

Bill No. XLIII of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment), Act 2023.

Short title
and
commencement.

(2) It shall come into force at once.

5 2. In article 348 of the Constitution, in clause (1),—

Amendment
of Article
348.

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

10 "(a) all proceedings in the Supreme Court shall be conducted in the official language of the Union, namely, Hindi and in all the regional languages listed in the Eighth Schedule of the Constitution, and a transcript thereof shall be translated into and made available in the English language.

(b) all proceedings in every High Court shall be conducted in the official language of the Union, namely, Hindi and in the official language of the respective State, and a

transcript thereof shall be translated into and made available in the English language.

(ii) clause (b) shall be re-numbered as "clause (c)" and the following shall be substituted, namely:—

"(c) the authoritative texts *i.e.*,—

(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, 5

(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 byelaws issued under this Constitution or under any law made by Parliament or the Legislature of a State, 10

shall be bilingual, *i.e.*, in Hindi and English languages, and shall also be translated into and made available in all other languages listed in the Eighth Schedule of the Constitution."

3. Clause (2) shall be omitted.

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4. Clause (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Seventy-four years after independence, the linguistic shadow of the colonial heritage of the country still remains. Article 348 of the Constitution stipulates that all proceedings before the Supreme Court and each High Court shall be conducted in English. After independence, our constituents expressed the need to promote Hindi along with other regional languages in our country's official functions. The use of English for certain purposes was originally agreed for a period of 15 years.

2. In addition of this, the Constitution empowers the President to set up an Official Languages Commission to resolve language-related issues and to promote Hindi language. After that, Commissions were formed, and numerous reports were prepared, several orders were issued, and attempts were made to implement the provisions of the Official Languages Commission. However, the final expected result was not obtained. The rapid adoption of English as the official language has led to the neglect of Hindi as well as other regional languages of the masses. Moreover, the issue is not only about promotion of Hindi as Official Language, but simultaneous promotion of other regional languages of the country on equal terms.

3. Even today, we are unable to maintain and promote our rich treasure of regional languages. The languages of all rich nations continue to thrive, but the diverse languages of our country are declining. Working in Hindi and other regional languages can bring this diverse nation together. The most urgent need now is to initiate the promotion of our regional languages for connecting with the masses and dispensing equity and justice as enshrined in the basis structure of the Constitution. Concrete initiatives need to be taken in this direction in order to promote regional languages to connect the people of our country. To achieve this and to get the expected results from the Official Languages Commission, what is needed today is to enforce usage of Hindi as well as other regional languages in the official working of the country, especially in the Supreme Court and the High Courts of the country, who are assigned with the duty of dispensing justice to the citizens of our country.

4. Furthermore, Law is taught in Hindi and in regional languages in all educational institutions across the country and students are pursuing law degrees in Hindi and regional languages as well. But English being the language of the Supreme Court and High Courts of India, several law graduates are compelled to file cases in English when practising before the Supreme and High Courts. Because, these lawyers who have studied law in Hindi or in regional languages are not competent enough to explain cases in English, they face discrimination in their practice in Supreme Court and High Courts of India. Such discrimination is violative of their fundamental right to practice their profession, as enshrined in article 19(1)(g) of the Constitution.

5. The Bill intends to amend the provisions of article 348 of the Constitution to do away with the compulsory use of English in the proceedings of Supreme Court and High Courts and for the authoritative texts of the Parliament, State Legislatures and all the rules, regulations, bye laws, etc., issued by the Government to be compulsorily in bilingual form *i.e.*, Hindi and English along with translations available in all the regional languages listed in the Eighth Schedule of the Constitution.

Hence, the Bill.

HARNATH SINGH YADAV

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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[Article 348]

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

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

(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.

(3) Notwithstanding anything in sub-clause (b) of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-laws referred to in paragraph (iii) of that sub-clause, a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article.

RAJYA SABHA

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further to amend the Constitution of India.

(Shri Harnath Singh Yadav, M.P.)