

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 4119

TO BE ANSWERED ON FRIDAY, THE 24th MARCH, 2023

USE OF TAMIL IN MADRAS HIGH COURT

4119. SHRI RAVIKUMAR D.:

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

- (a) whether the Union Government has taken any action over the demand for the Tamil language to be made as official language in Madras high court - as well as its Madurai bench, if so, the details thereof and if not, the reasons therefor;
- (b) the steps taken by the Government to ensure that all States find proportional representation in the Bench of the Supreme Court; and
- (c) whether the Government is implementing social diversity in higher judiciary and if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIRENRIJJU)

(a): 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.

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.

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Government of India had received proposals from the Government of Tamil Nadu, Gujarat, Chhattisgarh, West Bengal and Karnataka to permit use of Tami, 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.

Government is committed to make the legal matters more comprehensible to common citizens by translating the orders and other legal materials into regional languages. Under the aegis of the Ministry of Law and Justice, the Bar Council of India has constituted 'Bharatiya Bhasha Samiti' chaired by former Chief Justice of India, Hon'ble Mr. Justice S.A. Bobde. The committee is developing a Common Core Vocabulary close to all Indian languages for the purpose of translating legal material into regional languages.

(b) & (c): Appointment of Judges of the Supreme Court is made under Article 124 of the Constitution of India, which do not provide for reservation for any caste or class of persons. However, the Government in consultation with the Supreme Court Collegium is committed to ensure appropriate representation from all the states in the Bench of the Supreme Court.

The Government is also committed to social diversity in the appointment of Judges in the Higher Judiciary and has been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in appointment of Judges in High Courts.

The data regarding Social diversity in High Court Judges has been institutionalized as per the revised Annexure (revised in 2018) wherein the recommendees have to provide details regarding their social background in the prescribed format (prepared in consultation with the Supreme Court). Hence, data since 2018 has been maintained. Out of 575 High Court Judges appointed since 2018, 444 Judges

belong to General category, 67 Judges belong to OBC category, 17 Judges belong to SC category, 09 Judges belong to ST category and 18 Judges belong to Minority.

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