



Use of Regional Language in Legal System

For Prelims: Article 343, President, Article 348

For Mains: Use of Regional Language in Legal System

Why in News?

Recently, the Prime Minister inaugurated the All-India Conference of Law Ministers and Law Secretaries via video conference.

- While Inaugurating the Conference, PM bats for **use of regional languages in the legal system to bring ease of justice.**
- He stressed that new laws should be written in a clear manner and in regional languages to bring in “ease of justice,” so that even the poor can easily understand them and legal language doesn’t become a barrier for citizens.

What is the Background of Languages in the Legal System?

▪ Background:

- The language used in Courts in India has seen a transition over centuries with the shift from Urdu to Persian and Farsi scripts during the Mughal period which continued in subordinate courts even during the British Rule.
- The British introduced a codified system of law in India with English as the official language.
- Post-independence, [Article 343](#) of the Constitution of India provides that the official language of the Union shall be Hindi in the Devanagari script.
 - However, it mandated that the English language will continue to be used for all official purposes of the Union for 15 years from the commencement of the Constitution of India.
 - It further provides that the **President** may, during the said period, by order to authorise the use of the Hindi language for any official purpose of the Union, other than the English language.

▪ Constitutional Provisions:

- **Article 348(1)(a) states** that unless Parliament by law provides otherwise, all proceedings before the [Supreme Court](#) and in every High Court shall be conducted in English.
- **Article 348(2) provides** further that notwithstanding the provisions of Article 348(1), the [Governor](#) of a state may, with the previous consent of the President, authorise the use of Hindi or any other language used for any official purpose, in proceedings in the High Court.
 - States of Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh have already authorised the use of Hindi in proceedings before their respective high courts and taking a cue, Tamil Nadu is also working in that direction - to authorise the use of Tamil before its high court.
- A further provision states that nothing in this clause would apply to any judgement, decree,

or order made by the High Court.

- Therefore, the **Constitution recognizes English as the primary language of the Supreme Court and the High Courts**, with the caveat that when some other language is used in the proceedings of High Courts, judgments of the High Courts must be delivered in English.

▪ **Official Languages Act 1963:**

- It empowers the **Governor of a state to, with previous consent of the President, authorise the use of Hindi/the official language of the state**, in addition to English, for the purpose of any judgement, decree or order passed by the High Court of that state.
- It further **provides that where any judgement/decreed/order is passed in any such language** it shall be accompanied by a translation of the same in English.
 - Read with the constitutional provisions, it is clear that primacy is given to English even by this Act.
- The Official Languages Act makes no mention of the Supreme Court, where English is the only language in which proceedings are conducted.

▪ **Language of Subordinate Courts:**

- The language of all courts subordinate to High Courts generally remains the same as the language on the commencement of the **Civil Procedure Code 1908**, till the state government determines.
- There are two provisions **regarding the use of language in subordinate courts**.
 - Under Section 137 of the Code of Civil Procedure, the language of the district courts shall be similar to the language of the act.
- The state government has the **power to declare any regional language as an alternative** for the proceedings of the court.
 - However, judgments, orders, and decree may be passed by the magistrate in English.
 - The recording of the evidence shall be done in the prevailing language of the state.
 - In case of a pleader being unacquainted with English, a translation into the language of the court shall be supplied to him on his request and the court shall bear such costs.
- Section 272 of the Code of Criminal Procedure 1973, states that the **State government shall determine the language of all courts** other than the High Courts. So, broadly it means that the language used in the district courts shall be in the regional language as the state government directs.

What are the Reasons for Using English Language in Legal System?

▪ **About:**

- Just like cases from all over the country come to the Supreme Court, judges and lawyers of the Supreme Court also come from all parts of India.
- Judges can hardly be expected to read documents and hear arguments in languages with which they are not familiar.
- Without the use of English, **it would be impossible to discharge their duty**. All judgments of the Supreme Court are also delivered in English.
 - Though, in 2019, the Court introduced an initiative to translate its judgments into regional languages, it is rather a tall order given the sheer volumes of judgments which the Court delivers.

▪ **Significance:**

- **Uniformity:** At present the **judicial system in India is well developed**, integrated and uniform throughout the country.
- **Easy Access:** Lawyers as well as the judges have the benefit of easy access to the views of other high courts on similar legislations and other matters of law and constitution.
- **Seamless Transfers:** Presently, the judges from one high court are transferred to other high courts seamlessly.
- **Unified Structure:** This has given a unified structure to the Indian judicial system. The hallmark of any robust legal system is that the law should be certain, precise and predictable and we have nearly achieved that in India.
- **Link Language:** To a very great extent, we owe it to the English language, which has served as a link language for India where we have about two dozen official state languages.

Way Forward

- The need of the hour is to encourage local language in courts, which will not only **increase the confidence of common citizens in the justice system**, but they will feel more connected to it.
- India celebrates the 75th anniversary of Independence, **focus should be on creation of a judicial system where justice is easily available, is quick and for everyone.**
- The confluence of the judiciary and legislature will **prepare the roadmap for an effective and time-bound judicial system in the country.**

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