

Language Inequality and the Right to Education: English as a Privilege or a Right?

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I. INTRODUCTION

Language, as both a communicative tool and a cultural marker, serves as a primary medium through which knowledge and power are distributed in society. In India's multilingual democracy, language is not merely a means of communication but a determinant of access to education, employment, and social mobility. Despite the constitutional recognition of 22 scheduled languages and over 1000 dialects, English continues to dominate as the language of aspiration and authority. The widespread preference for English-medium education reflects the deep-seated perception that English proficiency is synonymous with success in a globalized world.

The Right to Education (RTE), guaranteed under Article 21-A of the Constitution and operationalized through the Right of Children to Free and Compulsory Education Act, 2009, ensures universal access to primary education. However, it remains silent on the medium of instruction, creating ambiguity in the implementation of linguistic equality. The Supreme Court of India, through several landmark judgments, has addressed this issue by balancing state interests with individual rights to educational choice. At the heart of this debate lies a critical question: *Is access to English-medium education a constitutional right or a privilege reserved for the socio-economically advantaged?*

This paper seeks to examine the constitutional, judicial, and sociological dimensions of language inequality in the context of the right to education. It investigates how English, historically a colonial imposition, has transformed into a gatekeeper of opportunity, reinforcing socio-economic hierarchies. By exploring legislative frameworks, judicial interpretations, and policy reforms—especially the National Education Policy (NEP) 2020—the study

aims to assess whether India's education system can reconcile linguistic justice with global competitiveness.

The paper argues that while the Constitution envisages equality of opportunity (Article 14) and freedom of expression (Article 19(1)(a)), systemic disparities in language access perpetuate exclusion and inequality. Therefore, linguistic equity must be recognized as an intrinsic component of the right to education. The subsequent sections explore the historical evolution of English in India, the constitutional provisions governing language and education, judicial interpretations of linguistic rights, and policy implications for a multilingual democracy.

II. LANGUAGE, POWER, AND INEQUALITY

Language is not merely a system of communication—it is a structure of power. The choice of language determines access to knowledge, status, and participation in public life. In postcolonial India, English continues to symbolize authority, prestige, and opportunity. It dominates the judiciary, higher education, science, and administration, while regional languages remain confined largely to informal and primary-level domains. This linguistic hierarchy reproduces social inequality and contradicts the egalitarian spirit of the Constitution.

According to Pierre Bourdieu's theory of *linguistic capital* (1991), language functions as a resource that yields symbolic and material advantages. In India, English is a form of linguistic capital that provides social mobility to those who possess it and marginalizes those who do not. Access to English-medium education is often determined by economic capacity, making English both a cultural and class marker. Elite private schools, predominantly English-medium, cater to affluent families, while government

schools primarily use regional languages, limiting students' access to global knowledge systems.

The sociolinguistic landscape of India reveals a paradox: while the majority of citizens speak regional or local languages, English retains an aspirational and administrative supremacy. Studies by the National Sample Survey Office (NSSO) and Annual Status of Education Report (ASER) demonstrate that parents, irrespective of socio-economic background, prefer English-medium instruction for their children. This aspiration, however, often remains unmet due to resource constraints, resulting in a two-tier education system that perpetuates inequality.

This linguistic divide reflects a broader social structure where English proficiency becomes synonymous with modernity and competence. The concept of "English privilege" is deeply embedded in institutional practices. As Robert Phillipson (1992) argues in *Linguistic Imperialism*, the global dominance of English often perpetuates neo-colonial power structures by privileging certain linguistic identities over others. In India, this manifests as an educational hierarchy where English-medium instruction becomes a passport to elite employment and higher education, while vernacular-medium students face systemic disadvantages.

From a rights perspective, linguistic inequality directly impacts educational equity. When language becomes a gatekeeping mechanism, it undermines Article 14 (equality before the law) and Article 21-A (Right to Education). Equal access to quality education cannot be achieved without ensuring linguistic inclusivity. Therefore, any discourse on the Right to Education must account for the politics of language.

III. THE INDIAN CONSTITUTIONAL FRAMEWORK ON LANGUAGE AND EDUCATION

The framers of the Indian Constitution envisioned a nation that respected linguistic diversity while promoting unity. Recognizing the complexity of India's linguistic fabric, the Constitution provides a robust legal foundation for protecting language rights and ensuring equal access to education. Key provisions relevant to this study include Articles 14, 15, 19(1)(a), 21A, 29, and 350A.

3.1 Article 14: Equality before Law

Article 14 guarantees equality before the law and equal protection of laws. Linguistic discrimination, if institutionalized through the education system, violates this principle. When access to quality English-medium education is restricted to those who can afford it, the state indirectly perpetuates inequality. The constitutional ideal of equality must thus extend to linguistic accessibility in education.

3.2 Article 15: Prohibition of Discrimination

Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Although language is not explicitly listed, the Supreme Court has interpreted the article in a broad and inclusive manner. Discrimination in educational opportunities based on linguistic background—whether through denial of English-medium education or neglect of mother-tongue instruction—can be read as inconsistent with the spirit of Article 15.

3.3 Article 19(1)(a): Freedom of Speech and Expression

The right to freedom of expression includes the right to use one's language of choice. In *State of Karnataka v. Associated Management of English Medium Primary & Secondary Schools (2014)*, the Supreme Court held that parents and students have the freedom to choose the medium of instruction, and that state policy cannot impose linguistic restrictions. This judgment reaffirmed linguistic autonomy as a fundamental component of the right to expression.

3.4 Article 21-A: Right to Education

Inserted through the 86th Constitutional Amendment in 2002, Article 21-A guarantees free and compulsory education for children aged 6–14 years. While it mandates universal access, it is silent on the medium of instruction. The Right of Children to Free and Compulsory Education Act, 2009 operationalizes this right but leaves language choice to state discretion. This legal ambiguity creates space for inequality—students from marginalized backgrounds rarely have access to English-medium schooling, leading to unequal learning outcomes.

3.5 Article 29 and Cultural Rights

Article 29(1) protects the rights of minorities to conserve their language, script, and culture. This

provision underscores India's commitment to linguistic pluralism. However, the preservation of linguistic diversity should not preclude equitable access to English education. The challenge lies in balancing cultural preservation with linguistic empowerment.

3.6 Article 350A: Mother-Tongue Instruction

Article 350A directs the state to provide instruction in the mother tongue at the primary stage of education. This directive principle recognizes the pedagogical and emotional value of learning in one's native language. However, in practice, the emphasis on regional languages has coexisted with growing demand for English-medium instruction, leading to policy inconsistencies. While mother-tongue instruction ensures inclusivity, it often limits competitiveness in an English-dominated higher education and employment system.

3.7 Legislative and Policy Instruments

- Right to Education Act (2009): Ensures universal access but lacks clarity on linguistic equality.
- Three-Language Formula (1968, revised 2020): Promotes trilingual proficiency but faces uneven implementation.
- National Education Policy (2020): Advocates multilingualism, emphasizing mother-tongue instruction till Grade 5, while recognizing English as a global language essential for competitiveness.

The coexistence of these provisions reflects a constitutional paradox—India aspires to protect linguistic diversity but simultaneously promotes English as the language of progress. The resulting ambiguity fuels educational inequality and linguistic hierarchies.

3.8 The Constitutional Ideal of Linguistic Justice

The Preamble of the Indian Constitution upholds justice—social, economic, and political—as a guiding principle. Linguistic justice is an integral part of this framework. Ensuring equal access to language resources within the education system is crucial to realizing the constitutional promise of equality and fraternity. The constitutional vision does not seek the dominance of any single language but the coexistence of many, each providing equal opportunity for growth.

IV. ENGLISH AND THE RIGHT TO EDUCATION: PRIVILEGE OR RIGHT?

The position of English in India has been paradoxical since the colonial period. While it arrived as a tool of imperial governance, it later evolved into a unifying medium and a gateway to modernization. In post-independence India, the political commitment to multilingualism conflicted with the socio-economic demand for English. This duality has transformed English from a foreign language into a determinant of privilege and access.

4.1 English as a Tool of Empowerment

English proficiency today is a prerequisite for participation in global academia, technology, and business. The rise of India's service sector, driven by information technology and communication industries, has reinforced English as the language of employability. The Constitution's commitment to equality and liberty, as enshrined in Articles 14 and 19, implies that citizens should not be denied access to such enabling tools. Thus, access to English-medium education is indirectly linked to the realization of the right to equality and opportunity.

4.2 English as a Marker of Privilege

Despite this potential for empowerment, English-medium education remains accessible primarily to urban and affluent classes. Private schools offering English as the primary medium of instruction charge high fees and are concentrated in urban areas. In contrast, government schools, especially in rural regions, often function in regional languages and suffer from inadequate resources. This divergence perpetuates what Amartya Sen (2002) describes as "capability deprivation"—a structural inequity where individuals are denied the means to improve their social and economic conditions.

The exclusion of marginalized communities from English education effectively results in a linguistic class system. English becomes both a "right" and a "privilege"—a right in its aspirational sense, yet a privilege in its practical accessibility. This inequality contradicts the spirit of Article 14 (equality before the law) and Article 21-A (Right to Education).

4.3 Constitutional Dilemma

While the Constitution protects linguistic plurality, it does not explicitly define whether access to English education constitutes a fundamental right. The Right to Education Act (2009) mandates free and compulsory education but remains silent on the choice of language. The judiciary has therefore played a critical role in interpreting the scope of this right, often balancing state control with individual freedom.

V. JUDICIAL INTERPRETATIONS AND CASE STUDIES

The Indian judiciary has been instrumental in shaping the contours of linguistic rights within the educational framework. Through a series of landmark judgments, the Supreme Court has articulated principles that reconcile constitutional guarantees with societal demands.

5.1 *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993)

This landmark judgment recognized education as a fundamental right implicit in Article 21 (Right to Life). The Court held that the right to education up to the age of 14 years is a fundamental right, leading to the eventual inclusion of Article 21-A through the 86th Amendment. Although the case did not directly address language, it laid the foundation for interpreting education as a vehicle of equality—thereby implying that linguistic barriers to education undermine this right.

5.2 *T.M.A. Pai Foundation v. State of Karnataka* (2002)

This case dealt with the autonomy of educational institutions and the rights of linguistic and religious minorities under Articles 29 and 30. The Court held that educational institutions have the freedom to determine their medium of instruction and manage their affairs, subject to reasonable regulations. Importantly, it recognized that the state cannot impose a specific language as the medium of instruction, reinforcing linguistic freedom as part of institutional and individual rights.

5.3 *State of Karnataka v. Associated Management of English Medium Primary & Secondary Schools* (2014)

This case is pivotal in the discourse on English and education. The Karnataka government had directed that primary education should be imparted in the mother tongue. The Supreme Court struck down this order, holding that the choice of medium of instruction lies with the child and the parent, not the state. The Court emphasized that freedom of speech and expression under Article 19(1)(a) includes the right to choose a language for education.

The judgment thus recognized English-medium education as a matter of individual liberty, not merely a policy choice. By extension, denying access to English-medium instruction could be interpreted as restricting an individual's fundamental freedoms.

5.4 *English Medium Schools Association v. State of Karnataka* (1994)

An earlier case that anticipated the 2014 verdict, this judgment invalidated government attempts to impose vernacular instruction on private schools. The Court reaffirmed that educational institutions and parents have the right to select the medium of instruction, establishing a precedent for linguistic autonomy.

5.5 *Pramati Educational & Cultural Trust v. Union of India* (2014)

Here, the Court upheld the constitutional validity of the Right to Education Act (2009), while exempting minority institutions from its purview to preserve their cultural and linguistic rights under Articles 29 and 30. The decision reaffirmed the balance between linguistic preservation and educational access.

5.6 Judicial Trends and Constitutional Implications

Across these judgments, a clear judicial pattern emerges:

1. Freedom of linguistic choice is an extension of fundamental rights under Articles 19 and 21.
2. State imposition of a particular language violates individual liberty.
3. Access to English-medium education is not a constitutionally guaranteed right per se, but any state action restricting it could be deemed unconstitutional.

However, the courts have also recognized the need for preserving linguistic diversity and promoting education in the mother tongue for effective learning.

The jurisprudence thus reflects an ongoing tension between linguistic equality and educational efficiency. In essence, while the judiciary has stopped short of declaring English a constitutional right, it has consistently upheld the principle that access to a preferred medium of instruction—including English—falls within the broader spectrum of educational freedom and individual dignity.

VI. POLICY PERSPECTIVES: NEP 2020 AND LINGUISTIC INCLUSIVITY

Education policy in India has consistently grappled with the tension between linguistic inclusivity and global competitiveness. The National Education Policy (NEP) 2020 attempts to reconcile these competing goals by reaffirming the pedagogical importance of the mother tongue while acknowledging English as a global necessity.

6.1 Mother Tongue as Medium of Instruction

The NEP 2020 recommends that the medium of instruction until at least Grade 5, and preferably till Grade 8, be the home language or mother tongue (Government of India, 2020). This approach aligns with Article 350A of the Constitution, which directs states to provide instruction in the mother tongue at the primary stage. Educational research supports this policy: learning outcomes and cognitive development are stronger when early education occurs in the child's first language (UNESCO, 2003).

However, socio-economic realities complicate this ideal. Parents increasingly prefer English-medium education, perceiving it as essential for employability and social mobility. This mismatch between policy and parental aspiration creates implementation challenges. The insistence on mother-tongue instruction can inadvertently reinforce linguistic disadvantage for those aspiring to upward mobility through English education.

6.2 English and Global Competence

The NEP 2020 also recognizes English as a critical skill for global communication and employment. It emphasizes the development of multilingual proficiency, suggesting that English should be taught well but not at the expense of regional languages. The policy envisions a "multilingual India", where

linguistic diversity is celebrated without marginalizing English (NEP, 2020).

This inclusive vision resonates with the constitutional values of liberty and equality. The policy's success, however, depends on how effectively the state ensures equal access to English instruction across socio-economic strata. Without equitable resource allocation, English will continue to function as a privilege rather than a right.

6.3 Balancing Linguistic Justice and Globalization

In an increasingly interconnected world, linguistic competence in English can enhance India's global competitiveness. Yet, the state must balance this with its constitutional obligation to protect linguistic diversity. As Annamalai (2001) observes, multilingual education should not be viewed as a burden but as a democratic necessity. True linguistic justice requires enabling every child—regardless of background—to access both their cultural language and the global language.

VII. SOCIOLINGUISTIC DIMENSIONS OF LANGUAGE INEQUALITY

The persistence of language inequality in India is not merely a legal issue but a deeply sociological one. Linguistic hierarchies reproduce and reinforce existing social divisions of class, caste, and region.

7.1 English as Linguistic Capital

Pierre Bourdieu's concept of *linguistic capital* (1991) helps explain how English proficiency functions as a social asset. Those who acquire English fluency gain access to educational and economic opportunities that others cannot. English thus operates as both a symbolic and economic resource, producing social stratification within education.

7.2 Urban-Rural Divide

Empirical data reveal a stark divide between urban and rural linguistic access. Studies such as the Annual Status of Education Report (ASER, 2019) show that urban private schools overwhelmingly prefer English-medium instruction, while government schools in rural areas continue with regional languages. This gap perpetuates unequal learning outcomes and limits the social mobility of rural students.

7.3 Caste and Linguistic Inequality

Language also intersects with caste hierarchies. Historically marginalized groups, such as Scheduled Castes and Scheduled Tribes, are disproportionately represented in vernacular-medium schools. The inability to access English education often results in limited representation in higher education and skilled employment sectors (Mohanty, 2006). Consequently, linguistic inequality becomes a mechanism of social exclusion, challenging the constitutional promise of equality under Articles 14 and 15.

7.4 Gender and Language

Gender disparities are similarly evident. Female literacy rates in rural India remain lower, and girls are less likely to attend English-medium private schools due to socio-economic constraints. Language inequality thus compounds gender inequality, creating a multidimensional barrier to empowerment (Nambissan, 2010).

VIII. ENGLISH IN HIGHER EDUCATION: ACCESSIBILITY, ELITISM, AND OPPORTUNITY

The dominance of English extends beyond primary education into higher learning and professional fields. Most universities, research institutions, and competitive examinations in India operate primarily in English. While this facilitates international communication, it also excludes students educated in regional languages.

8.1 English as a Gateway to Higher Learning

English-medium instruction in universities is often justified as essential for accessing global knowledge systems. However, it inadvertently privileges students from elite backgrounds who have had early exposure to English. Non-English-medium students struggle to transition into higher education, leading to high dropout rates and limited research participation (Agnihotri, 2010).

8.2 Linguistic Exclusion and Academic Achievement

The privileging of English as the sole academic language undermines the intellectual potential of millions of students proficient in regional languages. As Dreze and Sen (2002) argue, true democratization of education requires not just access but meaningful

participation, which depends on linguistic inclusion. Translating academic resources into regional languages and promoting bilingual education models could bridge this gap.

8.3 The Way Forward

A bilingual or multilingual approach in higher education could ensure both inclusivity and competitiveness. Universities should allow flexible use of English and Indian languages for teaching, examination, and research. The UGC and AICTE have recently encouraged bilingual learning materials—a move consistent with linguistic democratization.

IX. FINDINGS AND DISCUSSION

The analysis across constitutional, judicial, and sociolinguistic dimensions reveals that language inequality remains a major barrier to realizing the Right to Education in its fullest sense. While the Constitution guarantees equality, the lack of equitable access to English-medium education perpetuates social stratification.

- **Constitutional Gap:** The Constitution protects linguistic freedom but does not explicitly define access to English as a right, leaving room for inequality.
- **Judicial Interpretation:** The Supreme Court has upheld the right to choose the medium of instruction but has not mandated state provision of English-medium education.
- **Policy Limitations:** NEP 2020 promotes multilingualism but lacks implementation strategies to ensure equal access to English.
- **Sociological Reality:** English proficiency continues to divide society along economic and regional lines.

To fulfil the constitutional ideals of justice, equality, and fraternity, India must move toward linguistic equity, where access to English education is not restricted by economic status or geography.

X. CONCLUSION AND SUGGESTIONS

The debate over English as a privilege or a right encapsulates the broader struggle between equality and aspiration in Indian education. English, once a colonial imposition, has become indispensable in the

globalized world. Yet, its uneven distribution reinforces socio-economic hierarchies.

The Indian Constitution envisions a society where every citizen enjoys equal opportunity. Achieving this vision requires reinterpreting the Right to Education (Article 21-A) to include linguistic access as an essential component. The state must ensure that English education, while not replacing mother-tongue instruction, is equitably available to all children.

Recommendations:

1. Bilingual Education Models: Integrate English alongside regional languages from the primary level.
2. Teacher Training: Invest in bilingual teacher education to deliver effective multilingual instruction.
3. Policy Reforms: Amend the RTE Act to explicitly address linguistic equity.
4. Resource Development: Translate academic content and digital resources into regional languages while promoting English literacy.
5. Public School Strengthening: Upgrade government schools with English learning facilities to reduce dependence on private institutions.

In conclusion, English must evolve from being a symbol of privilege to a democratic right—a linguistic bridge that connects rather than divides. Only then can India truly fulfil the constitutional promise of justice, liberty, equality, and fraternity through education.

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