

Bill No. 194 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI JAGDAMBIKA PAL, MP

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further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India
as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may,
5 by notification in the Official Gazette, appoint.

Amendment
of article 348.

2. In article 348 of the Constitution,—

(i) in clause (1), for sub-clause (a), the following sub-clause shall be substituted, namely:—

“(a) all proceedings in the Supreme Court and in every High Court shall be in English or Hindi language;”

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(ii) in clause (2), the words “the Hindi language, or” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In the Indian legal system, many provisions have been made under the Constitution of India, so that everyone can get justice equitably. After independence our constitutional experts had made the Constitution bilingual which was written both in Hindi and English languages.

According to the 2011 census, Hindi is the mother tongue of 43.63 per cent. people of India, which is 52 crore and 83 lakh approximately in number and 57.05 per cent. people have knowledge of Hindi language. In the 50th report of the Commissioner for Linguistic Minorities in India, 11 States and Union Territories (Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh, Uttarakhand and Union territories of Chandigarh and Delhi) have been identified as having majority of Hindi speaking people. The official language of these States is Hindi. Provisions have also been made in both the Houses of Parliament so that honourable Members may express their views in the languages specified in the Eighth Schedule to the Constitution.

However, all the verdicts of our Supreme Court are in English language only. The justice that a common citizen expects from the court is not understood by almost half of the population due to verdicts being in the English language only.

Hindi in Devanagari script has been recognised as official language of the Union under article 343(1) of the Constitution. But in the judicial process, the official language Hindi is used only in the district courts of some States and to some extent in the High Court of some States, namely, Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar. There is no provision in the Constitution regarding use of official language Hindi in the Supreme Court which proves to be a kind of linguistic barrier in the journey from the District Courts to the Supreme Court.

Under section 363 of the Code of Criminal Procedure, 1973, a copy of the judgment is provided to the accused free of cost but the majority of the population of India is unable to understand the judgment as it is given in English language only. According to the official data, only about 10 per cent. of the people have knowledge of English language.

Under some special provisions mentioned in the Indian legal system, a person can arrange his or her case without a lawyer. However, due to the fact that the language of the High Courts and the Supreme Court as per article 348(1) is English only, people have to face linguistic barriers during their legal journey from district Courts to High Courts and the Supreme Court.

According to the recommendations made in Volume 5, 6 and 7 of the Report of the Parliamentary Committee on Official Languages,—

(1) The Office of the Registrar General of the Supreme Court is also an office of the Central Government under rule 2(a) of the Official Languages Rules, 1976. Therefore, the Office of the Registrar General of the Supreme Court should also comply with the rules made under the Official Languages Act, 1963.

(2) The use of Hindi alongwith English should be authorized in the Supreme Court as there is the practice of publishing judgments in English and French languages in the International Court of Justice.

(3) Article 348 of the Constitution should be amended so that the legislative department can do the drafting work in Hindi.

The use of Hindi language in the Supreme Court is a step like giving proper justice to all, which is in line with the basic spirit of the Government's philosophy of governance—“*Sabka Saath, Sabka Vikas, Sabka Vishwas.*”.

Adoption of Hindi as a second optional language in the High Courts and the Supreme Court shall be a meaningful step towards making the judicial process easier for the general public.

Through this amendment, there will be an option to work in Hindi along with English in the High Courts and the Supreme Court so that the resolution of giving equal and fair justice to all, as enshrined in the Preamble to the Constitution, which the Parliament of India, the Government and the Judiciary are trying to realize, may be fulfilled.

Hence this Bill.

NEW DELHI;
9 March, 2022.

JAGDAMBIKA PAL

ANNEXURE

[EXTRACT FROM THE CONSTITUTION OF INDIA]

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CHAPTER III

LANGUAGE OF THE SUPREME COURT, HIGH COURTS, ETC.

348. (1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

- (a) all proceedings in the Supreme Court and in every High Court,
- (b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State.

shall be in the English language.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the 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:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

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further to amend the Constitution of India.

(Shri Jagdambika Pal, M.P.)