

OFFICIAL LANGUAGE

Part XVII of the Constitution deals with the official language in Articles 343 to 351. Its provisions are divided into four heads—Language of the Union, Regional languages, Language of the judiciary and texts of laws and Special directives.

LANGUAGE OF THE UNION

The Constitution contains the following provisions in respect of the official language of the Union.

1. Hindi written in Devanagari script is to be the official language of the Union. But, the form of numerals to be used for the official purposes of the Union has to be the international form of Indian numerals and not the Devanagari form of numerals.
2. However, for a period of fifteen years from the commencement of the Constitution (i.e., from 1950 to 1965), the English language would continue to be used for all the official purposes of the Union for which it was being used before 1950.
3. Even after fifteen years, the Parliament may provide for the continued use of English language for the specified purposes.
4. At the end of five years, and again at the end of ten years, from the commencement of the Constitution, the president should appoint a commission to make recommendations with regard to the progressive use of the Hindi language, restrictions on the use of the English language and other related issues.
5. A committee of Parliament is to be constituted to examine the recommendations of the commission and to report its views on them to the president

Accordingly, in 1955, the president appointed an Official Language Commission under the chairmanship of B G Kher. The commission submitted its report to the President in 1956. The report was examined by a committee of Parliament constituted in 1957 under the chairmanship of Gobind Ballabh Pant. However, another Official Language Commission (as envisaged by the Constitution) was not appointed in 1960.

Subsequently, the Parliament enacted the Official Language Act in 1963. The act provides for the continued use of English (even after 1965), in addition to Hindi, for all official purposes of the Union and also for the transaction of business in Parliament. Notably, this act enables the use of English indefinitely (without any time-limit). Further, this act was amended in 1967 to make the use of English, in addition to Hindi, compulsory in certain cases.

REGIONAL LANGUAGES

The Constitution does not specify the official language of different states. In this regard, it makes the following provisions:

1. The legislature of a state may adopt any one or more of the languages in use in the state or Hindi as the official language of that state. Until that is done, English is to continue as official language of that state. Under this provision, most of the states have adopted the major regional language as their official language. For example, Andhra Pradesh has adopted Telugu, Kerala—Malayalam, Assam—Assamese, West Bengal—Bengali, Odisha—Odia. The nine northern states of Himachal Pradesh, Uttar Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana and Rajasthan have adopted Hindi. Gujarat has adopted Hindi in addition to Gujarati. Similarly, Goa has adopted Marathi in addition to Konkani. Jammu and Kashmir has adopted Urdu (and not Kashmiri). On the other hand, certain north-eastern States like Meghalaya, Arunachal Pradesh and Nagaland have adopted English. Notably, the choice of the state is not limited to the languages enumerated in the Eighth Schedule of the Constitution.
2. For the time being, the official language of the Union (i.e., English) would remain the link language for communications between the Union and the states or between various states. But, two or more states are free to agree to use Hindi (instead of English) for communication between themselves. Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar are some of the states that have entered into such agreements. The Official Language Act (1963) lays down that English should be used for purposes of

communication between the Union and the nonHindi states (that is, the states that have not adopted Hindi as their official language). Further, where Hindi is used for communication between a Hindi and a non-Hindi state, such communication in Hindi should be accompanied by an English translation.

3. When the President (on a demand being made) is satisfied that a substantial proportion of the population of a state desire the use of any language spoken by them to be recognised by that state, then he may direct that such language shall also be officially recognised in that state. This provision aims at protecting the linguistic interests of minorities in the states.

LANGUAGE OF THE JUDICIARY AND TEXTS OF LAWS

The constitutional provisions dealing with the language of the courts and legislation are as follows:

1. Until Parliament provides otherwise, the following are to be in the English language only: (a) All proceedings in the Supreme Court and in every high court. (b) The authoritative texts of all bills, acts, ordinances, orders, rules, regulations and bye-laws at the Central and state levels.
2. However, the governor of a state, with the previous consent of the president, can authorise the use of Hindi or any other official language of the state, in the proceedings in the high court of the state, but not with respect to the judgements, decrees and orders passed by it. In other words, the judgements, decrees and orders of the high court must continue to be in English only (until Parliament otherwise provides).
3. Similarly, a state legislature can prescribe the use of any language (other than English) with respect to bills, acts, ordinances, orders, rules, regulations or bye-laws, but a translation of the same in the English language is to be published.

The Official Language Act of 1963 lays down that Hindi translation of acts, ordinances, orders, regulations and bye-laws published under the authority of the president are deemed to be authoritative texts. Further, every bill introduced

in the Parliament is to be accompanied by a Hindi translation. Similarly, there is to be a Hindi translation of state acts or ordinances in certain cases.

The act also enables the governor of a state, with the previous consent of the president, to authorise the use of Hindi or any other official language of the state for judgements, decrees and orders passed by the high court of the state but they should be accompanied by an English translation. For example, Hindi is used in Uttar Pradesh, Madhya Pradesh, Bihar and Rajasthan for this purpose.

However, the Parliament has not made any provision for the use of Hindi in the Supreme Court. Hence, the Supreme Court hears only those who petition or appeal in English. In 1971, a petitioner insisted on arguing in Hindi a habeas corpus petition in the Supreme Court. But, the Court cancelled his petition on the ground that the language of the Court was English and allowing Hindi would be unconstitutional.

Protection of Linguistic Minorities

In this regard, the Constitution makes the following provisions:

1. Every aggrieved person has the right to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case may be. This means that a representation cannot be rejected on the ground that it is not in the official language.
2. Every state and a local authority in the state should provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups. The president can issue necessary directions for this purpose.
3. The president should appoint a special officer for linguistic minorities to investigate all matters relating to the constitutional safeguards for linguistic minorities and to report to him. The president should place all such reports before the Parliament and send to the state government concerned.

Development of Hindi Language

The Constitution imposes a duty upon the Centre to promote the spread and development of the Hindi language so that it may become the lingua franca of the composite culture of India.

Further, the Centre is directed to secure the enrichment of Hindi by assimilating the forms, style and expressions used in hindustani and in other languages specified in the Eighth Schedule and by drawing its vocabulary, primarily on sanskrit and secondarily on other languages.

At present (2016), the Eighth Schedule of the Constitution specifies 22 languages (originally 14 languages). These are Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia⁸, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.

In terms of the Constitution provisions, there are two objectives behind the specification of the above regional languages in the Eighth Schedule:

- (a) The members of these languages are to be given representation in the Official Language Commission; and
- (b) The forms, style and expression of these languages are to be used for the enrichment of the Hindi language.

COMMITTEE OF PARLIAMENT ON OFFICIAL LANGUAGE

The Official Language Act (1963) provided for the setting up of a Committee of Parliament on Official Language to review the progress made in the use of Hindi for the official purpose of the Union. Under the Act, this Committee was to be constituted after ten years of the promulgation of the Act (i.e., 26th January, 1965). Accordingly, this Committee was set up in 1976. This Committee comprises of 30 members of Parliament, 20 from Lok Sabha and 10 from Rajya Sabha.

The Act contains the following provisions relating to the composition and functions of the committee:

1. After the expiration of ten years from the date on which the Act comes into force, there shall be constituted a Committee on Official Language, on a resolution to that effect being moved in either House of Parliament with the previous sanction of the President and passed by both Houses.
2. The Committee shall consist of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of the single transferable vote.
3. It shall be the duty of the Committee to review the progress made in the use of Hindi for the official purposes of the Union and submit a report to the President making recommendations thereon and the President shall cause the report to be laid before each House of Parliament and sent it to all the State Governments.
4. The President may, after consideration of the report, and the views, expressed by the State Governments thereon, issue directions in accordance with the whole or any part of the report.

The Chairman of the Committee is elected by the members of the Committee. As a convention, the Union Home Minister has been elected as Chairman of the Committee from time to time.

The Committee is required to submit its report along with its recommendations to the President after reviewing the position regarding the use of Hindi in Central Government Offices on the basis of its observations. Apart from adopting other methods for assessing the factual position, the Committee decided to inspect certain Central Government offices representing various fields of activities to motivate the Central Government offices to adopt maximum usage of Hindi so that the objectives of the Constitution and Official Language Act provisions could be achieved. With this end in view, the

Committee set up three sub-Committees and for the purpose of inspection by the three sub-Committees, the various Ministries/Departments etc. were divided into three different groups.

Further, in order to assess the use of Official Language for various purposes and other matters connected therewith, it was also decided to invite eminent persons from various fields such as from education, judiciary, voluntary organizations and the Secretaries of the Ministries/Departments etc., for oral evidence.

The progressive use of Hindi in the Central Government offices is being reviewed by the Committee in the background of the provisions relating to Official Language as provided by the Constitution; the Official Language Act, 1963 and the Rules framed thereunder. The Committee also takes note of the circulars/instructions etc. issued by the Government in this regard from time to time. The terms of reference of the Committee being comprehensive, it has also been examining other relevant aspects like the medium of instructions in schools, colleges and the universities; mode of recruitment to Central Government services and medium of departmental examination etc. Taking into consideration the magnitude of various aspects of the Official Language policy and keeping in view the present circumstances, the Committee in its meeting held in June, 1985 and August, 1986 decided to present its report to the President in parts; each part relating to a particular aspect of the Official Language policy.

The Secretariat of the Committee is headed by the Secretary of the Committee. The Secretary is assisted by the officers of the level of Under Secretary and other officials. They extend all required assistance in performing the various activities of the Committee. For administrative purposes, this office is subordinate office of Department of Official Language, Ministry of Home Affairs.