

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.1703

ANSWERED ON THURSDAY, THE 03.08.2023

REGIONAL LANGUAGES IN HIGH COURTS

1703. SHRI C. VE. SHANMUGAM:

Will the Minister of Law and Justice be pleased to state:

- (a) whether it is a fact that English language is being predominantly used in various High Courts across the country;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether Government favours regional languages to be used in conducting cases in various High Courts;
- (d) if so, the details thereof;
- (e) whether Government received any proposal from some States regarding conducting of cases in regional languages;
- (f) if so, the details thereof; and
- (g) the response of Government thereon?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

(a) to (g): Article 348(1)(a) of the Constitution of India states that all proceedings in the Supreme Court and in every High Court, shall be in English language. Clause (2) of the Article 348 of the Constitution states that notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State

may, with the previous consent of the President, authorize the use of Hindi Language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State.

Section 7 of the Official Language Act, 1963 states that the Governor of a State, may with previous consent of the President, authorize the use of Hindi or the official language of the State, in addition to English language, for the purpose of any judgement, decree or order passed or made by the High Court for that State and where any judgement, decree or order passed or made in any such language (other than the English language), it shall be accompanied by a translation of the same in English language issued under the authority of the High Court.

The Cabinet Committee's decision dated 21.05.1965 has stipulated that consent of the Hon'ble Chief Justice of India be obtained on any proposal relating to use of a language other than English in the High Court.

The use of Hindi in the proceedings of High Court of Rajasthan was authorized under clause (2) of Article 348 of the constitution in 1950. After the Cabinet Committee's decision dated 21.05.1965 as mentioned above, the use of Hindi was authorized in the High Courts of Uttar Pradesh (1969), Madhya Pradesh (1971) and Bihar (1972) in consultation with the Chief Justice of India.

Government of India had received proposals from the Government of Tamil Nadu, Gujarat, Chhattisgarh, West Bengal and Karnataka to permit use of Tamil, Gujarati, Hindi, Bengali and Kannada in the proceedings of the Madras High Court, Gujarat High Court, Chhattisgarh High Court, Calcutta High Court and Karnataka High Court respectively. The advice of Chief Justice of India was sought on these proposals and it was intimated that the Full Court of the Supreme Court after due deliberations, decided not to accept the proposals.

Based on another request from the Government of Tamil Nadu, the Government requested the Chief Justice of India to review the earlier decisions in this regard and convey the consent of the Supreme Court of India. The Chief Justice of India conveyed that the Full Court, after extensive deliberations decided not to approve the proposal and reiterated the earlier decisions of the Hon'ble Court.
