

Right to Justice: Hindi in High courts

1.The Madras high court had told the Union government that it is duty-bound to communicate in English with those states that have not adopted Hindi as their official language.

2.The litigant has the fundamental right to understand and participate in the courtroom proceedings as it arguably confers a bundle of rights under Article 19 and Article 21. The litigant has the right to speak in the language he/she understands(Like Hindi) before the magistrate. It can be noted that “right to justice” is also recognised under Article 21 of the Constitution.

3.Language has always been an emotive issue in India and spectre of introduction of respective official languages of the states in 25 different high courts looms large, which will have very serious repercussion for the Indian judicial system.

4. As per Article 348 (1) of the Constitution of India, English is the official language for all the high courts. However as per Clause (2) of Article 348 read with The Official Languages Act 1963, the Governor of a state, with the previous consent of President of India, can authorize use of official language of the state in proceedings before its high court.

5. States of Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh have already authorized the use of Hindi in proceedings before their respective high courts and taking a cue, Tamil Nadu and Haryana are also working in that direction – to authorize the use of Tamil / Hindi before respective high courts.

6.The judiciary is not in favor of making Hindi the official language in all courts of India, and it has valid reasons for doing so. The center too has taken a similar

stance. In January 2015, the government had moved the Supreme Court rejecting a proposal to amend the constitution and make Hindi the official language in the apex court and 25 high courts in India.

7. The Official Languages Act 1963 makes no mention of the Supreme Court, where English is the only language in which proceedings are conducted.

8. English is more acceptable language. It is in use in the higher judiciary for more than 150 years. Introducing Hindi will bring additional burden on the courts. It will be detrimental to the system than beneficial.