**Supreme Court’s questions answered**

**Considering the importance of the issue, the bench framed five questions:**

**\*** What does mother tongue mean? If it refers to the language in which the child is comfortable with, then who will decide the same?

**\*** Whether a student or a parent or a citizen has a right to choose a medium of instruction at primary stage?

\* Does imposition of mother tongue in any way affect fundamental rights?

\* Whether government-recognized schools are inclusive of both government-aided schools and private and unaided schools?

\* Whether the state can by virtue of Article 350A of the Constitution compel linguistic minorities to choose their mother tongue only as medium of instruction in primary schools?

**Linguists’ response**

1. The term mother tongue is understood in different senses such as the marker of ethnic identity, indicator of level of language competence as a native speaker, the communication system acquired from the household. For the pedagogical purpose, mother tongue is the language of early childhood experience with which the child understands the world around her and forms her identity in relation to others. A child can have more than one mother tongue in this sense. The mother tongue could be the sign language. When there is more than one mother tongue, the child, i.e. her parent on her behalf, will choose one of them for the educational purpose.

Mother tongue in educational discussions refers to two distinct entities. One is that it refers to a language that is in opposition to the majority and / or the official language of the State where the child lives. This is specified as the minority mother tongue. Another is that it refers to a language in opposition to English, and it could be the majority language of the state. In the context of the question under discussion, both are mother tongues for different populations.

The parent decides the language of the early experience of his or her child. There is, however, the possibility of choosing a language like English, which the child is not experienced with, as the child’s mother tongue for extraneous reasons. In such a case, a verification method needs to be established by the school.

1. At the primary level, the child, i.e. the parent on her behalf, has the right to choose her mother tongue, as defined and determined as above, as the medium of instruction. It could be the sole medium or be a medium in conjunction with another language, generally the official language of the State, in a bilingual education programme or language-across-curriculum methodology. This right is circumscribed by the mother tongue of the child and does not extend to any random language.

A consequential question when the mother tongue is not the official language of the State is whether the State has the right to obligate the students to learn the official language as a subject in order for the child to function effectively in the State and participate in the government when she becomes an adult. The State has this right and can decide when and how the official language of the state is introduced as a subject in the curriculum.

1. Limiting the choice of medium of instruction to the mother tongue at the primary level is not an imposition. It is based on the sound educational principle that the language of the early childhood experience at home is the best means of relating the school with the home and a natural extension of the way of learning at home to school. It is thus not a violation of the fundamental right to education. (Everyone has a fundamental right to marry, which can be extended to marry someone of the same sex, but not to their sibling. This restriction is not a violation of one’s rights.)
2. Using the mother tongue of the child as the medium of instruction at the primary level is the natural justice for any child irrespective of kind of school she attends. It is not a matter of government’s will. It treats all children equally irrespective of the difference in mother tongues. As such, all kinds of schools, whether aided by the government or not, will exercise the natural justice.
3. Article 350(A) is related to the right of minorities including linguistic minorities to establish and manage educational institutions. Read in conjunction with the preceding Articles, it is for preserving minority culture, language and script. Using a language and a script in school is a step in the direction of preserving them. But the courts have read 350(A) not in conjunction with the preceding Articles. It must be read in conjunction with preservation of culture of minorities in multilingual India and so the mother tongue of a minority must be taught in primary schools. With regard to the medium of instruction, it will be the medium if it is the language of early experience of the child. If not, such a language will be the medium.