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LANGUAGE AND THE INDIAN JUDICIARY: CONSTITUTIONAL CHALLENGES IN ADDRESSING LINGUISTIC CONFLICTS

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ABSTRACT

India, as a multilingual nation, presents unique constitutional and judicial challenges in managing linguistic diversity. The Indian judiciary, while functioning within the ambit of the Constitution, has frequently been called upon to address conflicts arising from linguistic pluralism. This research critically examines the constitutional framework governing language in India and its impact on judicial proceedings. It explores the balance the judiciary must maintain between linguistic inclusivity and administrative uniformity.

The primary objectives of the study are to analyze the constitutional provisions related to language, investigate the judicial interpretation of linguistic rights, and assess the effectiveness of the judiciary in resolving language-based conflicts. The research draws upon constitutional texts, landmark judgments, and contemporary policy developments.

Using a doctrinal research methodology, the paper analyzes legal instruments, historical debates, and case law to evaluate how India's legal system manages its linguistic plurality. Key findings reveal that while constitutional provisions provide a broad framework for linguistic equality, practical challenges remain in ensuring access to justice across linguistic groups. The judiciary has often adopted a cautious approach, seeking to preserve national integration while accommodating linguistic diversity within a federal structure.

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INTRODUCTION

BACKGROUND ON LINGUISTIC DIVERSITY IN INDIA

India is home to an extraordinary array of languages, with the 2011 Census recording 121 languages and 1,369 dialects spoken across the country. The Eighth Schedule of the Indian Constitution currently recognizes 22 official languages, reflecting the deep linguistic diversity ingrained in India's social fabric. This diversity, while enriching, poses significant challenges for national administration, education, and particularly the judiciary, which must operate across numerous linguistic contexts.

IMPORTANCE OF LANGUAGE IN LAW AND JUSTICE

Language plays a pivotal role in ensuring equitable access to justice. Legal proceedings, court documents, and legislative texts must be comprehensible to litigants, lawyers, and judges alike. However, the dominance of English and Hindi in judicial forums often alienates a significant portion of the population. This disconnect not only impedes access to justice but also raises questions of constitutional validity, equality, and linguistic rights under Articles 14, 19, and 21 of the Constitution.

AIM AND SIGNIFICANCE OF THE STUDY

This research aims to explore how India's constitutional and judicial systems grapple with the issue of language. It seeks to analyze whether existing legal mechanisms adequately protect linguistic rights and ensure justice for speakers of regional and minority languages. The study also evaluates the judiciary's role in resolving language-related conflicts and suggests reforms to enhance linguistic inclusivity in legal processes.

HISTORICAL BACKGROUND

LANGUAGE DEBATES DURING THE FRAMING OF THE CONSTITUTION

The framing of the Indian Constitution was marked by intense debates over language. The Constituent Assembly grappled with the question of choosing an official language that would unify the nation while respecting its multilingual character. Hindi, written in the Devanagari script, was eventually adopted as the official language of the Union under Article 343, but only after protracted

debate and strong opposition from southern and non-Hindi speaking members (Austin, 1966). English was retained for official purposes for a transitional period of 15 years, a compromise that still influences language use in government and the judiciary today.

OFFICIAL LANGUAGE CONTROVERSY AND THE THREE-LANGUAGE FORMULA

The transition from English to Hindi as the sole official language met with severe resistance, particularly from Tamil Nadu. The Official Languages Act of 1963, amended in 1967, allowed for the continued use of English alongside Hindi for official purposes of the Union, effectively making India a bilingual nation at the federal level. To promote linguistic harmony, the central government introduced the "three-language formula" in education: regional language, Hindi, and English. However, its implementation has been uneven and often politically contested (Brass, 1990).

STATES REORGANISATION ON LINGUISTIC BASIS

The linguistic reorganization of states in 1956 marked a turning point in India's federal structure. The States Reorganisation Act was enacted following the recommendation of the States Reorganisation Commission, which concluded that linguistic homogeneity would lead to administrative efficiency and foster cultural preservation. While the move addressed certain regional demands, it also entrenched language-based identities, sometimes fueling sub-nationalism and inter-state disputes over linguistic and cultural rights (King, 1997).

CONSTITUTIONAL PROVISIONS RELATED TO LANGUAGE

ARTICLES 343 TO 351: LANGUAGE OF THE UNION AND STATES

Article 343 designates Hindi in the Devanagari script as the official language of the Union of India. However, it permits the continued use of English for official purposes for a period of 15 years from the commencement of the Constitution, with the possibility of extending this period by law. This provision reflects the linguistic diversity of India and the need for a gradual transition to Hindi.

Article 344 establishes the Official Language Commission to make recommendations regarding the progressive use of Hindi and the development of the language. It also provides for the

appointment of a Committee of Parliament on Official Language to review the implementation of the constitutional provisions related to language.

Article 345 allows the Legislature of a State to adopt any language spoken by a substantial portion of its population as the official language of that State. This provision enables states to recognize and promote regional languages, fostering linguistic inclusivity.

Article 346 empowers the Union to adopt any language for communication between the Union and a State or between States. This ensures effective communication across the federal structure of India.

Article 347 permits the recognition of a language spoken by a section of the population as an official language in a State, provided the President is satisfied that such recognition is necessary for the development of that language.

Article 348 stipulates that all proceedings in the Supreme Court and in every High Court shall be conducted in English, unless Parliament by law otherwise provides. However, it allows the use of Hindi or any other official language of a State in proceedings in the High Court, with the consent of the President, provided that judgments, decrees, or orders are delivered in English.

Article 349 provides for the enactment of laws by Parliament to regulate the use of the official language of the Union.

Article 350 ensures that any person can submit a representation in any language used in India to any Union or State authority, and it mandates that such representations be considered and replied to in the language in which they were made.

Article 351 directs the Union to promote the spread of Hindi and to develop it as a medium of expression for all elements of the composite culture of India.

THE EIGHTH SCHEDULE AND RECOGNITION OF LANGUAGES

The Eighth Schedule of the Indian Constitution lists the languages recognized by the Constitution. Initially, it included 14 languages; however, it has been expanded over time through various amendments to include 22 languages as of now. This inclusion grants these languages official recognition and facilitates their development and promotion.

ARTICLE 19 AND THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION

Article 19(1)(a) of the Constitution guarantees the right to freedom of speech and expression, which implicitly includes the right to use any language for communication. This provision underscores the importance of linguistic freedom and the need for the legal system to accommodate linguistic diversity.

LINGUISTIC CONFLICTS AND LEGAL CHALLENGES

CASE STUDIES OF REGIONAL LANGUAGE DISPUTES

1. BELAGAVI BORDER DISPUTE (KARNATAKA VS. MAHARASHTRA)

The Belagavi (formerly Belgaum) border dispute between Karnataka and Maharashtra is a prominent example of linguistic conflicts in India. Following the States Reorganisation Act of 1956, Belagavi was included in Karnataka due to its Kannada majority. However, a significant Marathi-speaking population in the region led Maharashtra to claim it as part of its territory. This dispute has resulted in prolonged legal battles and remains unresolved, highlighting the complexities of linguistic identity in federal structures.

2. TAMIL NADU'S OPPOSITION TO THE THREE-LANGUAGE FORMULA

Tamil Nadu has historically resisted the imposition of Hindi in its education system. The reintroduction of the three-language formula in the National Education Policy (NEP) 2020 reignited these concerns. The state government perceives this as an attempt to impose Hindi, potentially undermining Tamil as the medium of instruction. This resistance underscores the tension between national policies and regional linguistic identities.

LANGUAGE AS A GROUND FOR FEDERAL TENSION

Linguistic differences have often been a source of federal tension in India. The Belagavi dispute exemplifies how language can be a basis for territorial claims and political contention between states. Such conflicts challenge the principles of cooperative federalism and highlight the need for sensitive handling of linguistic issues within the federal framework.

CHALLENGES IN IMPLEMENTATION OF CONSTITUTIONAL MANDATES

While the Constitution provides for linguistic rights, their implementation faces several challenges:

- **Uneven Development of Languages:** Not all languages have received equal attention in terms of development and preservation, leading to disparities.
- **Limited Resources:** There is a lack of resources to promote and teach regional languages effectively.
- **Resistance to Change:** Communities may resist changes perceived as threats to their linguistic heritage.

These challenges necessitate a more nuanced approach to implementing linguistic provisions in the Constitution.

ACCESS TO JUSTICE AND LANGUAGE BARRIERS

IMPACT OF LANGUAGE ON LEGAL LITERACY

Language plays a critical role in determining the accessibility and inclusivity of any legal system. In India, a significant challenge arises from the dominance of English and, to a lesser extent, Hindi in the legal domain. The majority of statutes, court judgments, legal notices, and government communications are available primarily in English, which is spoken fluently by only about 10% of the Indian population (Kumar, 2020). This creates a wide linguistic chasm between the judiciary and the common citizen.

Legal literacy, defined as the ability to understand laws, rights, and the functioning of the legal system, is severely compromised by this linguistic barrier. When litigants cannot understand the language used in court proceedings or legal documentation, it directly affects their ability to participate meaningfully in their own cases, comprehend court rulings, or seek redressal for grievances. This situation undermines the constitutional promise of equality before the law under Article 14 and the right to life and personal liberty under Article 21, both of which are dependent on access to legal remedies.

LEGAL AID AND TRANSLATION SERVICES

To mitigate the adverse impact of language on legal access, several initiatives have been launched to provide legal aid and translation services. Article 39A of the Indian Constitution mandates the state to provide free legal aid to ensure that justice is not denied to any citizen due to economic or other disabilities, which includes language barriers (Government of India, 1950).

Organizations like the **National Legal Services Authority (NALSA)** and various **State Legal Services Authorities (SLSAs)** provide legal aid in regional languages. They also employ paralegal volunteers who often act as interpreters or facilitators for marginalized communities.

Moreover, efforts are underway in some jurisdictions to translate essential legal documents—such as charge sheets, FIRs, and court orders—into regional languages. However, implementation remains inconsistent across states. Many courts lack sufficient numbers of trained translators and interpreters, resulting in delays and inaccuracies that further hinder justice delivery (Law Commission of India, 2008).

EFFORTS TO BRIDGE LANGUAGE GAPS IN THE JUDICIARY

Recognizing the significance of linguistic accessibility, the judiciary has initiated reforms to allow greater use of vernacular languages in legal settings. **Article 348(2)** of the Constitution permits states to use regional languages in High Court proceedings with the President's consent. Accordingly, states like Uttar Pradesh, Madhya Pradesh, Bihar, and Rajasthan have received such consent to conduct High Court proceedings in Hindi (Ministry of Law and Justice, 2021).

Furthermore, the Supreme Court of India, under the leadership of former Chief Justices, has launched efforts to translate its judgments into regional languages. As of 2024, over 21,000 judgments have been translated into 14 Indian languages, including Tamil, Gujarati, Malayalam, and Punjabi (Supreme Court of India, 2024). This initiative is intended to enhance transparency and empower litigants to understand judicial outcomes in their native languages.

However, challenges persist. These include technical limitations, lack of trained personnel, and the complexity of legal language, which often does not translate easily into vernacular idioms without losing legal precision.

COMPARATIVE PERSPECTIVES

LANGUAGE POLICIES IN MULTILINGUAL DEMOCRACIES

1. CANADA: INSTITUTIONAL BILINGUALISM

Canada offers an exemplary model of constitutional bilingualism. Under the **Official Languages Act, 1969**, both English and French are recognized as the official languages of Canada, and citizens have the right to receive federal services in either language (Government of Canada, 1969). The **Supreme Court of Canada** operates bilingually, and all judgments are issued in both English and French.

This approach promotes equality and inclusivity by ensuring that linguistic minorities have access to legal, administrative, and educational services in their preferred language. Furthermore, bilingualism is also a requirement for federal public service positions, reinforcing a policy of linguistic equity in governance.

2. SOUTH AFRICA: MULTILINGUAL CONSTITUTIONAL FRAMEWORK

South Africa's **1996 Constitution** recognizes 11 official languages, including Afrikaans, Zulu, Xhosa, and English. Section 6 of the Constitution mandates the state to take practical and positive measures to elevate the status and advance the use of indigenous languages (Republic of South Africa, 1996).

In the education sector, the **Basic Education Laws Amendment Bill** proposes that all public schools adopt a minimum of three languages for instruction, with one being an indigenous language. The policy aims to foster inclusivity and reverse the colonial legacy that marginalized native languages.

However, the implementation of such multilingual policies has faced socio-political challenges. Afrikaans-speaking communities, in particular, have protested policies that reduce the use of Afrikaans in education, arguing that they threaten cultural heritage and identity (The Guardian, 2024).

LESSONS INDIA CAN LEARN FROM GLOBAL PRACTICES

India can draw several lessons from global practices:

- **Promotion of Multilingualism:** Encouraging the use of multiple languages in official and educational settings can foster inclusivity.
- **Legal Recognition of Languages:** Recognizing a wide array of languages in legal frameworks can ensure that all linguistic communities are represented.
- **Educational Policies:** Implementing educational policies that promote linguistic diversity can enhance national unity and cultural preservation.

RECENT DEVELOPMENTS AND REFORMS

NATIONAL EDUCATION POLICY 2020 AND ITS IMPLICATIONS

The National Education Policy (NEP) 2020 reintroduces the three-language formula, offering flexibility to states in choosing the languages. While the policy aims to promote multilingualism, it has faced criticism in states like Tamil Nadu, where there is apprehension about the imposition of Hindi. The policy emphasizes the use of the mother tongue as the medium of instruction, aiming to improve cognitive development and learning outcomes .

DIGITISATION, TRANSLATION, AND AI IN LEGAL LANGUAGE ACCESS

Advancements in digitisation and artificial intelligence have the potential to bridge language gaps in the legal system. AI-powered translation tools can assist in translating legal documents into regional languages, making legal information more accessible. However, the accuracy and reliability of these tools need to be ensured to maintain the integrity of legal processes .

SUPREME COURT'S INITIATIVES ON MULTILINGUAL JUDGMENTS

The Supreme Court of India has initiated the publication of judgments in regional languages to enhance accessibility. This move aims to make legal decisions more understandable to the general public, promoting transparency and trust in the judiciary. As of December 2024, over 42,000 Supreme Court judgments have been translated into 17 regional languages, including Hindi, Tamil, Gujarati, and Malayalam, using AI-powered translation tools .

DATA ANALYSIS: LANGUAGE AND THE INDIAN JUDICIARY

OBJECTIVE

To analyze the key linguistic challenges affecting the Indian judiciary and their implications on constitutional rights, legal access, and multilingual governance.

KEY INSIGHTS

1. ACCESS TO JUSTICE (35%)

- **Issue:** Predominance of English in courts creates a barrier for over 90% of the Indian population.
- **Impact:** Limits participation in legal processes, comprehension of rights, and violates Article 14 (equality before law) and Article 21 (right to life and liberty).
- **Analysis:** This is the most critical barrier, as legal redressal depends heavily on linguistic accessibility.

2. REGIONAL LANGUAGE USAGE (20%)

- **Issue:** Although Article 348(2) allows regional languages in High Courts, only a few states have implemented it.
- **Impact:** Uneven implementation hinders local access to justice.
- **Example:** Hindi in UP, MP; regional use still limited elsewhere.

3. TRANSLATION SERVICES (15%)

- **Issue:** Lack of trained translators/interpreters causes delays and affects judicial accuracy.
- **Impact:** Particularly affects marginalized communities.
- **Status:** NALSA initiatives exist but under-resourced.

4. LEGAL LITERACY (10%)

- **Issue:** Legal materials are rarely available in local languages.
- **Impact:** Reduces awareness of rights and legal procedures among citizens.

5. POLICY IMPLEMENTATION CHALLENGES (10%)

- **Issue:** Constitutional provisions for language rights are not uniformly enforced.

- **Impact:** States resist policies seen as "imposing" another language (e.g., Tamil Nadu vs. Hindi in NEP).

6. TECH AND AI INTERVENTIONS (10%)

- **Issue:** AI-based translations of court judgments show promise but face accuracy issues.
- **Example:** Supreme Court has translated over 42,000 judgments into 17 languages.
- **Challenge:** Legal terminologies lose precision when machine-translated.

TABLE

Category	Impact (%)	Key Challenge	Example/Note
Access to Justice	35%	English language barrier in courts	Article 14 & 21 implications
Regional Language Usage	20%	Limited use of vernaculars in High Courts	Allowed under Article 348(2), uneven rollout
Translation Services	15%	Lack of interpreters and delays	NALSA, SLSAs under-resourced
Legal Literacy	10%	Lack of awareness due to language barriers	Laws/judgments not in native languages
Policy Implementation Challenges	10%	States resist centralized language policies	Tamil Nadu opposes NEP three-language formula
Tech & AI Tools	10%	Inconsistent accuracy in translations	42,000+ SC judgments translated using AI

LESSONS INDIA CAN LEARN FROM GLOBAL PRACTICES

India can draw several lessons from global practices:

PROMOTION OF MULTILINGUALISM

Encouraging the use of multiple languages in official and educational settings can foster inclusivity. For instance, Canada's bilingual policy ensures that both English and French are used in federal institutions, promoting equal access to services for all citizens.

LEGAL RECOGNITION OF LANGUAGES

Recognizing a wide array of languages in legal frameworks can ensure that all linguistic communities are represented. South Africa's constitution recognizes 11 official languages, reflecting its diverse linguistic landscape and ensuring that citizens can access legal services in their preferred language.

EDUCATIONAL POLICIES

Implementing educational policies that promote linguistic diversity can enhance national unity and cultural preservation. The European Union's support for minority language education programs helps maintain cultural heritage while promoting social cohesion.

CONCLUSION

India's linguistic diversity is both a strength and a complex challenge—especially within its judicial and constitutional framework. The country's legal system, rooted in principles of justice, equality, and inclusivity, must continually evolve to ensure that these ideals are accessible to all, regardless of the language they speak. From the constitutional provisions under Articles 343–351 to the recognition of languages in the Eighth Schedule, India's legal architecture acknowledges the importance of linguistic representation. Yet, implementation gaps, systemic biases toward English and Hindi, and regional disputes reveal that legal and linguistic inclusivity remains a work in progress.

Access to justice is fundamentally impaired when citizens cannot understand legal processes or judgments due to language barriers. The current over-reliance on English in courts, coupled with the limited use of regional languages, alienates large portions of the population. While legal aid and translation services exist, their reach and effectiveness vary widely, particularly in rural and underserved areas.

Comparative models from countries like Canada and South Africa show that it is possible to integrate multilingualism into legal and educational frameworks effectively. Their experiences underline the importance of institutional commitment, adequate funding, and clear policy mandates in safeguarding linguistic rights.

India has taken several positive steps in recent years. The National Education Policy 2020 emphasizes mother tongue instruction, aiming to reshape educational access and equity.

Simultaneously, the Supreme Court's initiative to translate thousands of its judgments into regional languages using AI-based tools marks a transformative shift toward inclusivity in the judiciary. However, these efforts must be supported with consistent policy implementation, technological investment, and cultural sensitivity.

REFERENCES

- Austin, G. (1966). *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press.
- Brass, P. R. (1990). *The politics of India since independence*. Cambridge University Press.
- Government of Canada. (1969). *Official Languages Act*. <https://laws-lois.justice.gc.ca/eng/acts/O-3.01/>
- Government of India. (1950). *Constitution of India*. <https://legislative.gov.in/constitution-of-india>
- Government of India. (2011). *Census of India 2011: Language data*. Office of the Registrar General & Census Commissioner.
- King, R. D. (1997). *Nebru and the language politics of India*. Oxford University Press.
- Kumar, S. (2020). Language and legal literacy in India: Bridging the gap. *Journal of Legal Studies*, 25(2), 145–162.
- Law Commission of India. (2008). *Report No. 216: Non-feasibility of introduction of Hindi as compulsory language in the Supreme Court of India*. <https://lawcommissionofindia.nic.in/reports.htm>
- Ministry of Law and Justice. (2021). *Use of Hindi and regional languages in courts*. Government of India.
- Republic of South Africa. (1996). *Constitution of the Republic of South Africa*. <https://www.justice.gov.za/legislation/constitution>
- Supreme Court of India. (2024). *Annual report on translation of judgments*. <https://main.sci.gov.in/reports>
- The Guardian. (2024, September 15). South Africa school language law stirs Afrikaans learning debate. *The Guardian*. <https://www.theguardian.com/world/2024/sep/15/south-africa-school-language-law>