tribe in independent India and thus as a beneficiary of the constitutional protection.

**Research Design**

The fact of limited educational attainments and potential likelihood to understand and respond to the interview in a meaningful way was kept in consideration while preparing the research design. The first respondent was selected on the basis of his educational attainments and role in language protection. Thereafter, snowball sampling was resorted to for identifying the other participants. The sample size was decided based on the data saturation that was reached based on suitability of the studied participants on basis of their characteristics like age, gender, education, and language proficiency to answer the interview questions. The following six participants were interviewed for 30-40 minutes each in consecutive sessions in Bangla:

a. Ganesh Mallick (GM) (name changed, age sixty-plus, retired teacher);
b. Ruchi Mallick (RM) (name changed, tentative age twenty, college student in Bangalore). She dressed up in traditional attire before presenting herself for the interview;
c. Krishno Mallick (KM) (name changed, age seventy-five, farming);
d. Raju Mallick (RM2) (name changed, age twenty-four, unemployed school dropout);
e. Kanti Mallick (KM2) (name changed, age fifty, farming)

The interview was a semi-structured one with open-ended questions. These interviews were audio-recorded, translated and then analysed as per the required data-set.

**Individual Identity Formation in Dhimals**

This section will explore the role of the Dhimal language as perceived by the
community in individual identity formation (the focus of Research Question 1).

GM emphatically says, ‘…they (the Nepali-Dhimals) say about their forefathers belonging to West Bengal/Jalpaiguri, Assam, etc. However, we never hear of vice-versa’. He further states that this claim can be supported by their practice of offering prayers in East-West direction and naming of deities reflecting terms from this region. Population pressure seems to be one of the most important direct reasons of linguistic vulnerability. Due to the larger social presence of the other languages, individual Dhimals community are practically forced to learn and borrow terms from those languages. For example, RM states that, ‘Dhimal is less than 1000 and thus the language use and learning gets affected, especially we don’t even have a school in our language. We study in Bengali, Nepali, etc. and thus our language gets lost day by day due to non-usage’. Various sociologists have often highlighted this process of adoption of the dominant culture (Muysken, 1999) and language often plays a dominant role in this social process (Appel & Muysken, 2005). Further, it was stated that unfortunately even their surname Mallick is often confused with a so-called lower caste of the Bengali community and also with the Muslims.

The relation of language with education is reflected when RM says that their ‘home-language’ comes into conflict with their ‘school-language’ and this can be easily avoided. GM says that, ‘Without language no one can live, this being our greatest identity and is like the “mother’s milk”’. Thus, the role of a common language in primary socialisation with the immediate ethnic community is well understood by the Dhimals. Here it can be said that they are well aware of the role of language in forming the identity and strengthening the relationship between small groups of people (Mamadouh & Ayadi, 2016). In fact, Dhimal children have to withstand the challenge of learning three languages in minimum from an early childhood (for home, general interaction and education, respectively).

On the positive side, due to life-long struggles for language, GM states that, ‘Our children proudly wear their identity and introduce themselves as Dhimals. However, this was not the case even thirty-five years ago from now... We speak in our language with other Dhimals when we meet at Naxalbari. Every age group does that today’. The veracity of this statement can be ascertained from the earlier sociological studies of this community (Lahiri, 2018). Again, KM2 states that, ‘I don’t know to read and write in Dhimal language but my children can. New generation is slowly taking up the language’.
It is a principle of justice that the burden of social co-operation should be uniformly distributed in a multicultural society. On a minimum note, the legal system should not institutionalise any discrimination between the various constituent groups on the basis of arbitrary differences. Thus, in every multicultural society having a democratic set-up, we find the existence of principles of rule of law, equality of opportunity, substantive equality, etc. Specifically, Articles 29 and 30 of the Constitution of India reveals that since this right is a community based right, hence the deep association of language and culture can be presumed in every case. In fact, language is the tool through which culture of any community is transmitted from one generation to another. The language and its association with culture are aptly recognised at all levels of the normative order. Cultural rights are in consonance with the liberal conception of justice and also the various territorially based societal cultures grounded on a common language ‘must be institutionally embodied – in schools, media, economy, government, etc.’ (Kymlicka, as cited in Kumar, 2013). Bhikhu Parekh (2006) states that conflicts in any society can be intra-cultural or inter-cultural; however, there exists equality of culture in multicultural society and a mere plurality of cultures in societies that have multiple cultural groups.

Now, owing to values of the Preamble to the Constitution, it can be said that to characterise the Indian society as multicultural would be the very apt characterisation. In this respect, it must be emphasised that Articles 29 and 30 forms part of the Part III of the Constitution which is immune from the parliamentary interference by virtue of Article 13 and the principle of judicial review. Even this protection of linguistic communities did not lead to the omission of State-led efforts as we find that Constitution (Seventh) Amendment Act, 1956 inserted Article 350A in Part XVII of the Constitution of India, which mandates adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups within a state.

However, despite the laudable constitutional protection of linguistic identity, the Dhimals are facing the obvious opposite when they are forced to take up another language due to implementation bottlenecks. There is acute shortage of education generally and educational materials and command over the technical Dhimal language in particular (to be used for reading and writing). As regard to the constitutional provisions, the participants did not have technical knowledge, but were broadly informed of such provisions. It should be noted here that a
knowledge of the constitutional provisions, especially that of the respective fundamental rights (Articles 29 and 30) and that of Article 350A would have empowered them better in presenting their cause to the government. This owes to the possibility that grounding of their cause in specific constitutional provisions would have highlighted the fact that due to some practical considerations, they are unable to enjoy the benefits provided by their own constitution!

Although the community is financially constrained to exercise the right under Article 30, they reported to have formed organisations for cultural preservation and have taken active steps like petitioning, applying, etc. to both State and Union governments highlighting their problem. They are continuously conducting workshops and programmes for preserving their language and culture. They are aware of the need to recognise their linguistic identity and are actively learning the language and also spreading awareness of this language, culture, etc. (Lahiri, 2018).

**Dhimals Adopting Other Languages**

This section will explore the process of socialisation of Dhimals with the other communities, namely Bengalis, Rajbanshis and Gorkhalis (the focus of Research Question 2).

The unique situation of Dhimal language is cited by the participants to be the cause of the present need to learn other languages. First, this language doesn’t have any similarities with the other languages spoken in this region. Second, the population of the language community being very less, the consequent social presence and restricted individual use (within the speakers of the language) limits the overall language use. GM states that even from pre-nursery, the children are being taught languages like Bengali, Hindi, Nepali and English. He recalls that, ‘When I was a child, the population of Dhimals was much larger, even in my primary school (Ketugapur) we had a large number of Dhimal children’.

The new generation speaks Dhimal within the community itself and often in the home-setup. However, there are unique challenges even to this situation as the use depends on the locality of the household. Thus, while Rajbanshis abound in GM’s neighbourhood, it is Gorkhali in RM’s neighbourhood. In such a situation, the use of Dhimal by any individual, especially the learning of the language by children gets affected as the language becomes virtually useless even in the
immediate neighbourhood.

The participants cite the educational process and lack of educational and other resources in their language as another reason for adoption of other languages. This uniformity in thinking reflects a common understanding of the linguistic problem and appreciation of a common solution. Dhimal language becomes a special case because the population of the speakers is very low and thus, language crisis may easily cause language extinction. GM aptly states that, ‘...even financially we cannot promote our language by writing and publishing’. On this note, RM states that, ‘While I was here, I used Bengali, Rajbanshi, Nepali and sometimes English’.

The participants however cited different orders of languages when posed with the question of which of the said languages influence them most in social interaction and educational processes. Thus, on a societal level the order reported is that of Gorkhali, Rajbanshi, and Bengali, while from the point of education, the order reported is that of primarily Bengali, and also Hindi.

The ground reality is very shocking as far as linguistic rights of such people are concerned. GM states that, ‘Our children know who they are, but not their very own history!’ This community has represented themselves even at Delhi (along with other communities like Kurmi, Tamang, Mech, Lepcha, etc.) and petitioned for tribal status, apart from petitioning the State government in 2021 for a Cultural (development) Board. During the course of the interviews, it was revealed that such efforts have not yet yielded positive result. In 2011, Bhasha Research and Publication Centre acknowledged one Sri. Garjan Mallick, an eminent member of the community, as ‘one of our most valuable associates’ in the People’s Linguistic Survey mission undertaken collectively with the latter. In its aspiration for tribal status, Garjan Mallick had written a book in Dhimal language but with Bengali script, as the original Dhimal script is claimed to be very difficult to learn and since Bengali script may positively impact the reach of the book. This example shows that a part of linguistic identity has already been affected (since the original Dhimal script is not used even by Garjan Mallick, who is respected widely in the community for his life-long struggle for the preservation of this language) and further damage is possible if it is not stemmed legally, especially when the requisite provisions do exist under the present constitutional structure. From the personal archives of Garjan Mallick (accessed during the research), it was learned that in 2009, an answer to a Rajya Sabha
Unstarred question stated that proposal for inclusion of Dhimal in the State’s list of Scheduled Tribes have been processed. In 2014, pursuant to the report of the Cultural Research Institute (Govt. of W.B.), the State of West Bengal recommended the inclusion of Dhimals in the list of Scheduled Tribes of West Bengal. Further, in 2016, a Committee was constituted in the Ministry of Tribal Affairs to examine and recommend the granting of ST status to 11 communities, including Dhimals. In 2020, the Member of Parliament from Darjeeling had expressed (in a letter to Garjan Mallick) his hopes that the government will take positive step in this regard. In 2021, in response to a representation made by Gorkha Janjati Kalyan Samiti, Darjeeling, the Under Secretary to the Government of India wrote that the matter is under examination as per modalities. However, the ground reality is that the inclusion is yet to be made and despite high hopes, the formal processes mentioned are still underway.

The word ‘minority’ is not defined in the Constitution, however, in the landmark case of case of In Re: The Kerala Education Bill... v. Unknown (1959 1 SCR 995), the Supreme Court held that ‘minority’ means a community which is less than 50 per cent of the total population. The Constituent Assembly Debates reflect that the language provisions were not dealt with in a formal legal sense, but was addressed from the personal and emotional connect the members had with language in a way that this sensitive issue may not otherwise hamper the functioning of the Assembly. Even after the guarantee of Articles 29 and 30, the language question loomed large on the Indian democracy. This led to the continuous additions to the 8th Schedule and the other classifications of language referred to above. With 1956 States-reorganisation, each major language was given a specific area of authority and this entailed their relative dominance over other languages of the region. It was to stem this dominance of one language over the others that Article 350A was inserted in the same year. Article 350A is complementary to Articles 29 and 30, the effort in the former being State led, in the latter being privately led. Further, implementation of Article 350A necessitates various practical considerations and hence this is only a constitutional provision and not a fundamental right. However, the substantive equality principle of the Constitution may be used to give special treatment to the present language community, especially since this is on the verge of possible extinction from the country.
Law, Social Processes and Dhimals

This section will explore the role of law in preservation of the Dhimal language (the focus of Research Question 3) and the compatibility of the demands of the Dhimal community with the present constitutional structure (the focus of Research Question 4).

Today the formal education system is dominant over any other education system and hence, the language of this system directly affects the language preservation of any community. This prompted recognition of ‘Cultural and Educational Rights’ and guaranteeing the establishment and administration of educational institutions of choice as a fundamental right. Even under the pretext of Article 15, the State cannot make an inroad on the right enjoyed under Article 30 of the Constitution. However, the Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21A and the subsequent Right of Children to Free and Compulsory Education (RTE) Act, 2009 mandates education for a specific age-group. The implementation of the latter right is indirectly making inroads into the linguistic minority rights and also is at crossroads with the State responsibility under Article 46 of the Constitution.

The Dhimals have a few persons who continue their education beyond the secondary and into undergraduate programs. A Bengali newspaper report of Sangbad Pratidin (2007, June 11) accessed from the personal archive of Garjan Mallick stated that the first Dhimal girl to have passed secondary education (2007) joined the family occupation of agriculture and could not continue further studies. In 2008, Dhimals presented a mass deputation to the Siliguri administration demanding tribal recognition and making a case for educational benefits. In 2018, a Dhimal Community Existence Preservation & Welfare Society document reported the dismal picture of 80 per cent people living as day labour, mere eighteen to be in Class X, fourteen in Class XII, four B.A. pass, one B.Sc. pass and one M.A. pass, respectively. The present study found that the participants are of the opinion that cognitive development in tribes takes place at a later stage than general population and linguistic demands placed over the child makes her education more exhausting.

GM recounts a childhood-incident as:

Our English teacher (a Bengali) once asked the meaning of ‘cat’.
My friend said ‘cat means meu-khao’. He was beaten up and he never returned to the school! My first realisation with the school system revealed that even if the medium of instruction is different, if the teacher knows the local-language, then education will be much fruitful, children can be reached out to.

Participants are of the opinion that at least primary education from the age of five to ten years should be in their mother tongue. RM states that she faces difficulties in speaking and vocabulary for English due to use of Dhimal language in home and Bengali in school. She further states that books and teachers in Dhimal will surely aid the language preservation. RM2 could not complete secondary education due to language problem, though he states that his teachers took great care in teaching the concepts to him. This is in fact the primary reason for low educational achievements in the community. The prevalence of girls to be married off at some point, and hence not educating them is challenged by the likes of RM who has hopes of higher education and getting a job. KM2 states language to be the cause of children not learning beyond class IX. Further, he states that non-recognition as tribe and mere OBC status places them at a competitive disadvantage with respect to the other communities and aids in their backwardness. To this situation is added the fact that now OBC is also not being granted to first-generation applicants due to a technicality in the procedure.

The constitutional position and its violation become even more clarified when a mention is made of certain other provisions which indirectly promote and preserve distinct linguistic identity. Article 347 provides for a possibility for the recognition of any language used in any state as one of the official languages by virtue of a Presidential direction. Chapter IV of Part XVII housing Articles 350, 350A, 350B and 351 read with Articles 29 and 30 of Part III tend to protect multiculturalism in India. Article 350 authorises the redress of grievances in any language used in the Union and the State, whereas Article 350B provides for Special Officer for Linguistic Minorities.

Hence, a rights-based mother tongue education system is being argued in order to stem the growth of language defection. Instead of making it optional on the States to provide mother tongue education, a right to such education, howsoever minimal may go a long way to educate younger generations on their own language.
Summary and Way Forward

Linguistic conflicts can be said to be subtle conflicts, as the individual is much more autonomous, and the effect of the dominant linguistic community is much pronounced. However, these have an impactful effect on the redistributive goals of justice, which is a primary concern of the Constitution. The gradual assimilation of such identities will certainly run counter to the constitutional values mentioned above. In this reference, it can be said that the various principles mentioned in the Preamble and then supported by the provisions under Part III like those mentioned above are ought to be non-negotiable.

Even within the rich mosaic of language diversity, the social reality differs from one region of India to another. Though the Census of India, 2011 reports that 96.71 per cent of Indian population have one Scheduled Language as their mother tongue, the speakers’ strength reflects Hindi (43.63 %) at the top, Bengali (8.03 %) as second and Tamil (5.70 %) as last in the top 5. North Eastern States are rich of speakers of ‘Other Languages’, the percentage ranging from 26.36 per cent in Sikkim to 88.13 per cent in Nagaland. West Bengal (99.47 %) has one of the highest speakers of Scheduled Languages. Hence, one-formula-fits-all approach in case of linguistic rights may be futile even if we accept the above data to be completely authentic. Thus, although the rights under Article 30 are to be privately enforced and although the provision of Article 350A is not worded as an enforceable right, yet, specific unique social circumstances may warrant an alternate reading of these. If this alternate reading is not afforded, then, the small linguistic communities (for example, Dhimals) will not be able to preserve their language and script. In such a case, these communities will be stripped of their linguistic identity due to technical legal reasons, and the constitutional provisions (including one fundamental right) which seeks to preserve the rich linguistic diversity of India will be rendered practically useless (as the communities will be adopting other languages). Devy (2021) states that every language is a unique world view and source of unique knowledge, thus is to be preserved.

One of the constitutionally mandated processes of education targeted to achieve better individual enrichment is that of mother-tongue education, and in the present case, Dhimals are demanding just that. This community barely has a population size of 1000-2000 and thus is a long way from the governmental gaze. However, Dhimals being limited to this region and facing continuous onslaught of social process, systematic non-implementation of Article 350A will certainly erode
away their language, identity and culture in the long run. Apart from school education and social base, the other languages are used widely, in job, public places, courts, administration, etc. The Dhimals however are unable even to read, write and educate their own children in their own language at a mass level, in their own country!

Notes:

i The term normative foundation is used here to refer to the foundational values that were decided by the Constituent Assembly of India while drafting the Constitution. For example, the decisions and qualities decided for India, like that of Democracy, Republican government, and the goals of Justice (particularly in three different forms), Liberty, etc. These values and qualities once decided were meant to be achieved and perfected in the newly formed Republic.

ii In the landmark case of Kesavananda Bharati v. State of Kerala, (1974) (4 SCC 225), the ‘Basic Structure doctrine’ was evolved to judge the constitutionality of Parliamentary legislations. A number of the constitutional values expressed to be a part of this doctrine are reflected in the Preamble. Later in the case of S.R. Bommai v. Union of India, 1994 AIR 1918, the Supreme Court held that, ‘The preamble of the Constitution is an integral part of the Constitution. Democratic form of Government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are basic features of the Constitution’.

iii Every provision of the Constitution is a ‘means’ to achieve the ‘end’ that the Preamble champions.

iv These general words are made certain and particular with the specific mention of certain attributes. These mentions of attributes animate the general words with particular constitutional meanings which are to be pursued as a goal.

v With respect to the cultural co-existence, the Constitution sought to preserve and promote the cultural heritage of India and the concept of Unity in Diversity.

vi The Constitution of India recognises religious minorities, gender minorities, caste-based minorities, linguistic minorities, etc. (See, Constitution of India, Arts 15-17, 24-30).

vii Report of the States Reorganisation Commission (1955) dedicates the Chapter I of Part IV of the report to highlight the problems for linguistic minority groups in different States.

viii In interpreting the Constitution, two approaches that are often found at strong disagreements with each other are that of ‘the living tree doctrine’ and ‘the original intent doctrine’. Recently, this conflict came to the forefront in the discussions related to the Sabarimala judgement (Indian Young Lawyers Association v. The State of Kerala, 2018 (8) SCJ 609) which held the prohibitions based on gender and biological processes that were imposed over the women to be unconstitutional. Specifically, Article 17 of the Constitution was held to be encompassing any form of untouchability and not to be restricted to the caste-based forms only (which would have been the only form of untouchability covered under the Article if the other approach to constitutional interpretation was to be adopted).

ix Education connects these various forms of rights so as to conserve and preserve the distinct linguistic traditions of various communities. Education of the language promotes the sociological function of language preservation, while education through the language facilitates the language preservation through constitutional means.

x The Constitution supports preservation of linguistic identity; yet, the harsh social reality often relegates such rights to the background and makes communities vulnerable to the onslaught of linguistic dominance and identity crisis.
Apart from the language classification, English has established its own social relevance as a language of social mobility. The India Skill Report published by the CII and Wheebox states that English is among the top 3 skills employers look for.

This paper is based on the premise that social enrichment occurs when every culture is cherished and the rich cultural heritage of India is preserved.

The Scheme for Protection and Preservation of Endangered Languages (SPPEL), Govt. of India, classifies it as an endangered language of the ‘East Central Zone’. The word Indian Dhimal is often used to differentiate these people from the eponymous community residing in the neighbouring country of Nepal. The term broadly translates into ‘son of the mountains’.

An instance of marketing in nearby city of Siliguri was recalled here to humorously refer to the situation when this language was spoken to a shopkeeper who only understood Bengali.

The participants stressed on the reality of losing the language every moment and the unfortunate instances of being identified as Rajbanshis or Gorkhas, the same communities from which they face linguistic dominance.

Text of Articles 29 and 30 of the Constitution of India are as follows:

Article 29: (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.

Article 30: (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.
(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.

Pappas and McKelvie (2021) quotes Cristina De Rossi, an anthropologist at Barnet and Southgate College in London, who states that culture includes religion, food, what we wear, how we wear it, language, marriage, music, ad also what we believe is right or wrong, how we sit at the table, how we greet visitors, how we behave with loved ones, and a million other things.

The UNESCO rightly identifies the linguistic crisis by stating that with the loss of each language, there is an irreparable loss of a unique cultural set-up, traditional knowledge and value systems, etc. In the international scenario, the vulnerability of any language is defined on the basis of the number of speakers and the inter-generational transmission of the language.

Kumar (2013) quotes Kymlicka, according to whom a societal culture provides its members with meaningful ways of life throughout the full range of human activities which includes social, educational, religious, recreational and also economic life while including both the public and private spheres.

For example, funds are required for the establishment of educational institutions under Article 30 and Dhimals may have requested funds citing this provision (though this financial aid is not part of the right), as otherwise their population and economic capacity renders this right useless. Similarly, Article 350A may have been invoked to draw attention to this crisis and necessary state intervention requested citing the very low population figures and resultant narrow language base.
RM who can also read and write in Dhimal, says that she picked up Bengali with great difficulty and the latter community appreciates this, but at the same time understands that her accent is different and sounds similar to the way Gorkhali people speak Bengali language.

In 2021, it was reported that the State school education department would inspect 200 informal schools which use Rajbanshi language as medium of instruction and consider their conversion into formal schools (Push for Rajbanshi, 2021). It was further reported that the State had announced language academies, allotted funds and instructed them to prepare syllabus and schoolbooks for primary schools. Earlier, in 2017, two cultural boards, namely ‘Kamtapuri Bhasa Academy’ and ‘Rajbanshi Development and Cultural Board’ were announced while Rajbanshi Bhasa Academy continued to function (Bhattacharya, 2017).

At present in her studies at Bangalore and also for primary interaction, she uses English language. The recent stress on online education also required her to depend on the English language exclusively for academic purposes.

Gorkhali (also called Nepali) have been a medium of instruction in schools while Rajbanshi may soon be one. Further, Cooch Behar Panchanan Barma University has been named after Thakur Panchanan Barma, a Rajbanshi leader. These factors, in addition to more populous linguistic communities, account for the social perception and hierarchy. Further, Dhimals have more social interaction with these two communities than Bengali, because of their inhabitation in nearby areas.

From educational point of view, Dhimals are more in favour of educating themselves through the medium of instruction of Bengali and Hindi due to the greater usefulness and reach of these languages, apart from the factor of educational resources.

With English education being opted presently in very few cases, and that too up to Class V at most (due to financial constraint).

The community is also part of an 11-community Gorkha Janjati Kalyan Samiti who is fighting for similar claims. The name of this organisation ironically dilutes the specific identities of the constituent groups into the broader Gorkha identity. But, financial constraints are to be blamed for this dilution as the separate communities are too weak to individually pursue their claims.

This Board is looked upon by the community as a source of financial security to preserve their language through various efforts till the time they receive their actual entitlements under the Constitution. A newspaper report in early 2021 stated that the Dhimals are disappointed over the delay in grant of tribal status and will be seeking a development board (Ghosh, 2021).

It may be noted here that recently in 2019, the Supreme Court has dismissed a plea which sought guidelines to identify and define religious minorities in every State, this because linguistic minority rights are considered on a State-wise criteria and the religious minority is considered on a pan-India criteria.

This is due to the operation of State Official Language provisions under Part XVII of the Constitution of India and Official Languages Act, 1963.

Text of Article 350A is as follows:
It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.
This principle was adopted by the assembly to give protection to those individual and group interests which may otherwise be at the mercy of the majority community. For example, Article 14 incorporates the principle of equality, whereas Articles 15-18 is more grounded on the principle of substantive equality. The Cultural and Educational Rights and other provisions of Language Rights are based on this principle.

In the classic case of Re: The Kerala Education Bill... v. Unknown (1959 1 SCR 995), it was held that even free education should not be resorted to at the cost of minority rights.

This inroad also affects the conception of justice as mentioned in the Preamble of the Constitution.

Article 46 states that, ‘The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation’.

Interestingly, the National Education Policy 2020 also stresses upon the role of mother-tongue especially in the formative years of a child’s education.

Participants have revealed that OBC status was not sought for due to very few advantages when it was originally granted. Hence, when it is claimed now, documentary proofs of caste identity are required which the applicants do not have because of being first-generation OBC applicants.

Further, one of the themes in the present study was the almost unanimous perception of English as the most dominant language in terms of social mobility. This adds another point of concern as individual liberty may dictate the adoption of this language and relegation of the mother tongue as inferior, then either the community will be educated in this language or will give-up education in face of linguistic pressure from other communities.

While the Three Language formula has been there in the policy documents for long, yet, in spirit, it was not implemented.

Making the case for re-organisation of the States on linguistic lines, it was observed that it will enhance internal cohesiveness due to language being a vehicle of communication of thoughts, to ensure real consciousness of identity of interests amongst the government and the people under a democracy, ensuring proper education through regional languages and also political and economic justice. Such considerations, howsoever trivial due to negligible numeric strength is equally convincing in case of the local languages that became minority in the face of regional dominance of the regional languages.

The broad theme of Equality of Opportunity and the sub-questions of medium of instruction and that of education itself is intricately connected with survival of language and the linguistic community itself. Education enriches individuals and communities and thus evens out the fruits of development throughout the population.

This information is taken from the Census of India 2011 prepared by the Office of the Registrar General, India.

Devy (2021) states that since 1971 several languages have been subsumed under the Hindi language and a population of 10,000 was necessary for their mother-tongue to be listed in published data. Further, fifty-three languages were shown as sub-sets of Hindi in the census of 2011.

GM says that, ‘We are facing identity loss and identity crisis at every phase of life! Our language is going extinct bit by bit every day. This ought to be preserved if not to become extinct permanently’. The respondent further recollects that villages of Hatighisa, Moniram (Kilaram, Ketukapur, etc.) have Dhimal population, but when marriages are conducted with other communities (love-marriage, since arranged marriages in this respect does not occur), specially Gorkhali and Rajbanshis, individuals relocate to other villages like the nearby Balason basti and
take up different surnames like Singh and Roy to change their identity completely. The present researcher is aware of localities named after Dhimals in the nearby vicinity also, and the participants stated that only the name remains, as the inhabitants from those localities have migrated to Nepal. It was further noted by the participants that Assam had a large number of Dhimals but they got assimilated in other languages in that area.
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