

# ● UNIFORMITY IN LANGUAGE: A NEXUS TO THE PEOPLE AND COURT



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## Abstract

*Language is the medium of communication. It provides access to information. It is also a vehicle of thought and expression. In context of court proceedings, the fundamental social function of language consists in promoting the ability to understand and to be understood as well. The process of communication is complete when court directly or indirectly understands the litigants and the others, and the litigants and the others understand the language of the court directly or indirectly. So it can be said that the language of the people as the language of the court should be accepted as a policy. In spite of concrete advantages of this policy its effectuation at all level faces serious difficulties. This paper examines two important questions. Firstly, whether language of the people as the language of the court should be accepted as a policy? Secondly, whether it is practical to use any other language as means to conduct business in higher judiciary? To know about answer of these questions, the researcher has tried to analyse his research work in the light of Historical evolution of language in Court proceedings, Law and application of Languages in Indian Courts, and to suggest the Pragmatic reforms through careful language planning and development to promote legal justice through linguistic justice.*

## Key words

*Languages in Subordinate Court and Languages in Higher Courts.*

## I. INTRODUCTION

According to Vedic era, Sanskrit as a pioneer of Indian languages and culture, it became a store house and communicative means of legal knowledge. Rama Jois in his book "Legal and Constitutional History of India" said that smirities do not mention about the role of language in jurisprudence and judicial procedure. Its reference can be drawn from the king and his court which transacted in Sanskrit and issued judgment in Sanskrit. At Royal level, Sanskrit remained as the official language of the court. With the development of Pali and Prakrit languages and other regional languages were felt to accommodate regional linguistic interests. All these languages got developed as cultivated vernaculars by gathering huge vocabular support from Sanskrit. There are following means for gradual development of direct and indirect multilingual norms and practices in adjudication system.<sup>1</sup> The above issue discusses in the light of vedic, medieval and modern era.

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<sup>1</sup>Rama Jois, *Legal and Constitutional History of India*, 685-91 (N.M.Tripathi Pvt. Ltd., Bombay, vol. I 1984).

## II. HISTORICAL EVOLUTION OF LANGUAGE IN THE COURT PROCEEDING

### Under Vedic era

The Shastrik law laid down by Law givers was mainly reflecting the living law of the people such as customs, popular usages, social morality, and familial obligations. Although the reformative spirit of living law did not so much purge the archaic shastrik law, at least as a system emerging from the society and expressing itself in intimate native dialect, the living law poured words of local usage into the corpus of law and in term brought the law into people's level of understanding. By this method Pakritand regional language words included in the Sanskrit legal verses.<sup>2</sup>

PV Kane in his book "History of Dharm Shastra" said that in ancient India, people's courts like kula, Shreni and Pughexisted as the base of hierarchy of courts. Kula consisted of impartial persons belonging to family or caste assembled to decide disputes among the members of the same family or caste, Shreni denoted the court of guilds consisting of persons from guild, competent to decide matters relating to special calling or trade. The pugacourt consisted of members belonging to different caste and professions but staying in the same village or town. Since the time of Gupta's, Sanskrit had been confined to the learned classes only, and the village community used to transact in regional languages, it would be appropriate to assume that the medium of language of people's court was the relevant regional language.<sup>3</sup>

Trial in Royal court's procedure indicates about substantive use of popular language. Katyayana said that the words of the witnesses when free from faults should be taken down as narrated by them naturally.<sup>4</sup> The Term naturally suggest about use of witness's natural language or mother tongue.

Discovery of a large number of Royal edicts has given opportunity to courts to use mixture of languages in courts proceedings.

### Under Medieval era

K A Nilakanta Sastri and Srinivasachari in his book *Advanced History of India*<sup>5</sup> said that Urdu, an offshoot of Persian Language and camp dialect, was developed as the lingua franca<sup>6</sup> of the Sultanate. But after the influence of Sufi and Bhakti Movement, Hindi, with its Persian vocabulary and syntax, became transparent and interchangeable with Urdu. People familiar with Hindi could understand Urdu and communicative difficulties in legal and judicial proceeding were not felt. Persian as the official language of Muslim Kingdom has been introduced. Both the words Urdu and Persian infiltrated into a regional languages. People well acquainted with the popular usage of Hindustani and schooling in Persian languages. So it can be said that the maxim people's language as the language of the court has been confirmed. M. Rama Jois in his book said that Akbar

<sup>2</sup>P. Ishwar Bhat, *Law and Social Transformation* 356 (Estearn Book Company, Lucknow, 1st edn, 2009).

<sup>3</sup>PV Kane, *History of Dharm Shastra*, 281 (Bhandarkar's Orient Research Institute, Poona, Vol.III, 1973).

<sup>4</sup>*Supra* note 1 at 549.

<sup>5</sup>K A Nilakanta Sastri and Srinivasachari, *Advanced History of India* 374 (Allied Publishers, New Delhi, 2nd edn., 1980)

<sup>6</sup>Lingua Franca: A language used habitually by people whose mother tongues are different in order to facilitate communication between them.



and Jahagir has shown great interest in popular access to justice and inference can be drawn that linguistic barrier was not a barrier to attain justice.<sup>7</sup>

During the early British Rule in India grievance redressal systems were partly continued the existing system and partly introduced the system of company's court. Since Company courts were presided over by English Judges and English was the language of court's business.<sup>8</sup> But, some injustice from disparity of languages of the participants of the Judicial Process can be seen in a Nand Kumar Trial and execution. In this case the Judges, Jury and councils were all foreigners unacquainted with the language of witnesses and Nand Kumar himself was not acquainted with the court's proceedings. Even an interpreter by which the trial proceeding was conducted was not proficient in Bengali language. Along with other procedural injustice, this linguistic injustice was an instrument of oppression. For ascertaining the law and custom of people in civil cases Kazis and pundits were employed to conduct the hearing. This procedure was not accepted at wider level. Up to certain extent to mitigate linguistic injustice, Cornwallis introduced the new system of legal profession which acted as a link between litigant and the court.<sup>9</sup> He appointed native law officers to assist the court in civil matters. By this mechanism he contributed to mitigate linguistic injustice in court proceedings.

### **Under Modern era**

In year 1834, English was declared as the language of higher courts and of government business to replace Persian language.<sup>10</sup> Regional or Persian language continued in lower courts. Codification of procedural law in the form of C.PC and CrPC and the relevant rules of practice provided for the use of English or regional language in various stages of proceedings. Service of interpreters and jury presupposed application of regional language.

However, Bal Gangadhar Tilak case was an example of grave injustice on basis of language. In this case the Juries, who has been deliberately appointed to examine allegation of sedition through publication of articles in Maratha and Keshari by Tilak were well known about English but not acquainted with the regional language. Translated version of the article has been given to jury in English language but they were inadequate. Tilak was convicted for sedition.

Although, the latter half of the 19th century the Munsif courts have given some judgments in regional language. In his struggle for political freedom M. K. Gandhi raised question of national language and he said that while English language was great language which did lot of good, nevertheless no nation could become great on the basis of foreign language, because a foreign language could never be the language of people. Some debates regarding establishment of Indian language in public affairs and official use took place before Constituent Assembly. Constituent Assembly reveals that there was a substantial amount of consensus on two basic points and those were: that at some stage, the English language should be displaced from pre-eminent positions; and its place should be taken by Hindi.

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<sup>7</sup> *Supra* note 1 at 19-20.

<sup>8</sup> *Ibid* at 159-60.

<sup>9</sup> M.P. Jain, *Outlines of Indian Legal History* 36 (N.M. Tripathi, Bombay, 3rd edn, 1972).

<sup>10</sup> Percival Spear, *The Oxford History of Modern India* 145 (Oxford University Press, Delhi, 2nd edn 1979).

But the major bone of contention, however was regarding the time limit within which this process should culminate. Because there are many difficulties in way of adopting Hindi immediately. Hindi was not so well developed as to replace English as a language of administration so it is needed to develop properly. The non Hindi speaking people apprehended that adoption of Hindi would give the Hindi speaking people an edge over them in the administration and the central services. Therefore, how much time it should be given to changeover became a controversial question in the Constituent Assembly.<sup>11</sup> In this regard Munshi-Ayyangar introduced a political compromise formula, which favoured status quo for 15 years, development of Hindi and empowerment of Parliament to mould, linguistic policy in future. It also provided for exclusive use of English in SC and HCs until the parliament or respective state legislature enacted otherwise. This formula was supported by Sri NG Ayyangar on basis of practicability and also supported by J L Nehru from a democratic perspective.<sup>12</sup>

### III. LAW AND APPLICATION OF LANGUAGES IN INDIAN COURTS

Subordinate courts is said to be a base of judicial pyramid which allow use of Indian languages in courts, but from the point of view of linguistic justice its practice is not satisfactory. Although, the language in higher judiciary had to be both pragmatic and accommodative to future changes. Law and use of languages in Indian courts can be studied in the light of two heads *viz.* Languages in Subordinate Court and Languages in Higher courts.

#### Languages in Subordinate Court

The basic thrust and development of the language of the subordinate courts are to accommodate the linguistic interest of the people and language policy of the respective states. Provision relating to language of subordinate courts can be seen in the light of Civil Procedure Code, Criminal Procedure code and rules of practice and Official Languages Acts enacted by respective states.

Section 137 of Civil Procedure code permits continuance of pre-existing language practice of the subordinate courts subject to State Government's contrary direction. Section 137(2) of the code provides that the State Government may declare what shall be the language of any such court and in what character applications and proceedings in such courts shall be written. Several states have passed their Official Language Acts declaring State's official language as language of court in addition to English. Section 122<sup>13</sup> provides that the Practice of subordinate courts shall not violate the spirit of

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<sup>11</sup>M K Sharma, *Law and Social Transformation* 43 (Allahabad Law Agency Publications, 1st edn, 2010).

<sup>12</sup>Formula from democratic perspective i) language base in culture: The gulf between people who knew English and those who did not know English obstructed the communicative links that are required for a democratic culture, which inter-alia, included court proceeding.

ii) an imposition of a language on unwilling people was anti-democratic, development of Hindi as a composite language based on vocabulary support from all Indian languages would make Hindi democratically acceptable to all the linguistic communities.

<sup>13</sup>General rule of High Court



Section 137 and also Article 350 of the Indian Constitution.<sup>14</sup> MP High court upheld<sup>15</sup> the competence of state to declare more than one language as official languages of civil courts. But in two cases,<sup>16</sup> the language policy in subordinate civil court veers between extremes of English only to Regional language only.

Section 137 Clause (3) of CPC provides that judicial writing other than in course of recording of evidence may be in English; but if any party or pleader is unacquainted with English, a translation into the language of court shall, at his request, be supplied to him. Rule 66 of Karnataka civil rules of practice authorises the presiding judge to employ interpreter when a witness gives evidence in a language not understood by court. On the whole, the legal regime governing language in subordinate courts has tended towards accommodating the claims of regional languages in addition to allowing use of English language as expedient in the background of appellate judiciary's language practice, multilingual situation and lack of adequate development of regional language.

### Language in Higher Courts

Parliament has not enacted any law to allow Hindi to enter the portals of the Supreme Court. Article 348 (1) provides, "Notwithstanding any in the foregoing provisions of this part, until Parliament by Law otherwise provides all proceedings in the Supreme Court and in every High Court shall be in the English Language." Further, article 348 also provides that the authoritative text of the bills, Act and delegated legislations passed or issued under the Constitution or by the Parliament or State Legislature shall be in English. Unlike the provisions relating to official language, no time limit is prescribed about substitution of English by Hindi or Regional Language. However, there is adequate flexibility for providing "Otherwise" by Parliamentary Law. In so far as language in High Court is concerned, State Law authorising use for Hindi or other official language of the State in the proceedings before the concerned High Court except at the stages of judgement or decree or order is permitted, subject to the previous concern of the President of India. It is significant that speedy legislative efforts without adequate equipment of the Regional Language can be stalled by the President.

In *Madhu Limaye v. Ved Murti*,<sup>17</sup> the Supreme Court refused to hear the petitioner personally in Hindi on the ground that doing so would be unconstitutional. Fact of the case is that one of the interveners insisted on arguing in Hindi in a Habeas Corpus petition before the Supreme Court. However, the counsel on the opposite side objected it on the ground that he could not follow Hindi. The Court suggested three alternatives: (i) that he may argue in English, or (ii) that he may allow his counsel to present his case, or (iii) that he may give written argument in English. The intervener did not accept the suggestions. The Supreme Court ordered that the language of the Court was English and

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<sup>14</sup>*Sarshwati Bai v. Allahabad Bank Ltd* AIR 1963 All 546; the contention was that petition submitted in English shall be rejected in view of rule that Hindi shall be the language of civil court in UP was rejected. The court's approach that article 350 is applicable to allow submission of petition in any language used in the union or state to be understood the contest of redressal of grievance and cannot be stretched to use a language followed in distant part of the union which is unknown in the state it is sought to be used.

<sup>15</sup>*L. M. Wakhare v. State of MP* AIR 1959MP208.

<sup>16</sup>*Ramayee v. Muniyandi Konan*, MLJ Reports (1978) at 442 and Manjammav. S. M. Suryanarayana Rao (1985) 1 Kar LJ 104.

<sup>17</sup>(1970) 3 SCC 739; AIR 1971 SC 2481; see also, V.N. Shukla, *Constitution of India* 660-61 (Eastern Book Co., Lucknow, VIII edn, 1990).

that the Court was forced to cancel the intervention in view of non-acceptance of proposal suggested by the Court. It appears, if the counsel on the opposite side and the Judge were able to follow Hindi, and written argument in English had been submitted, oral argument in Hindi by the interveners would have been allowed.

Another commendable method to get relief through public interest litigation by letter before Supreme Court has been initiated in Indian Languages.<sup>18</sup> The letter addressed to the Supreme Court in vernacular languages seeking redressal of grievance are translated into English by the Officers of the Court Registrar or by the Advocate who know the concerned language.<sup>19</sup> Thus multilingualism has made a threshold entrance in knocking the doors of the Supreme Court. With an evolution of the activists approach that for the purpose of Article 32 "Appropriateness of proceeding" is connected with the content of grievance statement rather than to its form, multilingual epistolary jurisdiction links people with the Court. This is welcome development an inevitable fall out of public interest litigation. In fact, article 350 confers an important right. An aggrieved person has the right to submit a representation for the redressal of any grievance to an Officer or Authority of the Union or State in any of the languages used in the Union or in the State, as the case may be. The scope of this article is to be determined in the light of remedial objective underline the Article and the spirit of equality, rule of law and principal of natural justice contemplated thereunder. It can be argued that the Supreme Court is also an "Authority" for the purpose of Article 350; that the Courts procedure are also be just. Fair and reasonable in view of the ratio in *PS.R Sadananatham v. Arunachalam*<sup>20</sup> that reading article 348 in isolation from other constitutional values would be fallacious and hence, multilingualism shall be allowed at-least invoking the Courts jurisdiction. It is submitted, in view of Article 348, such an argument fails except in extra ordinary circumstances of grave and justice that is brought to the Court noticed by the letter addressed to the Court in Public Interest Litigation. It is notable development that at least in such special cases, multilingualism has registered a modest entry point.

While the official language Act deals with the language of the judgment, decree or order passed or made by the a High Court, Article 348(2) of the Constitution empowers, the Governor to authorise the use of the Hindi or the official Language of a State in proceedings in the High Court. In this context proceedings includes petitions, applications appeals, oral or written submissions and documents to be filed. This can be done by an order of High Court."

Only a few states (U.P., M.P., Bihar and Rajasthan) have enacted to permit the use of the Hindi in the High Court proceedings other than the Judgments, decrees or orders. In *Prabandhak Samiti v. Jila Vidyalay Nirikshak*,<sup>21</sup> the Allahabad High Court permitting submission of Writ Petition and affidavit in Hindi in Devanagari script by interpreting a statutory notification under Article 348(2). M.N. Shukla, J. for the Court observed, "it cannot be doubted that the proceedings of the Court functioning for the benefit of the inhabitant of any place must, on principle, be conducted in a language understood by them."

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<sup>18</sup>*Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494

<sup>19</sup>Chief Justice E.S. Venkataramaiah mentioned his view with regard to the redressal before the SC, which is made in vernacular language.

<sup>20</sup>(1980) 3 SCC 141.

<sup>21</sup>AIR 1977 All 164.



The learned Judge pointed out the alluring character of language of the people ultimately by replacing language of the Court because of the due process component of language right in Court as evident from English Constitutional History. But this does not mean compulsion to avoid use of English altogether in the Courts proceedings. As was held in *Narendra Kumar v. Rajasthan High Court*<sup>22</sup> recognition of Hindi as official Language of Rajasthan High Court did not compel the court to render judgment only in Hindi because of permissibility to use English also in court proceedings and possibility of non-acquaintance of transferee judge in Hindi. Even in a Historic Judgment the Chief Justice of Bombay High Court, Justice M.C. Chaglain case of *Bombay Education Society v. State of Bombay*,<sup>23</sup> declared that English is an Indian language and in some sense more Indian than other Indian languages as the Constitution itself specified that the only valid version of the Constitution is the one in English. On the other, the observation of justice Desai in Judges case-I<sup>24</sup> in this connection are pertinent and observed:

"Both the judges and the lawyer failed to suitably revise the system to suit the needs of a republican form of government and egalitarian society with emphasis on socio-economic justice. We administer justice in a foreign language not understood by a very large number of litigants. If the litigants are present in court, he hardly understands what is going on. The judgment is written in foreign language and the seeker of justice hardly knows what has happened to his cause or controversy which he has brought before the court. In search of justice he is chasing a mirage in the process spreading his hard-earned fortune. That is the basic drawback."

Further in the case of *Dr. Amaresh Kumar v. Lakshmbai National College of Physical Education, Gwalior*,<sup>25</sup> the court observed:

"though India won its independence on 15th August, 1947, yet we could not overcome the mental slavery till today. It is well known that very little percentage of Indian population knows English, yet vested interest of majority of people who had advantage of being in higher post on account of knowledge of English, never wanted this Article i.e., Article 342(1) should come into force. They have a feeling of superiority an account of the knowledge of English. It is well-known that child learns the language of his mother and understand the same. On account of imposition of English majority having better knowledge cannot achieve the expected result on account of their failure to express or write their views in English had given an impression that we were still under the clutches of the British Rule with the result those, who have knowledge of English, yet less intelligent had become superior to majority of students who have little or no knowledge of English. With the result the language English as imposed in doing more harm in development of intellect of the child."

Recently, a very important issue has been raised before Supreme Court through PIL filed by an Advocate Shiv Sagar Tiwari, who claimed that using English as an official language in higher judiciary was "a legacy of the British rule" which should be scrapped.<sup>26</sup> The Department of Official Language in the Ministry of Home affairs filed its

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<sup>22</sup>AIR1991 Raj 33.

<sup>23</sup>AIR 1954 Bom. 468.

<sup>24</sup>*S.P.Gupta v. Union of India* AIR 1982 SC 149.

<sup>25</sup>AIR 1997 MP 48.

<sup>26</sup>The Indian express, available at: [indianexpress.com/article/india/india-others/govt-against-hindi-as-official-language-in-higher-judiciary/](http://indianexpress.com/article/india/india-others/govt-against-hindi-as-official-language-in-higher-judiciary/) (last visited on 2/8/2016)

affidavit in response shooting down the idea of amending the Constitution to make Hindi the official language for conducting court in higher judiciary, and relied upon a report by the law commission in this regard.

Now the Issue that arises is that whether it is practical to use any language other than English as means to conduct business in higher judiciary. In a country which houses 780 languages out of which 122 are officially recognised and another 100 are suspected to exist,<sup>27</sup> is Hindi the ideal choice of language to be used in the higher courts?

Only 41.03% of Indian population speaks Hindi or languages similar to Hindi according to the 2001 census,<sup>28</sup> and nearly 60% of the Indian population did not speak Hindi. In such a country with such high amount of diversity in language Hindi as an official language in higher judiciary such as the 24 High courts and the Supreme Court would be a folly indeed.

The Part XVII of the Indian constitution lays down that "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 by-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language".<sup>29</sup>

It was rightfully observed in the Law Commission Report<sup>30</sup> that introduction of Hindi as a compulsory language in the Supreme Court and the high courts was not feasible and

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<sup>27</sup>David Lalmalswama, India speaks 780 languages, 220 lost in last 50 years survey, available at:

<http://blogs.reuters.com/india/2013/09/07/india-speaks-780-languages-220-lost-in-last-50-years-survey/> (last visited on 2/8/2016)

<sup>28</sup>Bharti Jain, Nearly 60% of Indians speak a language other than Hindi, available at:

<http://timesofindia.indiatimes.com/india/Nearly-60-of-Indians-speak-a-language-other-than-Hindi/articleshow/36922157.cms>, (last visited on 2/8/2016)

<sup>29</sup>Article XVII, Chapter III- "Language of the Supreme Court, High Courts, etc." clause 348 at 176.

<sup>30</sup>Law Commission's 216th Report on "Non-feasibility of introduction of Hindi as compulsory language in the Supreme Court of India" has deeply gone into the views so obtained and has unanimously recommended that - (i) Language is a highly emotional issue for the citizens of any nation. It has a great unifying force and is a powerful instrument for national integration. No language should be thrust on any section of the people against their will since it is likely to become counter-productive. (ii) It is not merely a vehicle of thought and expression, but for Judges at the higher level, it is an integral part of their decision-making process. Judges have to hear and understand the submissions of both the sides, apply the law to adjust equities. Arguments are generally made in higher courts in English and the basic literature under the Indian system is primarily based on English and American text books and case laws. Thus, Judges at the higher level should be left free to evolve their own pattern of delivering judgments. (iii) It is particularly important to note that in view of the national transfer policy in respect of the High Court Judges, if any such Judge is compelled to deliver judgments in a language with which he is not well-versed, it might become extremely difficult for him to work judicially. On transfer from one part of the country to another, a High Court Judge is not expected to learn a new language at his age and to apply the same in delivering judgments. (iv) At any rate no language should be thrust upon the Judges of the higher judiciary and they should be left free to deliver their judgments in the language they prefer. It is important to remember that every citizen, every Court has the right to understand the law laid down finally by the Apex Court and at present one should appreciate that such a language is only English. (v) The use of English language also facilitates the movement of lawyers from High Courts to the Apex Court since they are not confronted with any linguistic problems and English remains the language at both the levels. Any survey of





added "no language should be thrust on any section of the people against their will since it is likely to become counterproductive".<sup>31</sup>

The law commission further observed that the use of language was not merely as a vehicle of thoughts for the judges but also formed an integral part of their decision making process and thus they should be left free to evolve their own preferred language for delivering judgments.

Another suggestion made in the PIL was that the 24 high courts should conduct their court in the regional language of their respective judicial territory. This advice lacked merit; Firstly because the Judges of the High court are frequently transferred from one part of the country to another, and it would be extremely difficult for the judges to discharge their duties efficiently if they were asked to deliver the judgement in a particular language which the judge may or may not be familiar with. It is highly impractical to think that the judge would know 22 different languages. Furthermore, Supreme Court is the highest seat justice in India and if Supreme court was to change its official language from English to Hindi, it would again be grossly unfair to citizens of the nation for non-Hindi speaking part of our country which again covers over 60%<sup>32</sup> of our population. Such parts of the country primarily include major portions of north-east India and South India.

As to the point raised in the PIL stating that the use of English language as an official Language in higher judiciary was a "legacy of the British rule", the petitioner called English to be a GulamiBhasha and stated that "Time has now come that language of the Supreme Court should be RashtraBhashaas defined under Article 343 of the Constitution and it has to be amended".<sup>33</sup> It has to be understood that there is no harm in carrying forward a British legacy if it helps in the smooth functioning of the Indian Judiciary and secondly while Article 343 of the constitution of India states that Hindi should be the language of business in the government it does not state that the same should apply to the Supreme court and the other High courts Article 348 clearly states that the official language would be English as far as higher judiciary is concerned.

Hon'ble court said that comments like those made by Mr. Shiv Sagar Tiwari are doltish at best. English is a language which united the diverse nation such as India and which in turn led to amalgamation of thoughts, ideas and perspective and thus in a way led to a feeling of nationalism among individuals during the freedom struggle of our great nation. English proved to be a uniting factor among people of different backgrounds and speaking different languages.

Even in today's times English comes to the rescue of millions of people all around the world who are in a place where they do not understand the regional language of the native. In such a condition again English helps them survive.

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the society in general or its cross-sections will clearly substantiate the above proposition which does not admit of much debate, particularly in the present political, social and economic scenario.

<sup>31</sup>The Indian express, available at: [indianexpress.com/article/india/india-others/govt-against-hindi-as-official-language-in-higher-judiciary/](http://indianexpress.com/article/india/india-others/govt-against-hindi-as-official-language-in-higher-judiciary/) (last visited on 2/8/2016)

<sup>32</sup>David Lalmalswama, India speaks 780 languages, 220 lost in last 50 years, available at: <http://blogs.reuters.com/india/2013/09/07/india-speaks-780-languages-220-lost-in-last-50-years-survey/> (last visited on 2/8/2016)

<sup>33</sup>Harshit Manaktala, The Supreme Court in pursuance of a PIL seeks to make Hindi as the official language of the higher judiciary, available at: <http://lawlex.org/lex-bulletin/higher-judiciary-language/11152> (last visited on 2/8/2016)

Many people in India do not speak English and it would prove to be a challenge for them to represent themselves in the higher courts, but same is the case with Hindi. Similarly almost 60% of the population does not speak Hindi. In such a situation changing the language would not help at all rather it would prove to give undue advantage to some section of the society. Therefore rather than scrapping away English from the system, efforts should be made by the government and people of the country. That English should be taught as a compulsory language. This would not only help those individuals in India but also all over the world.

#### IV. CONCLUSION

Finally, it can be said that, except in few high courts, in major part of India regional language has made no entry in high court proceedings. Integrated judiciary, unified bar, unprepared position of regional languages and transferability of judges are some of the factors that continue to obstruct such changes. Language of the people as a language of the court may not be accepted as policy. Some remarkable endeavors have been made in some states to use regional language in court proceedings as much as possible. Till now, the extent of progress of non-Hindi states is not satisfactory because of inadequate infrastructure both physical and intellectual. The constitutional policy of gradually introducing people's language at the middle order and allowing the state about medium of language for subordinate courts can be made successful only by systematic planning and its sincere implementation. M. Chidambaram in his article titled as; "The Politics of Language Planning in Tamil Nadu" in E Annamalai, Language Planning<sup>34</sup> said that "since languages are social resources and constant constructs of the composite culture, bringing a change in the language use in court proceedings requires a planned action. Planning involves a deep analysis of goals, means and resources and coordinating them". Although the constitution has framed a plan about language use in court at various levels subject to legislative interferences, there are some other inevitable suggestions, which are as follows:

- i. It is highly desirable to have more use of regional language at all stages of subordinate court's functioning.
- ii. An obstacle for use of regional language in courts is lack of preparedness in the matter of availability of adequate legal literature in a regional language, readiness of lawyers to use regional language in pleadings and arguments, availability of infrastructural facilities like typewriters and stenographers in regional language.
- iii. Lawyer should be well equipped with adequate training to promote the use of regional language in court through legal education.
- iv. For the use of regional language in court, the promotion of encouragement, compulsion and motivation should be mandatory.
- v. Role of legal literature and advocates is crucial in the administration of justice. There should be a big change in this regard.
- vi. For the promotion of regional language, the three language formula which is derived from ministry of education should be followed. The formula involves knowledge of mother tongue, of Hindi and of English as language which maintains our contact with outside world.