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Hindi as Official Court Language in Haryana

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Why in News

Recently, the Haryana government's decision **to enforce use of Hindi** in all **courts and tribunals** across the state has been challenged in the **Supreme Court**.

- A petition has been filed to challenge the **new Section 3A** incorporated into the Haryana Official Language (Amendment) Act, 2020.
- Petitioners argue that the amendment was made with the assumption that everyone practising law in Haryana not only knows Hindi but is also fluent in it.

Key Points

- **The Haryana Official Language (Amendment) Act, 2020:**
 - The amendment has been made to the **Haryana Official Languages Act, 1969**, by introducing **a new section 3A**, designating **Hindi as the sole official language** to be used for conducting work in all **Civil Courts** and **Criminal Courts** in Haryana subordinate to the High Court of Punjab and Haryana, all **revenue Courts** and **rent tribunals** or any other court or tribunal constituted by the State Government.
 - The amendment also states that the state government shall provide the requisite infrastructure, translators and training of staff within six months of the commencement of the amended Act.

- **Arguments against the Amendment:**
 - **Unconstitutional and Arbitrary:**
 - Imposition of Hindi as the sole official language to be used in lower courts across the State would create an unreasonable classification between Hindi and non-Hindi speaking advocates.
 - The amendment is a violation of the **fundamental right** to equality (Article 14) freedom to practice a profession of choice,(Article 19), dignity and livelihood and personal liberty (Article 21) as guaranteed under the Constitution.
 - **Use of English in the Courts:**
 - English is widely used by advocates in the subordinate judiciary and the lower courts.
 - Imposing Hindi will create problems for practising lawyers since the level of fluency and expertise needed to argue and represent a matter in Hindi is much more than a simple understanding of the language.
 - **The State as an Industrial Hub:**

There are a significant number of lawyers who would not be able to argue their cases to the fullest in Hindi as most cases are related to industry sectors.

- **Government's Stand:**

- The government pointed out that Haryana was separated from the erstwhile state of Punjab in 1966 on linguistic basis as Hindi is the predominantly spoken language in the area.
 - In 1969, Hindi was declared the official language of Haryana.
 - Also, Punjab had then introduced Punjabi in all civil courts and criminal courts.
- Different regional languages are rapidly replacing English as a medium of instructions and of official work in the states. It is but natural that the predominant languages should secure their rightful place.

Hindi being the predominantly spoken language in the state of Haryana, use of the same for the purposes of working in courts and tribunals subordinate to the High Court of Punjab and Haryana has thus become a matter of practical necessity.
- The State has argued that many times the witnesses don't know what has been recorded in his or her statement in the court if the same is recorded in English. Hence, Hindi is practically necessary.
 - In a democracy, every citizen should get **justice** quickly in his **own language** and should not remain speechless during the proceedings.
 - Earlier, many MLAs of Haryana, Advocate General and hundreds of advocates, had supported Hindi language use in the courts so that the **citizens of Haryana can understand the entire justice process in their own language** and can easily put their views before the Courts.

Hindi as an Official Language

- Hindi language is the single largest spoken language (43.63% of people in India).
- The Constituent Assembly of India **adopted Hindi** written in Devnagari Script along with English as the official language of the country on **14th September, 1949**, under the **Article 343 (1)**.

Background

- Imposition of Hindi was contested in many non-Hindi states, especially in the southern state of Tamil Nadu. Violent protests broke out in southern India leading the then Prime Minister Jawaharlal Nehru, to **introduce the 'Official Languages Act' in 1963**, which assured the **continuation of English along with Hindi** as the official language of the Union of India.
- Anti-Hindi protests of 1965 marked an important turn in India's official language policy.
- The **'Official Languages Act'** was amended in 1967 guaranteeing the **"virtual indefinite policy of bilingualism"** for all official purposes of the Union.

- Given the linguistic diversity of India, **there is no national language** as all the states are free to decide their own official languages.

Constitutional Provisions

- Part **XVII** of the Indian Constitution deals with the official languages in **Articles 343 to 351**.
 - **Article 343 (1)** states that the Official Language of the Union government shall be Hindi in Devanagari script.
 - **Article 351** gives power to the Union Government to issue a directive for the development of the Hindi language.
 - According to **Article 348**, language to be used in the Supreme Court and in high courts and for bills, acts etc will be in the English language until Parliament by law provides otherwise.
- The Hindi language is one of the 22 languages of the **Eighth Schedule** of the Constitution of India.

Way Forward

- There is a need for wide consultation and formation of committees, regarding the use of languages in the states especially in relation to the judiciary. So that the justice system does not get delayed due to the medium and use of languages.
- The provision of use of Hindi can be supplemented with the use of English as well. The provision of optional use of Hindi in proceedings has already been made in the High Courts of **Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar**.

Source: TH