

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO. *206

ANSWERED ON 21.12.2023

COURT PROCEEDINGS IN REGIONAL LANGUAGES

***206. SHRI VAIKO :**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the progress made in conducting court proceedings right from district courts to High Courts in regional languages;
- (b) whether online filing of petitions, affidavits and counters and rejoinders have been fully facilitated in all the courts, if so, the details thereof;
- (c) whether the appearance of lawyers and arguments have been fully implemented in High Courts and option is given to the lawyers to appear either in-person or through virtual mode, the details thereof; and
- (d) the details of assistance provided by the Ministry in getting judgments in regional languages for the benefit of common people?

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 (d): A statement is laid on the Table of the House.

*****STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (D) OF THE RAJYA SABHA STARRED QUESTION NO. *206 DUE FOR ANSWER ON 21.12.2023 REGARDING COURT PROCEEDINGS IN REGIONAL LANGUAGES**

(a): As far as Supreme Court and all High Courts are concerned, Article 348(1)(a) of the Constitution of India states that all proceedings in these Courts shall be in English language. However, Article 348 (2) of the Constitution of India provides that 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. Further, Section 7 of the Official Language Act, 1963 states that the Governor of a State may, with the previous consent of the President, authorize the use of Hindi or the official language of the State, in addition to the English Language, for the purposes of any judgment, decree or order passed or made by the High Court for that State and where any judgment, decree or order is passed or made in any such language (other than the English Language), it shall be accompanied by a translation of the same in the 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 Article 348(2) 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 as per the Cabinet Committees decision taken in 1965 and the Chief Justice of India vide his D.O. letter dated 16.10.2012 intimated that the Full Court in its meeting held on 11.10.2012, 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 in July, 2014. The Chief Justice of India vide his D.O. letter dated 18.01.2016 conveyed that the Full Court, after extensive deliberations, unanimously resolved that the proposals could not be accepted.

As far as District and Subordinate Courts are concerned, the provision of Article 235 of the Constitution of India vests the administrative control over these courts with the concerned High Courts in the respective states. Thus, the use of Hindi or regional language in lower courts is generally decided by the High Court and State Government concerned in consultation with each other and accordingly implement it in their respective district and subordinate courts.

(b) and (c): Under eCourts Mission Mode Project, eFiling has been made functional and it is available for all High Courts and District & Subordinate Courts across India. New e-filing system (version 3.0) has been rolled out for the electronic filing of legal papers with upgraded features. Draft eFiling rules have

been framed by eCommittee, Supreme Court of India (SCI) which were circulated to all High Courts for better implementation of online filing and are available on the website of eCommittee, SCI. A total of 20 High Courts has adopted the model rules of e-Filing as on 31.10.2023. To promote eFiling all Central & State Government departments including the PSUs have been requested to use e filing in all commercial disputes coming up in the commercial courts. Further, instructions have been issued by eCommittee, Supreme Court of India to all HCs to ensure that all Government litigations are e-filed. Similar communication has also been shared by the Department of Justice to all Ministries requesting to use e filing in all Government litigation.

Till October 2023, 7,49,538 cases were filed in High Courts and 16,25,978 were filed in District & Taluka Courts using eFiling facility. Under eCourts Mission Mode Project, video conferencing emerged as the mainstay of the Courts during the Covid lockdown period as physical hearings and normal court proceedings in the congregational mode were not possible. Since Covid lockdown started, the District & Subordinate courts heard 2,11,52,949 cases while the High Courts heard 80,91,400 cases (totaling 2.92cr) till 31.10.2022 using video conferencing. The Supreme Court held 4,82,941 hearings till 15.05.2023 since the beginning of lockdown period. One video conference equipment each has been provided to all Court Complexes including taluk level courts and additionally funds have been released for additional VC equipment for 14,443 court rooms. Funds for setting up 2506 VC Cabins have been made available. VC facilities are already enabled between 3240 court complexes and corresponding 1272 jails.

In the case of Sarvesh Mathur vs The Registrar General, High Court of Punjab & Haryana (WP (Crl.) No. 351/2023), Hon'ble Supreme Court has on

06.10.2023 passed an order that no High Court shall deny access to video conferencing facilities or hearing through the hybrid mode to any member of the Bar or litigant desirous of availing of such a facility. Moreover, all State Governments have been asked to provide necessary funds to the High Courts to put into place the facilities requisite for that purpose within the specified time frame.

(d) As informed by the Supreme Court of India, Hon'ble Chief Justice of India has constituted the AI Assisted Legal Translation Advisory Committee, headed by Hon'ble Mr. Justice Abhay S. Oka, Judge, Supreme Court of India, for translation of e-SCR Judgments into vernacular languages by using AI Tool. As on 02.12.2023, by using AI translation tools, 31,184 judgements of Supreme Court, have been translated into 16 languages viz. Hindi (21,908), Punjabi (3,574), Kannada (1,898), Tamil (1,172), Gujarati (1,110), Marathi (765), Telugu (334), Malayalam (239), Odia (104), Bengali (39), Nepali (27), Urdu (06), Assamese (05), Garo (01), Khasi (01), Konkani (01). The details of the judgments of Supreme Court translated into 16 languages, as on 02.12.2023, is available on the e-SCR Portal of the Supreme Court website.

A similar Committee has been constituted in all the High Courts, headed by the Judges of the respective High Courts. As of now, the Supreme Court is collaborating with the High Courts in translation of e-SCR Judgments into 16 vernacular languages. As per the information received from the High Courts, 4,983 judgments have been translated into vernacular language and uploaded by the High Courts on their respective websites.
