
INCLUSION WITHOUT NORMS: EIGHTH SCHEDULE'S PROCEDURAL VACUUM WITH SPECIAL REFERENCE TO THE MIZO LANGUAGE PROPOSAL

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ABSTRACT

The Eighth Schedule of the Constitution of India lists the official languages recognised for specific constitutional purposes. While its scope has expanded from 14 to 22 languages since 1950, no constitutional or statutory criteria govern the inclusion of further languages. Through information obtained under the Right to Information Act, 2005, this note examines the absence of objective norms, the political and procedural implications of such a vacuum, and the status of the Mizo language proposal.

The findings reveal that despite decades of committee work the Pahwa Committee (1996) and the Sitakant Mohapatra Committee (2003) the Union Government has been unable to finalise measurable standards for inclusion. As a result, 38 language proposals remain in indefinite limbo, perpetuating unequal treatment among linguistic communities. The absence of clear criteria violates the principles of equality and non-arbitrariness enshrined in Article 14 of the Constitution. Without a rational framework, inclusion decisions risk being guided by political expediency rather than constitutional morality, frustrating the expectations of marginalized linguistic groups.

This note argues that the procedural indeterminacy surrounding the Eighth Schedule erodes constitutional trust and undermines India's pluralist commitments. By situating the Mizo language proposal within this broader policy vacuum, this note highlights the need for a statutory framework that institutionalises fairness, transparency, and predictability in language recognition. Establishing objective criteria such as demographic presence, cultural significance, and administrative viability would curb political discretion and reinforce constitutional morality. In doing so, India can meaningfully advance its federal and multicultural ethos, ensuring that linguistic recognition becomes a right grounded in justice and equality rather than a privilege granted at the state's discretion for all linguistic communities.

Keywords: Eighth Schedule, Linguistic rights, Article 14, Language inclusion policy, Mizo language proposal, Constitutional equality.

Inclusion Without Norms: Eighth Schedule's Procedural Vacuum

With Special Reference to the Mizo Language Proposal

I. Introduction

The Eighth Schedule of the Constitution was conceived as a dynamic list reflecting India's linguistic diversity. Article 344(1) and Article 351 of the Constitution indirectly relate to its purpose, while no provision explicitly lays down how languages may be added. The initial 14 languages have¹, through successive constitutional amendments, grown to 22². Each addition has been a political and legislative act rather than a rule-bound administrative process.³ This position is reinforced by judicial precedent.

The Mizo language, spoken predominantly in Mizoram and by diaspora communities across Northeast India and beyond, holds official status in the state and is central to the community's literary, cultural, and educational identity. Notably, Mizoram has become the first fully literate state in India, achieving a literacy rate of 98.2% as per the Periodic Labour Force Survey (PLFS) 2023–2024. This milestone was officially declared on May 20, 2025, under the Understanding Lifelong Learning for All in Society (ULLAS) initiative, which is part of the New India Literacy Programme.⁴ Despite this its claim for inclusion in the Eighth Schedule has been pending for more than a decade.⁵

The absence of transparent inclusion criteria has long been criticised by scholars, state governments, and cultural organisations.⁶ This note is based on responses received from the Ministry of Home Affairs (MHA) under the Right to Information Act, 2005, presents documentary evidence of this procedural vacuum, with a particular focus on the Mizo language's unfulfilled demand for inclusion.

¹ INDIA CONST. sched. VIII.

² INDIA CONST. sched. VIII (as amended up to 2003).

³ Ministry of Home Affairs, RTI Application Regarding Inclusion of Mizo Language in the Eighth Schedule, Reg. No. MHOME/R/T/25/01591 (23 May 2025) (on file with author).

⁴ Department of Information & Public Relations, Government of Mizoram, *Chief Minister Declares Mizoram the First Fully Literate State in India* (publication date unavailable), <https://dipr.mizoram.gov.in/post/chief-minister-declares-mizoram-the-first-fully-literate-state-in-india>

⁵ Id.

⁶ *The Indian Express*, *The Eighth Schedule of the Indian Constitution: How Language Inclusion Creates Exclusion* (2025).

In May 2025, a Right to Information (RTI) application was filed by the author to ascertain the status of the Mizo proposal and the criteria guiding Eighth Schedule additions. The Ministry of Home Affairs (MHA), in its reply dated 16 June 2025, confirmed the absence of any prescribed norms, disclosed a backlog of thirty-eight pending proposals, and withheld two committee reports under Section 8(1)(a) of the RTI Act.

This note is an empirical legal commentary, distinct in its reliance on primary RTI data rather than secondary summaries. It argues that the RTI reply exposes a structural vacuum: the inclusion process lacks binding criteria, functions in an ad-hoc fashion, and has remained stagnant for decades. This raises serious constitutional questions about India's institutional commitment to its proclaimed linguistic diversity.

II. Legislative and constitutional framework

Article 344

Article 344 of the Indian Constitution lays the foundation for India's official language policy by mandating the appointment of a Commission after fifteen years from the commencement of the Constitution.⁷ This Commission, along with a Committee of Parliament, was tasked with recommending the progressive use of Hindi for official purposes of the Union and the gradual restriction of English. The provision was conceived as a transitional mechanism, reflecting the Constituent Assembly's intent to strike a delicate balance between promoting Hindi and accommodating the continued necessity of English.⁸

The Commission was expected to devise measures to facilitate the wider use of Hindi in administration, legislation, and judiciary, while simultaneously ensuring that linguistic minorities were not disadvantaged.⁹ However, in practice, recommendations under Article 344 have met with political contestations, regional resistance, and repeated extensions of English as an associate official language.¹⁰ Thus, the aspirational goal of a smooth transition has been tempered by the sociolinguistic reality of India's diversity.

⁷ M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 823 (8th ed. 2021).

⁸ D.D. BASU, *INTRODUCTION TO THE CONSTITUTION OF INDIA* 409–10 (25th ed. 2021).

⁹ *Id.* at 409.

¹⁰ The Official Languages Act, No. 19 of 1963 (India).

Importantly, Article 344 provides the first link between official language policy and constitutional safeguards for linguistic plurality. Though the provision envisages Hindi's eventual predominance, it also acknowledges the need for inclusivity and gradualism.¹¹ The lack of a clear procedural mechanism for inclusion of languages within the Eighth Schedule,¹² however, creates a structural vacuum. For languages like Mizo recognized at the state level but excluded from the Eighth Schedule this vacuum means that their role in shaping national linguistic policy remains peripheral, despite Article 344's vision of balanced accommodation.

Article 351

Article 351 serves as the guiding directive for the Union to promote the spread and development of Hindi as a unifying link language of India. It mandates that Hindi must evolve into a language capable of expressing the composite culture of the nation. What distinguishes Article 351 from a mere promotion of Hindi is its explicit instruction: Hindi must enrich itself by drawing upon the vocabulary, style, and expressions of the languages listed in the Eighth Schedule.¹³ This provision reflects a constitutional commitment to both integration and linguistic inclusivity.

The constitutional design was therefore twofold: while Hindi was to be promoted as a national link language, this promotion could not come at the expense of India's linguistic diversity. Instead, Scheduled languages were envisaged as reservoirs of cultural wealth that would feed into the growth of Hindi. However, the provision also reveals a structural weakness: only languages included in the Eighth Schedule are positioned to influence the national language policy. Languages like Rajasthani, Tulu, Mizo etc despite being vibrant, widely spoken are excluded from this constitutional arrangement.

This creates a paradox of "inclusion without norms." While Article 351 imagines enrichment through Scheduled languages, it provides no procedure for adding new languages to the Schedule.¹⁴ Consequently, the Eighth Schedule's expansion has occurred only through sporadic political decisions rather than transparent constitutional norms. The exclusion of Mizo exemplifies this procedural vacuum: despite cultural vitality and constitutional protection

¹¹ D.D. BASU, *supra* note 12, at 408–10.

¹² *Id.* at 414–15.

¹³ *INDIA CONST.* art. 351 (as amended up to 2025).

¹⁴ *Id.*

under Article 371G, its inability to enrich Hindi under Article 351 underscores the limitations of India's current language framework.

Absence of Codified Criteria

All languages added to the Eighth Schedule have been included through constitutional amendments under Article 368. The first was Sindhi in 1967¹⁵, and the latest were Bodo, Dogri, Maithili, and Santhali in 2003¹⁶. Each addition needed political discussion, Cabinet approval, and a special majority in Parliament. Since there is no separate law for including languages, any new language must go through the full amendment process.¹⁷

Crucially, there exists no statutory enactment, constitutional mandate, or subordinate legislative instrument prescribing measurable, binding, or transparent criteria for inclusion in the Eighth Schedule. The Ministry of Home Affairs, in its 16 June 2025 RTI reply, expressly acknowledged this absence. This legal vacuum has allowed the process to function in an ad-hoc manner, dependent on political will and contingent considerations, without the predictability or accountability expected in constitutional governance.

III. Committee Attempts at Codification

While the constitutional text provides no framework for the inclusion of new languages into the Eighth Schedule, successive Union Governments have periodically attempted to codify objective criteria. These attempts, however, have remained inconclusive, leaving the process dependent on political negotiation rather than transparent evaluation.¹⁸

Pahwa Committee (1996)

The Government of India constituted the Pahwa Committee in 1996 with the mandate of evolving objective criteria for the inclusion of additional languages in the Eighth Schedule. The initiative emerged in response to an increasing number of representations from State Governments, community organisations, and Members of Parliament. Despite extensive

¹⁵ The Constitution (Twenty-first Amendment) Act, 1967, S. 2.

¹⁶ The Constitution (Ninety-second Amendment) Act, 2003.

¹⁷ *NDIA CONST.* art. 368; The Constitution (Twenty-first Amendment) Act, 1967; The Constitution (Seventy-first Amendment) Act, 1992; The Constitution (Ninety-second Amendment) Act, 2003.

¹⁸ Ministry of Home Affairs, RTI Application Regarding Inclusion of Mizo Language in the Eighth Schedule, Reg. No. MHOME/R/T/25/01591 (23 May 2025) (on file with author).

consultations, the Committee could not finalise a universally acceptable framework. The primary point of contention lay in defining and distinguishing between “languages” and “dialects,” a question complicated by India’s layered linguistic identities, script variations, and regional politics.¹⁹

Sitakant Mohapatra Committee (2003)

In 2003, the Sitakant Mohapatra Committee was set up with a similar mandate: to develop measurable norms that could guide Parliament in deciding whether a language merited inclusion. The Committee’s terms of reference specifically included the task of distinguishing dialects from languages and assessing the sociolinguistic vitality of candidates. While the Committee is understood to have prepared a set of recommendations, these remain undisclosed to the public. The Ministry of Home Affairs (MHA) has withheld the reports under Section 8(1)(a) of the Right to Information Act, 2005, citing concerns over public order and harmony on the ground that premature disclosure could provoke unrest among communities whose demands were rejected.²⁰

RTI Disclosure (2025)

An RTI application filed on 23 May 2025 sought information on the status of inclusion criteria and the position of the Mizo language in the pending list. In its reply dated 16 June 2025, the MHA stated unequivocally that “attempts... to evolve such fixed criteria have remained inconclusive due to divergent opinions of various stakeholders.”²¹ The reply further confirmed that no committee or expert group is currently considering new inclusions.

Consequences of Procedural Stasis

To date, the Union Government has confirmed that the Pahwa Committee (1996), tasked with formulating criteria for language inclusion in the Eighth Schedule, did not produce an actionable framework nor a publicly accessible report. The failure to codify criteria has produced a long-standing procedural vacuum. In practice, each inclusion depends upon political will, coalition dynamics, and shifting parliamentary priorities. While the Government has made multiple “attempts at codification,” each effort has stalled before producing a binding

¹⁹ Id.

²⁰ Id.

²¹ Id.

standard. As a result, the Eighth Schedule remains static, and claims such as that of the Mizo language continue to be subject to indefinite administrative delay.

IV. RTI Evidence of the Procedural Vacuum

The absence of codified inclusion criteria for the Eighth Schedule is not merely an academic inference; it is an officially acknowledged fact. An RTI application (Reg. No. MHOME/R/T/25/01591) filed on 23 May 2025 sought specific information from the Ministry of Home Affairs (MHA) regarding the current status of the Mizo language's inclusion proposal, any existing norms governing such inclusion, and the availability of past committee reports.²² Judicial pronouncements reinforce this procedural vacuum. In *Kanhaiya Lal Sethia v. Union of India* (1997), the Supreme Court categorically held that inclusion of Rajasthani was “a policy matter for the Government,” declining to issue directions²³. More recently, in *Ripudaman Singh v. Union of India* (2023), a Public Interest Litigation seeking inclusion of Rajasthani was dismissed on similar grounds,²⁴ with the Court reiterating that recognition of languages falls exclusively within the legislature's domain under Article 368. These disclosures and rulings demonstrate that the process is driven entirely by political discretion and constitutional amendment, lacking transparent, rule-bound criteria.

No Prescribed Norms

The MHA's reply, dated 16 June 2025, categorically stated: “At present there are no prescribed norms for inclusion of more languages in the Eighth Schedule, including Mizo.” This is publicly documented admission based on primary evidence that the Union operates without a binding framework in deciding linguistic inclusion. The statement aligns with earlier indications from committee histories but carries greater probative value because it is an official, on-record response to a citizen query.

Pending Proposals

The reply annexed a list of 38 languages whose inclusion proposals remain pending. These include widely spoken regional tongues such as Bhojpuri, Tulu, and Garhwali, alongside

²² Ministry of Home Affairs, RTI Application Regarding Inclusion of Mizo Language in the Eighth Schedule, Reg. No. MHOME/R/T/25/01592 (23 May 2025) (on file with author).

²³ *Kanhaiya Lal Sethia v. Union of India*, (1997) 6 SCC 573 (India).

²⁴ *Ripudaman Singh v. Union of India*, W.P. (C) No. 387/2023 (India).

smaller linguistic communities like Mizo, Khasi etc. The breadth of the list underlines the scale of the administrative backlog and the absence of a systematic process to address competing claims.

Past Submissions from Mizoram

The RTI response confirms that the Government of Mizoram formally submitted a proposal for Mizo's inclusion in 2013, followed by a letter from the Governor of Mizoram in 2021 reiterating the demand. Despite these high-level representations from constitutionally recognised State authorities, no substantive action has been taken, illustrating how political endorsements alone cannot break the procedural impasse. This institutional inaction resonates with findings from recent open-ended survey responses among the Mizo diaspora, where participants highlighted a deep sense of political marginalisation, noting that Mizoram is represented by only one seat each in the Lok Sabha and Rajya Sabha.²⁵ The perceived lack of political leverage underscores how smaller states and linguistic minorities struggle to advance language recognition agendas in a system dominated by numerical strength, further entrenching the procedural vacuum surrounding the Eighth Schedule.

Non-Disclosure of Committee Reports

Perhaps most tellingly, the MHA refused to disclose the reports of the Pahwa Committee (1996) and the Sitakant Mohapatra Committee (2003), citing Section 8(1)(a) of the RTI Act, 2005. The stated reason avoiding “uproar... detrimental to peace, public order, and harmony” suggests that the Government anticipates community-level unrest if certain languages are perceived to have been prioritised or rejected. This reinforces the politically sensitive nature of Eighth Schedule expansion and the reluctance to institutionalise transparent evaluation norms.

Structural Absence of Norms

Taken together, these RTI disclosures move the debate beyond mere bureaucratic delay. They reveal a structural vacuum in the constitutional architecture where the absence of criteria is not accidental, but embedded in a decades-long stalemate, leaving linguistic recognition at the mercy of political expediency rather than principled decision-making.

²⁵ Author's field research, Questionnaire Responses of Mizo Diaspora in Delhi Regarding Inclusion of the Mizo Language in the Eighth Schedule (Apr.–May 2025) (data on file with author).

V. Implications of the Procedural Vacuum

The RTI disclosures examined above reveal not only the absence of procedural norms for Eighth Schedule inclusion but also a series of systemic consequences that undermine constitutional commitments to linguistic diversity. Four interlinked implications merit closer scrutiny.

Backlog of Claims

The official list of 38 pending language proposals reflects an expanding queue without a defined mechanism for disposal. Each year, additional demands are made by State governments, Members of Parliament, and community organisations, yet no chronological or priority-based framework exists to ensure timely consideration.²⁶ This cumulative backlog transforms what should be a process of structured constitutional recognition into a protracted, indeterminate wait effectively freezing linguistic aspirations for decades.

Risk of Politicisation

In the absence of codified criteria, the inclusion process becomes vulnerable to political negotiation and electoral calculus. Languages with stronger political lobbies or greater representation in Parliament may receive attention, while others, despite cultural or demographic merit, remain ignored. Such ad-hocism risks distorting the Eighth Schedule's constitutional role from a recognition of linguistic diversity into a transactional instrument of coalition politics and a violation of article 14.

Violation of Article 14: Equality and Non-Arbitrariness

The absence of codified criteria or procedure for the inclusion of languages in the Eighth Schedule raises serious constitutional concerns under Article 14, which guarantees equality before the law and equal protection of the laws. While Article 14 does not prohibit reasonable classification, the Supreme Court has consistently held that classifications must be based on intelligible differentia and have a rational nexus with the objective sought to be achieved. In *E.P. Royappa v. State of Tamil Nadu* (1974), the Court famously declared that “arbitrariness is antithetical to equality,” establishing that equality is not merely formal but substantive.²⁷ This

²⁶ MHA RTI Application on Mizo Language, supra note 18

²⁷ *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555 (India).

view was reinforced in *Maneka Gandhi v. Union of India* (1978),²⁸ which expanded Article 14 to encompass fairness, reasonableness, and non-arbitrariness as cornerstones of governance.

Applied to the Eighth Schedule, this jurisprudence reveals a structural gap: while the Constitution envisions recognition of languages as an instrument of cultural and linguistic justice, the absence of codified standards has allowed arbitrary decision-making. The Union Government holds exclusive discretion to initiate constitutional amendments for inclusion, yet there is no statutory or policy framework to guide such decisions. This opacity has produced inconsistent outcomes, where some languages with comparable or even smaller speaker populations have been recognized, while others with strong literary traditions and sustained political representation remain excluded.

This lack of transparency and predictability undermines constitutional trust and creates a perception of unequal treatment among linguistic communities, contrary to the spirit of Article 14. Codifying objective and consultative procedures would not only align with constitutional principles of fairness and equality but would also strengthen India's pluralist vision, ensuring that recognition of linguistic diversity is based on justice rather than political expediency.

Transparency Deficit

As part of an attempt to obtain information regarding the inclusion of languages in the Eighth Schedule, the following RTI query was submitted to the Ministry of Home Affairs (MHA):

“For each language added to the 8th Schedule after the original 14, please provide: A copy of the official proposal or recommendation submitted for Copies of internal file notings, cabinet notes, or relevant communications regarding the inclusion. Details of any expert committees or linguistic surveys involved the evaluating the proposals. Criteria or benchmarks used by the Government or committees while approving the inclusion. Any relevant Parliamentary standing Committee reports or recommendations that supported the inclusion.”

The RTI response revealed the extent of this opacity. A recent reply from the MHA stated:

“Inclusion of languages in the 8th Schedule to the Constitution is a very sensitive matter. There are hundreds of languages and dialects in India and there have been persistent demands for

²⁸ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 (India).

inclusion of these languages/dialects. Due to the sensitive nature of the matter, a decision regarding acceptance or otherwise of the Sitakant Mohapatra Committee Report and Pahwa Committee Report could not be taken so far. As such, these reports and related documents cannot be made public until a decision regarding their acceptance is taken, as disclosure may create uproar in society against the recommendations of the Committee, which may be detrimental to peace, public order, and harmony. Thus, the requisite information cannot be disclosed at this stage as it attracts the provisions of Section 8(1)(a) of the RTI Act, 2005."²⁹

The MHA's refusal to disclose the Pahwa and Sitakant Mohapatra Committee reports, citing Section 8(1)(a) of the RTI Act, deepens the transparency deficit. Communities are left in the dark about why some languages may be favoured over others, or what technical and sociolinguistic parameters have been considered in the past. This justification is highly questionable and appears to be a clear attempt to avoid accountability for decades of inaction. The MHA's claim that disclosing the reports could "create uproar in society" weaponizes an exemption designed for matters of national security. It overlooks the crucial "public interest override" provision in Section 8(2) of the RTI Act, which mandates disclosure even if an exemption applies if the public interest outweighs the potential harm. The public's interest in transparency and fairness regarding language recognition for 38 pending proposals far outweighs the government's speculative fear of unrest. This non-disclosure reinforces the politically sensitive nature of Eighth Schedule expansion and the state's reluctance to institutionalize transparent evaluation norms. The secrecy fosters suspicion among linguistic groups, increasing the risk of inter-community tension and undermining trust in the Union's language policy.

Judicial Review Limitations

The Supreme Court and High Courts have historically regarded Eighth Schedule inclusion as a matter of legislative policy, falling within Parliament's exclusive amending power under Article 368. In the absence of explicit constitutional or statutory criteria, judicial review is unlikely to compel inclusion, limit delays, or enforce transparency. This doctrinal restraint leaves affected communities with limited legal remedies, reinforcing the dominance of political and administrative discretion.

²⁹ 'Ministry of Home Affairs, RTI Application regarding inclusion of Mizo language in the Eighth Schedule, Reg. No. MHOME/R/T/25/01592 (23 May 2025) (on file with author)'.

Collectively, these implications suggest that the procedural vacuum is not a neutral omission but an enabling condition for a politically managed, non-transparent system. Without reform, the Eighth Schedule risks losing its legitimacy as a constitutional instrument for the protection and promotion of India's linguistic heritage.

VI. Conclusion and Recommendations

The RTI disclosures unequivocally reveal that the process for inclusion of languages in the Eighth Schedule operates without any legally binding criteria or prescribed policy framework. This procedural vacuum severely undermines the principles of equality and non-arbitrariness enshrined in Article 14 of the Constitution, as similarly situated linguistic communities face unequal treatment due to the absence of objective parameters.

To address these systemic gaps, the Union Government should take immediate steps, including:

- i. **Public Disclosure of Committee Reports:** Release the withheld reports of the Pahwa Committee (1996) and Sitakant Mohapatra Committee (2003) to enable informed public discourse and build trust among linguistic communities.
- ii. **Establishment of Statutory Criteria:** Formulate clear, measurable, and objective criteria for inclusion, incorporating demographic strength, cultural heritage, linguistic distinctiveness, and sociolinguistic vitality.
- iii. **Periodic Review Mechanism:** Implement a transparent and regularized process to review pending proposals, ensuring that claims do not languish indefinitely.
- iv. **Parliamentary Oversight Grounded in Objectivity:** While parliamentary approval remains constitutionally indispensable, inclusion decisions should be based on rigorous evaluation rather than ad-hoc political negotiations.

The situation of several languages, including the Mizo language, pending inclusion despite formal proposals and constitutional recognition at the State level, starkly illustrates the consequences of this procedural inertia. Without substantive reforms, demands for linguistic recognition risk being consigned to perpetual limbo, frustrating constitutional promises, violating the mandate of Article 14, and eroding India's commitment to its pluralistic ethos.

As Mahatma Gandhi aptly said, “*Our ability to reach unity in diversity will be the beauty and the test of our civilization.*”³⁰ Ensuring transparency, objective criteria, and timely inclusion of languages in the Eighth Schedule is not merely a procedural necessity it is a reaffirmation of India’s commitment to its pluralistic and democratic ethos.

³⁰ MAHATMA GANDHI, *YOUNG INDIA* (1925).