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CONSTITUTIONAL PROVISIONS FOR THE OFFICIAL AND REGIONAL LANGUAGES OF INDIA

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The Part XVII of the Constitution of India deals with the official and regional languages of India. The Chapter I give an account of the Language of Union. In this chapter, articles related to the usage of languages in different government services have been mentioned. The articles of the Chapter I, which deal with languages of the country, are as follows:

- Art. 29 : This article deals with that no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language, or any of them
- Art. 30 (1): This article states that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- Art. 30 (2): This article deals with that the state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.
- Art. 120: This article deals with the language to be used in Parliament. Here it is mentioned that all the procedures in the Parliament should be carried out in Hindi or in English.
- Art. 210: This article specifies the language to be used in the Legislature. It says that all the works in the Legislature has to be transacted in the state official languages, if any, or in Hindi or in English.
- Art. 343: This article is about the official language of the country. In this article it is mentioned that Hindi would be the official language of the Union.
- Art. 344: This article is about the commission and committee of Parliament on official language. As per the article, a commission has to be constituted comprising a Chairman and other members. These members would represent different languages mentioned in the Eighth Schedule to the Indian Constitution. The chairman, with the aid of the members would decide about the procedure of the commission. The duties and the aims of the Commission and Committee of Parliament on official language are also specified in the article.

The Chapter II of the Part XVII of the Indian constitution talks about the usage of the regional languages of India. The articles of this chapter are mentioned below:

- Art. 345: This article is about the official language or languages of a State. Here it is mentioned that the legislature each Indian state has the power to choose one or more regional languages or Hindi to be used for official purpose.
- Art. 346: In this article official languages for communication between one state and another or between a state and the union have been dealt with. It says that the official language chosen by the legislature of a state should be the official language for inter-state communication or the communication between a state and the union.
- Art. 347: This article mentions the special provision relating to language spoken by a section of the population of a state. Here it is specified that President can approve any language to be used by a portion of the population of a state. This language can also be officially recognized across the state.

The language of the Supreme Court and High Courts are dealt with in the Chapter III of the Part XVII of the constitution. The articles included in this chapter are:

- Art. 348: This article specifies the language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc. Acc. to this article, all transactions in the Supreme Court and all the High Courts of the country and all text of Acts, Bills and orders should be in English language. With permission of the President, the Governor of a State can use Hindi or any other state official language for the proceedings. However, in such case, English version of the documents has to be published in the official gazette of that state.
- Art. 349: Special procedure for enactment of certain laws relating to language has been dealt with in this article. It is specified that without considering the recommendations of the Commission and the report of the committee of Parliament on official language, President should not sanction any bill or amendment regarding usages of language for official purpose.

The Chapter IV of the part includes articles on Special Directives. The articles of this chapter are mentioned below:

- Art. 350: This article is on the language to be used in representations for redressal of grievances. It is mentioned that people can intimate any authority of the state or union about any grievance in any language used in the country.
- Art. 350A: Facilities for instruction in mother-tongue at the primary stage is specified in this article, Acc. to which state should ensure the facilitation of instruction in mother

tongue at the primary level of education for the children belonging to the social groups of linguistic minority.

- Art. 350B: This article specifies the appointment of a Special Officer for linguistic minorities. As per the article, the selection of this Special Officer should be done by the President.
- Art. 351: Directive for development of the Hindi language is mentioned in this article. It says that it is the responsibility of the union to encourage the spreading and development of Hindi language.

OFFICIAL LANGUAGES AT THE CENTRAL LEVEL

Hindi and English

The Indian constitution declares Hindi in Devanagari script to be the official language of the union. Unless Parliament decided otherwise, the use of English for official purposes was to cease fifteen years after the constitution came into effect, i.e., on 26 January 1965. The prospect of the changeover, however, led to much alarm in the non Hindi-speaking areas of India, as a result of which Parliament enacted the Official Languages Act, 1963, which provided for the continued use of English for official purposes along with Hindi, even after 1965. An attempt was made in late 1964 to expressly provide for an end to the use of English, but it was met with protests from across the country. Some of these protests also turned violent. Widespread protests occurred in states such as Tamil Nadu, Kerala, West Bengal, Karnataka, Pondicherry and Andhra Pradesh. As a result of these protests, the proposal was dropped, and the Act itself was amended in 1967 to provide that the use of English would not be ended until a resolution to that effect was passed by the legislature of every state that had not adopted Hindi as its official language, and by each house of the Indian Parliament.¹

The Union government may continue to use English in addition to Hindi for its official purposes² as a "subsidiary official language,"³ but is also required to prepare and execute a programme to progressively increase its use of Hindi. The exact extent to which, and the areas in which, the Union government uses Hindi and English, respectively, is determined by the provisions of the Constitution, the Official Languages Act, 1963, the Official Languages Rules, 1976, and statutory instruments made by the Department of Official Language under these

¹ Official Languages Act, 1963, S. 3(5)

² Official Languages Act, 1963, S. 3(1)

³ Notification No. 2/8/60-O.L. (Ministry of Home Affairs), dated 27th April, 1960

laws.

THE LANGUAGE OF PARLIAMENTARY PROCEEDINGS AND LAWS

The Indian constitution draws a distinction between the language to be used in Parliamentary proceedings, and the language in which laws are to be made. Parliamentary business, Acc. to the Constitution, may be conducted in either Hindi or English. The use of English in parliamentary proceedings was to be phased out at the end of fifteen years unless Parliament chose to extend its use, which Parliament did through the Official Languages Act, 1963. In addition, the constitution permits a person who is unable to express himself in either Hindi or English to, with the permission of the Speaker of the relevant House, address the House in his mother tongue.

In contrast, the constitution requires the authoritative text of all laws, including Parliamentary enactments and statutory instruments, to be in English, until Parliament decides otherwise. Parliament has not exercised its power to so decide, instead merely requiring that all such laws and instruments, and all bills brought before it, also be translated into Hindi, though the English text remains authoritative.

THE LANGUAGES OF THE EIGHTH SCHEDULE TO THE CONSTITUTION (Articles 344 (1) and 351)

The Eighth Schedule to the Indian Constitution contains a list of scheduled languages, originally 14 but since expanded to 22. At the time the constitution was enacted, inclusion in this list meant that the language was entitled to representation on the Official Languages Commission, and that the language would be one of the bases that would be drawn upon to enrich Hindi, the official language of the Union. The list has since, however, acquired further significance. The Government of India is now under an obligation to take measures for the development of these languages, such that "they grow rapidly in richness and become effective means of communicating modern knowledge."⁴ *In addition, a candidate appearing in an examination conducted for public service at a higher level is entitled to use any of these languages as the medium in which he answers the paper.*⁵

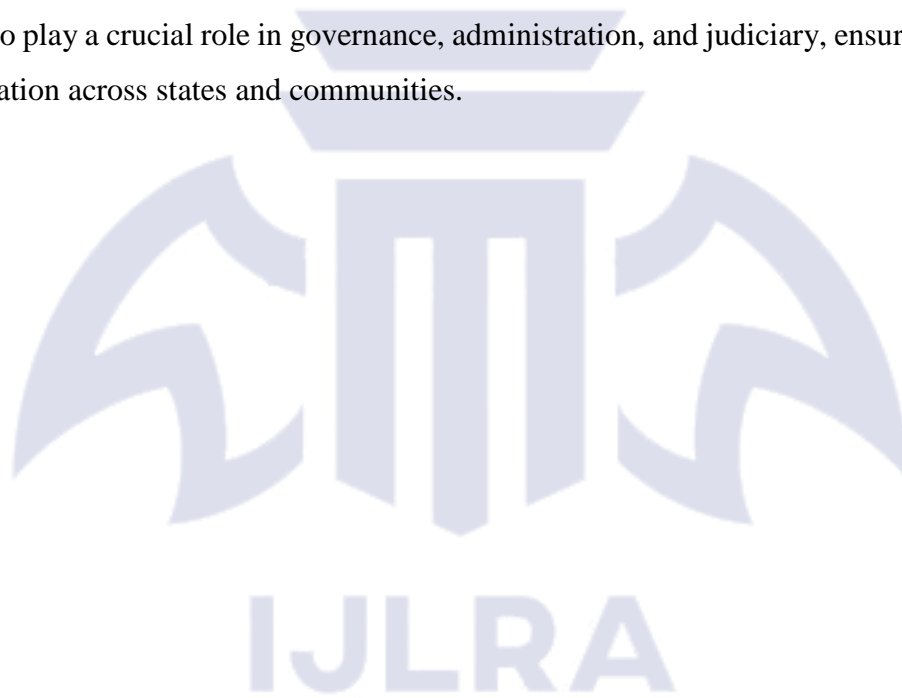
⁴ Official Languages Resolution, 1968, para. 2

⁵ Official Languages Resolution, 1968, para. 4.

The Supreme Court has ruled in *Kanhaiya Lal Sethia V. Union Of India* ⁶ that to include or not to include a particular language in the VIII Schedule is a policy matter of the Central Government and the Court cannot interfere in the matter. Further no one has any Fundamental Right to compel the Centre to include any particular language in the Schedule.

Conclusion

India's linguistic framework, as enshrined in Part XVII of the Constitution, reflects the nation's commitment to multilingualism and inclusivity. The constitutional provisions ensure the protection and promotion of both official and regional languages, balancing national unity with linguistic diversity. While Hindi is recognized as the official language of the Union, English continues to play a crucial role in governance, administration, and judiciary, ensuring seamless communication across states and communities.



⁶ AIR 1998 SC 365 : (1997) 6 SCC 573