

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 2291

TO BE ANSWERED ON FRIDAY, THE 29th JULY, 2022.

Use of Regional Language in High Court

2291. SHRI NALIN KUMAR KATEEL:

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

- a) whether regional language is a necessary component in the functioning of High Court in the respective States;
- b) if so, the details thereof;
- c) whether the Government is aware that counsels/litigants are not being allowed to present their case in the official language of State in High Court of that particular State;
- d) if so, the details thereof; and
- e) the steps taken/being taken by the Government to ensure that the official language of the State is used in High Courts?

ANSWER

MINISTER FOR LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e): 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.

The use of Hindi in the proceedings of High Court of Rajasthan was authorized under clause (2) of Article 348 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 and the Chief Justice of India vide his D.O. dated 16.10.2012 intimated that the Full 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 vide letter dated 04.07.2014 and convey the consent of the Supreme Court of India. The Chief Justice of India vide his D.O. letter dated 18.01.2016 conveyed that the Full Court, after extensive deliberations disapproved the proposal and reiterated the earlier decisions of the Hon'ble Court.

The Prime Minister in his speech delivered at the Joint Conference of Chief Ministers and Chief Justices held on 30.04.2022 stressed upon the need of using regional languages in the proceedings of the Courts so that the common man understands the judicial process and feels connected with it.
