

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

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IMPORTANCE OF HINDI AND OTHER LANGUAGES **THE INDIAN JUDICIAL SYSTEM**

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ABSTRACT

Language is the foundation of all legal systems because it influences how laws are written, how rights are protected, and how justice is delivered. In India, language issues in the judiciary are complicated due to the country's wide linguistic diversity.

Although English has traditionally been used in court proceedings, it often creates challenges for ordinary people who find it hard to understand legal terms. This disconnect between accessibility and uniformity has sparked discussions about the role of Hindi and regional languages in the legal system.

The research paper looks at the constitutional and legal rules that govern language use in Indian courts. It focuses on Articles 343 to 351, Article 348, Article 350, and Article 394A of the Constitution, as well as the Official Languages Act of 1963. These rules aim to balance the need for inclusivity with the requirement for consistency in law. The study also examines judicial decisions, practical challenges, and recent changes, like translating Supreme Court judgments into regional languages.

The study highlights that while English promotes consistency and continuity in the legal system, it limits access for many citizens. Therefore, it is crucial to gradually introduce Hindi and regional languages into judicial processes, especially at the subordinate and state levels. This strategy would narrow the gap between the public and the judiciary, foster cultural acceptance, and enhance democratic participation. Experiences from other multilingual

countries show that having multiple languages in courts is both achievable and beneficial when supported by the right institutional frameworks.

The research concludes that a multilingual judiciary is necessary to achieve the constitutional goal of justice for all. By being inclusive without sacrificing consistency, the justice system can ensure that justice not only reaches citizens but is also easy to understand.

Keywords: Judicial Language, Hindi in Judiciary, Regional Languages, Indian Constitution, Multilingual Justice

Introduction

Language and law depend on each other. Courts, legislatures, and government bodies use words, and meaning comes from language. In India, a diverse nation with 22 scheduled languages and many dialects, the language used in the judiciary involves both practical and ethical issues.

¹The colonial language of English still dominates the higher judiciary. It maintains continuity and uniformity across the nation; however, it alienates many citizens from the legal system. Most litigants find it hard to understand court proceedings and judgments in English. The Constitution's framers recognized this issue and included provisions for Hindi and regional languages while allowing the use of English in courts until better language arrangements could be established².

This paper reviews and highlights the need for Hindi and other Indian languages in the judicial system. It does this by looking at constitutional provisions, laws, and judicial decisions. The main aim is to understand how language impacts justice and whether reforms are needed to balance uniformity with diversity³.

The objectives of the study are:

- (i) to examine the constitutional provisions and laws about language in the judiciary;
- (ii) to assess how Hindi and regional languages help provide access to justice;
- (iii) to evaluate the ongoing dominance of English and its effect on litigants;
- (iv) to discuss the challenges of using Hindi and regional languages in courts; and
- (v) to offer recommendations for creating a multilingual but uniform judicial system⁴.

Methodology

This research is doctrinal and uses both primary and secondary sources.⁵

The primary sources include the Constitution of India, especially Articles 343, 344, 345, 347, 348, 350, and 394A, the Official Languages Act 1963, and decisions from the Supreme Court and various High Courts⁶.

The secondary sources consist of the debates from the Constituent Assembly on language, scholarly works like MP Jain's Indian Constitutional Law and DD Basu's Introduction to the Constitution of India, as well as articles, reports, and government documents related to judicial language policy⁷.

The study is both descriptive and analytical. It aims to explore the relationship between language, law, and justice in India.

Language and Law

There is a strong link between language and law. Law works entirely through language; it consists of rules, rights, duties, and obligations that are expressed, interpreted, applied, and enforced using words. Statutes, court judgments, contracts, and legal pleadings all represent ways of expressing legal concepts. Without language, law would be just an abstract idea with no practical use⁸.

Language is the means by which laws are made, written down, interpreted, and enforced. Every statute, rule, and regulation is written in words, and how those words are understood defines the extent of rights and responsibilities. Constitutional provisions gain authority and meaning through language, and interpreting them shapes how the country is governed. Language also plays a crucial role in international treaties and agreements, which depend on clear wording to create binding legal commitments⁹.

So, language is the essential tool that gives legal norms their binding power.

LANGUAGE AND ACCESS TO JUSTICE

One of the key principles affecting access to justice is the language used in legal proceedings. If litigants, witnesses, or even lawyers do not fully understand the language of the court, they cannot engage meaningfully in the justice process. Justice is not just about the correctness of a decision; it must also guarantee fairness in participation. An accused person must clearly understand the charges against them, and a litigant must be able to grasp the pleadings, judgments, and orders that affect their rights¹⁰. A language that many people do not know creates a gap between law and justice.

The use of English in India's higher judiciary stems from colonial history. During British rule, English was imposed as the language for administration and justice. Even after independence, English kept its important role in the judicial system, especially in the Supreme Court and High Courts, because of its clarity and acceptance among judges and lawyers¹¹. However, English remains a foreign language for many people in India, and this language barrier creates a significant obstacle to access to justice.

Recognizing the role of language in the legal system, the Constitution of India and several laws allow for the use of Hindi and regional languages. Article 348 states that English is the language for proceedings in the Supreme Court and High Courts, while letting Hindi or other state languages be used in High Courts with presidential approval. Article 120 allows members of Parliament to speak in Hindi or English and, with permission, in their native language. Article 343 declares Hindi in the Devanagari script as the official language of the Union. These provisions aim to balance English as a common language for consistency and Hindi and regional languages for better accessibility¹².

Practical Challenges

While laws are translated into Hindi and regional languages, the legitimacy and reliability of these translations are still issues. Legal terms and phrases can be complex, and many do not have clear equivalents in local languages. Furthermore, lawyers and judges trained in the English legal system often struggle to use regional languages, which limits effective implementation. As a result, many people have difficulty understanding judicial proceedings¹³.

The right to a fair trial, guaranteed under Article 21 of the Constitution of India, requires that

an accused person be informed of the charges in a language they understand. Sections 272 to 277 of the Code of Criminal Procedure 1973 clearly state the need for translating documents and interpreting proceedings in a language the accused can comprehend. This highlights that justice cannot be truly served without language access.¹⁴

To tackle these issues, English might be kept in higher courts to maintain consistency, while regional languages should be promoted in trial courts where litigants directly interact with the judicial system. We also need to improve the quality and accuracy of translations of laws and court decisions. Legal education should encourage studying law in both English and local languages to create bilingual lawyers and judges who can work effectively in a multilingual court system¹⁵.

Technological tools for real-time translation and interpretation in courts can significantly help bridge language gaps and enhance access to justice¹⁶.

Judiciary and Colonial Legacy

The modern Indian judiciary shows a clear colonial influence that has lasted from British rule to today's globalized world. One of the most lasting elements of this influence is the ongoing use of English for administration, education, and legal discussions. This influence went beyond just communication. It changed judicial institutions and legal systems and shaped how justice is understood and practiced in India¹⁷.

Introduction of English in Indian Courts

When the British began establishing their authority in India, they gradually replaced Persian, the official administrative language of the Mughal period, with English. The formal adoption of English for administration and law began with the Charter Act of 1833 and the reforms initiated by Thomas Babington Macaulay. These changes marked a shift from Persian to English in governance, legal institutions, and education as part of a broader effort to strengthen colonial control under a unified administrative¹⁸ system.

After English was introduced in courts, a new legal culture based on British law replaced traditional legal systems across India¹⁹.

English as the Language of Law Education

The Macaulay Minute on Education in 1835 and the creation of English-medium legal education in universities produced a class of Indian lawyers trained in the English legal tradition. Courts increasingly relied on English statutes, judicial precedents, and legal principles²⁰.

This transformation led to several outcomes. It ensured consistency across India's diverse regions through a single language of law. It also resulted in a large body of statutes and precedents in English, making it hard to replace the language even after independence. Furthermore, it led to the rise of a professional class of lawyers and judges who were skilled in English but mostly disconnected from the people who spoke regional languages²¹.

Post-Independence Continuity of English

After independence in 1947, the drafters of the Constitution discussed the role of English in governance and the judiciary. Although Hindi became the official language of the Union under Article 343, English was kept in the higher judiciary under Article 348. This decision was influenced by the large body of existing English statutes and precedents, the need for national consistency in a country with many languages, and the practical challenges of translating complex legal terms into local languages. Consequently, English became deeply rooted in the Supreme Court, High Courts, and legal education, even as lower courts began using regional languages more frequently²².

Barriers Created by Colonial Legacy

While the continued use of English provided uniformity and continuity in the judicial system, it also created significant obstacles. Most litigants in India do not speak English fluently, making it hard for them to follow court proceedings and judicial decisions. As a result, citizens often rely heavily on legal professionals for interpretation, widening the gap between the public and the justice system and reinforcing the idea that law is the domain of an elite class²³.

Judicial pronouncement and Language Rights

The judiciary has recognized how important language is for ensuring access to justice. In the case of *Harikisan v State of Maharashtra*, the Supreme Court ruled that not providing a translated copy of a judgment in a language the accused understands violates the right to a fair

trial under Article 21 of the Constitution²⁴. The Code of Criminal Procedure 1973, especially Sections 272 to 277, requires that an accused person must be informed of charges and proceedings in a language they understand.

Balancing Uniformity and Accessibility

The ongoing use of English in higher courts reflects both a colonial history and a practical need. While regional languages are common in trial courts, English continues to be used in higher courts to maintain consistency across the country. This two-tier system highlights the urgent need to improve translations of judgments and statutes, promote bilingual legal education, and use technology for real-time translation and interpretation²⁵.

Hindi in the Judiciary

Language connects law and people, and the debate over using Hindi in the judiciary has significant constitutional, political, and practical implications in India. While English has traditionally been the language of higher courts, the Constitution of India and later laws have opened doors for Hindi and other regional languages, especially in courts that interact directly with the public²⁶.

The Constitution provides a clear framework for using Hindi in administration and the judiciary. Article 343 names Hindi in the Devanagari script as the Union's official language.

Article 348 states that Supreme Court and High Court proceedings should be in English unless Parliament decides otherwise. It also allows state legislatures, with the President's consent, to permit Hindi or other state languages in High Court proceedings. Article 394A, added by the Constitution (Fifty-Eighth Amendment) Act 1987, requires official Hindi translations of central laws, ensuring that Hindi and English texts are treated equally²⁷.

The Official Languages Act 1963 significantly supports Hindi in judicial processes. This act allows some states to use Hindi in High Court proceedings, pending presidential approval. As a result, states like Uttar Pradesh, Bihar, Rajasthan, and Madhya Pradesh now permit Hindi in pleadings and oral arguments before their High Courts. However, a key limitation still exists, as High Court judgments are delivered in English to maintain national consistency and accessibility²⁸.

Hindi is more commonly used in subordinate courts, particularly in Hindi-speaking states. At the trial court level, where people interact most closely with the justice system, proceedings often take place in Hindi or other regional languages. This approach aligns with Sections 272 to 277 of the Code of Criminal Procedure 1973, which mandates that an accused must be informed of charges and judgments in a language they comprehend, ensuring that justice is not hindered by language barriers²⁹.

The introduction of Article 394A marked an important change by requiring every central law to be published in an authoritative Hindi text. This move has improved accessibility for Hindi-speaking citizens, lawyers, and judges. Over time, the creation of legal literature, commentaries, and textbooks in Hindi has grown, promoting the use of Hindi in legal education and practice³⁰.

The judiciary has repeatedly stressed that the court's language must not obstruct justice. In *Harikisan v State of Maharashtra*, the Supreme Court ruled that failing to provide translated document copies in a language the accused understands violates the fundamental right to a fair trial under Article 21 of the Constitution³¹. This ruling strengthens the argument for broader use of Hindi in Hindi-speaking areas, where many litigants are not familiar with English.

Despite constitutional and legislative support, completely replacing English with Hindi in the higher judiciary faces several practical hurdles. Many legal terms in English do not have exact equivalents in Hindi, making translation tough. Since the Supreme Court and most High Courts primarily operate in English, judgments in Hindi may disrupt national consistency.

Furthermore, legal education in India remains mostly in English, resulting in graduates who are more comfortable with English than with Hindi in legal practice³².

The growing focus on Hindi in the judiciary aligns with a broader effort to make justice more accessible to the general public. Potential steps include enhancing the quality of legal translations to prevent confusion, promoting bilingual legal education that prepares students in both Hindi and English, and utilizing technology for real-time translation and the publication of judgments in various languages³³.

Regional Languages in the Judiciary

India's judicial system functions within a distinct socio-linguistic context. With twenty-two scheduled languages recognized by the Constitution and hundreds of dialects spoken across the country, regional languages are essential for making justice accessible. While English and Hindi dominate in legislative activities and higher courts, regional languages are crucial in subordinate courts and are increasingly requested in High Court proceedings³⁴.

Constitutional Recognition of Regional Language

The Constitution of India acknowledges the significance of linguistic diversity in governance and justice. Article 350 guarantees every person the right to submit a representation for redress in any language used in the Union or a State, ensuring that no citizen is denied access to justice based on language. Article 347 allows the President to recognize a language spoken by a large segment of a state's population as an official language of that state. Additionally, Article 348(2) permits state legislatures, with the President's prior consent, to allow the use of Hindi or the official state language in High Court proceedings. These provisions create legal space for the use of regional languages in the judiciary, though practical limits may apply³⁵.

Regional Language in Subordinate Courts

Subordinate courts are where regular litigants first engage with the justice system and widely use regional languages. For example, proceedings are held in Tamil in Tamil Nadu, Bengali in West Bengal, and Marathi in Maharashtra. The Code of Criminal Procedure 1973, particularly Sections 272–277, states that criminal proceedings must occur in the language of the court as decided by the state government. This ensures that accused persons and litigants understand the charges, evidence, and court orders. Civil procedure also allows pleadings and evidence in local languages, which reduces dependency on translation and enhances inclusivity by aligning court processes with the languages of litigants³⁶.

Regional Language in High Courts

Though Article 348(1) mandates English for proceedings and judgments in High Courts, Article 348(2) allows states to approve the use of Hindi or the official state language with consent from the President. Because of this, states like Rajasthan, Uttar Pradesh, Bihar, and Madhya Pradesh have permitted Hindi in High Court processes. However, even in these states, judgments are still given in English to ensure consistency and ease appeals before the Supreme

Court. Calls to allow Tamil in the Madras High Court, Bengali in the Calcutta High Court, and other regional languages in their respective High Courts reflect concerns about not just convenience but also linguistic identity, inclusivity, and cultural recognition³⁷

Challenges in Expanding Regional Languages in High Courts

Even with constitutional acknowledgment, extending the use of regional languages in higher courts faces several hurdles. With twenty-two scheduled languages, extensive regionalization could fragment the judicial system and complicate maintaining uniform precedents. Legal terminology often lacks precise equivalents in regional languages, leading to potential confusion. Legal education in India is mainly in English, and most judges and lawyers are trained in English, making a sudden shift to regional languages impractical. Because appeals from High Courts go to the Supreme Court, which exclusively operates in English, judgments in regional languages might complicate the appeal process³⁸.

Judicial Pronouncements and Language Rights

The judiciary has consistently recognized that language should not be a barrier to justice. In *Harikisan v State of Maharashtra*, the Supreme Court ruled that an accused must be informed of the charges in a language they understand, linking language accessibility to the fundamental right to a fair trial under Article 21 of the Constitution. Courts have emphasized that justice must be visible and comprehensible, which is only possible when litigants can follow court proceedings in their own language³⁹.

The Case for Regional Language

Allowing regional languages in the judiciary promotes inclusivity by reducing the alienation of citizens who find English challenging, respecting India's linguistic diversity and federal spirit, and enabling litigants and witnesses to engage in judicial processes more meaningfully. However, this goal must be balanced with the need for uniformity, efficiency, and coherence in the higher judiciary⁴⁰.

Constitutional Framework

The Constitution of India provides a framework for the use of language in administration and the judiciary, aiming to balance national unity with India's vast linguistic diversity. Article 343 establishes Hindi in the Devanagari script as the official language of the Union. However,

recognizing the challenges of an immediate transition, English was permitted to continue for official purposes, including legislative and judicial roles, under Article 343(2) and the Official Languages Act 1963. Articles 344 to 351 outline the gradual promotion of Hindi, continued use of English, and the protection and development of India's linguistic heritage, thereby supporting the rights of regional languages. Supreme Court and High Court proceedings must be conducted in English, but Article 348(2) allows state legislatures, with the President's prior consent, to permit the use of Hindi or another official state language in High Court proceedings, even though judgments must still be delivered in English to guarantee national consistency⁴¹.

The Constitution also ensures linguistic inclusivity by recognizing citizens' rights to access the justice system in a language they understand. Article 350 grants every person the right to submit representations for redress in any language used in the Union or a State. This provision guarantees that linguistic barriers do not hinder citizens from approaching public authorities and courts⁴².

A significant advancement on this front was the addition of Article 394A by the Constitution (Fifty-Eighth Amendment) Act 1987. This article mandates the publication of official Hindi translations of the Constitution and all central laws, placing Hindi versions on par with English texts and improving accessibility for Hindi-speaking citizens⁴³.

Justice in any society goes beyond delivering fair decisions; it also involves ensuring that those decisions are understood by those affected. Language thus plays a central role in delivering justice. If the language of the courts is inaccessible to regular citizens, the very aim of justice is compromised⁴⁴.

Justice and Comprehensibility

The principle of a fair trial under Article 21 of the Constitution of India states that no one can be deprived of their life or personal liberty except through a lawful procedure. For this guarantee to be meaningful, litigants need to understand the charges, evidence, and judicial decisions that impact their rights. Justice that is hard to understand effectively becomes justice denied⁴⁵.

The colonial past established English as the language of the higher judiciary. While this has provided consistency across states, it has also created obstacles for many Indian citizens who

do not speak English well. This situation leaves litigants dependent on lawyers to interpret court proceedings and documents, which alienates them from the justice process⁴⁶

Towards Inclusivity

Recognizing the need for linguistic accessibility, several measures have been adopted to make judicial processes easier to understand. The Supreme Court's e-SCR Project, started in 2023, began publishing judgments in Hindi and other regional languages, making important rulings available to more people. Some High Courts, including those in Uttar Pradesh and Madhya Pradesh, allow the use of Hindi in proceedings under Article 348(2) of the Constitution.

Subordinate courts across the country also use regional languages extensively, enabling litigants to participate more directly in the judicial process. These efforts aim to close the gap between legal language and everyday language⁴⁷.

Despite these improvements, significant challenges to full linguistic inclusivity still exist. Many technical terms in English legal language do not have exact translations in Hindi or other regional languages, complicating accurate interpretation. Poorly translated judgments or laws can distort legal meanings and lead to inconsistent interpretations. Furthermore, with twenty-two scheduled languages and numerous dialects, providing consistent linguistic access across the nation is a complex challenge. Legal education in India remains mostly in English, which creates resistance to a shift towards regional languages⁴⁸.

To make sure language does not act as a barrier to justice, several steps are important. Translation accuracy should be assured through the creation of standardized legal glossaries. Bilingual legal education should be encouraged to prepare lawyers and judges to work in both English and regional languages. Additionally, using technology for real-time translation and interpretation in courts and selectively using regional languages in High Courts while keeping English for national consistency can help balance accessibility and coherence⁴⁹.

Conclusion

In the judicial setting, language is not just about convenience; it relates closely to democracy, inclusivity, and the safeguarding of fundamental rights. While English historically has provided uniformity and continuity in India's higher judiciary, its exclusive use has limited

justice access for many people. Hindi and regional languages are essential for making the justice system accessible and culturally relevant.

The Constitution of India recognizes the complex relationship between English, Hindi, and regional languages. Through Articles 343 to 351, Article 348, Article 350, and Article 394A, along with the Official Languages Act of 1963, it strives to balance national unity with linguistic diversity. English remains the language of the higher judiciary to maintain consistency, while there is a gradual opening for Hindi and regional languages, especially in subordinate courts and limited High Court proceedings.

Moving forward, the goal should not be to remove English from the judicial system but to adopt a balanced multilingual approach. English can continue as a link language for uniformity in the Supreme Court and High Courts, while Hindi and regional languages should be more widely used in trial courts, tribunals, and processes that involve citizens. This shift requires better translation resources, bilingual legal education, and the use of legal technology for the accurate and timely sharing of judgments.

This approach would help India create a judiciary that matches the linguistic and cultural realities of its people. Justice can only be fully realized when it is not only delivered but also understood, fulfilling the constitutional promise of “justice for all.”⁵⁰

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² Constitution of India arts 343–351, 348; Official Languages Act 1963

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⁴ M P Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018)

⁵ C R Kothari, *Research Methodology: Methods and Techniques* (2nd edn, New Age International 2004).

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¹³ Law Commission of India, 216th Report, *Non-Feasibility of Introduction of Hindi as Compulsory Language in Supreme Court and High Courts* (2008).

¹⁴ Constitution of India art 21; Code of Criminal Procedure 1973 ss 272–277; *Harikisan v State of Maharashtra* AIR 1962 SC 807.

¹⁵ Law Commission of India, 216th Report (n 13).

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²² Constitution of India arts 343, 348; Constituent Assembly Debates, Vol IX (1949).

²³ *Mohan Lal v State of Rajasthan* AIR 2015 SC 2099.

²⁴ *Harikisan v State of Maharashtra* AIR 1962 SC 807; Constitution of India art 21.

²⁵ Law Commission of India, 216th Report, *Non-Feasibility of Introduction of Hindi as Compulsory Language in Supreme Court and High Courts* (2008).

²⁶ Constitution of India arts 343–351, 348; Official Languages Act 1963.

²⁷ Constitution of India arts 343, 348, 394A; Constitution (Fifty-Eighth Amendment) Act 1987.

²⁸ Official Languages Act 1963; Law Commission of India, 216th Report, *Non-Feasibility of Introduction of Hindi as Compulsory Language in Supreme Court and High Courts* (2008).

²⁹ Constitution of India art 21; Code of Criminal Procedure 1973 ss 272–277.

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³³ Law Commission of India, 216th Report (n 28).

³⁴ Constitution of India, Eighth Schedule.

³⁵ Constitution of India arts 347, 348(2), 350.

³⁶ Code of Criminal Procedure 1973 ss 272–277.

³⁷ Constitution of India art 348; Official Languages Act 1963

³⁸ Law Commission of India, 216th Report, *Non-Feasibility of Introduction of Hindi as Compulsory Language in Supreme Court and High Courts* (2008)

³⁹ *Harikisan v State of Maharashtra* AIR 1962 SC 807; Constitution of India art 21.

⁴⁰ M P Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018).

⁴¹ Constitution of India arts 343–351, 348; Official Languages Act 1963.

⁴² Constitution of India art 350.

⁴³ Constitution of India art 394A; Constitution (Fifty-Eighth Amendment) Act 1987.

⁴⁴ D D Basu, *Introduction to the Constitution of India* (24th edn, LexisNexis 2017).

⁴⁵ Constitution of India art 21.

⁴⁶ Law Commission of India, 216th Report (n 38).

⁴⁷ Supreme Court of India, *e-SCR Project* (2023). ⁴⁸ Law Commission of India, 216th Report (n 38). ⁴⁹ M P Jain (n 40); D D Basu (n 44).

⁵⁰ Constitution of India arts 343–351, 348, 350, 394

