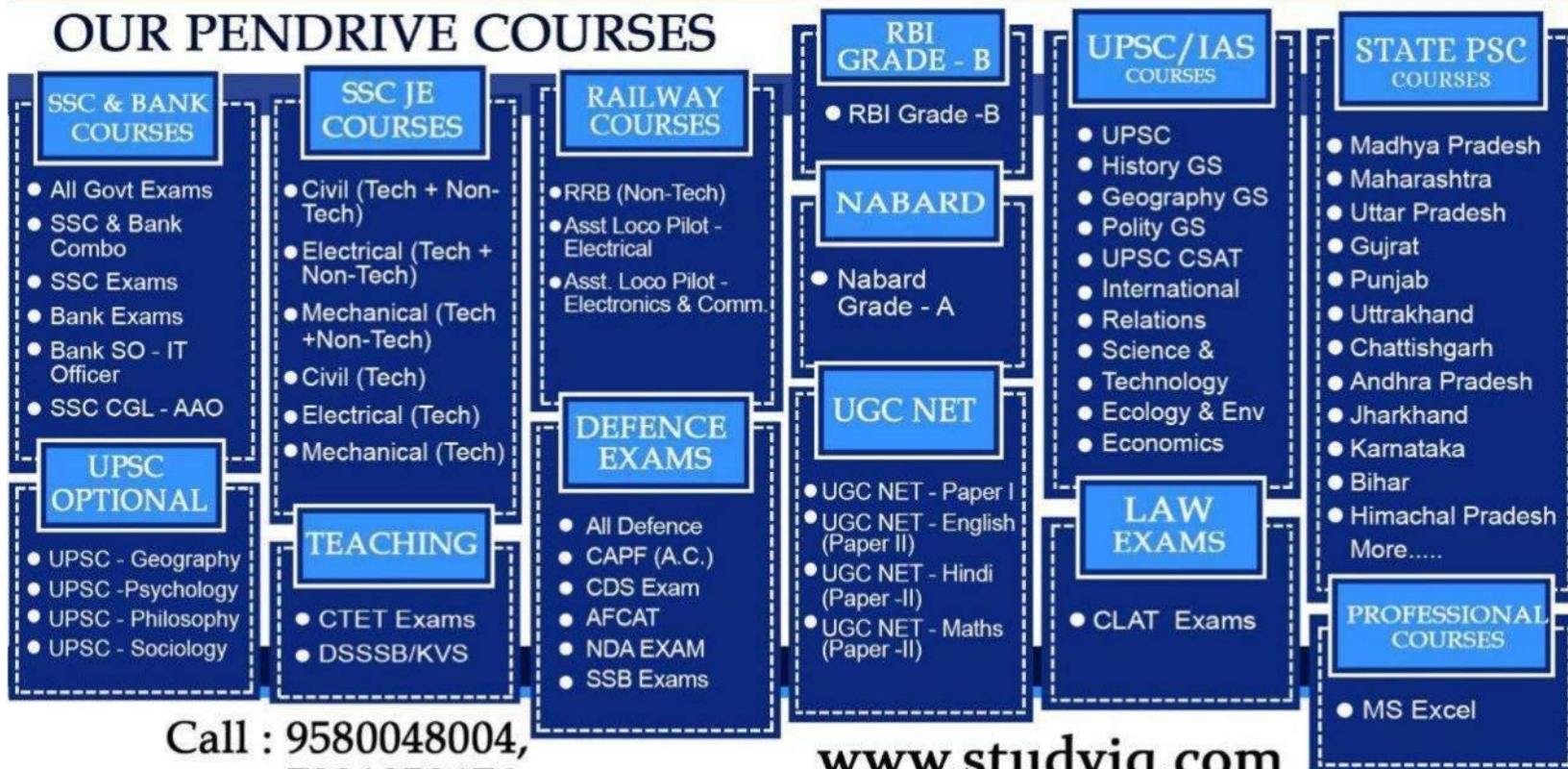


Hindi as Official Court Language in Haryana

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- 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.

The Haryana Official Language (Amendment) Act, 2020

- The amendment has been made to the Haryana Official Languages Act, 1969
- Introduced a new section 3A
- Designated 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:**
- Create an unreasonable classification between Hindi and non-Hindi speaking advocates.
- 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.

- 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 RESPONSE

- 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.
- 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.
- Hindi being the predominantly spoken language in the state of Haryana.

- 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
- The then Prime Minister Jawaharlal Nehru introduced the 'Official Languages Act' in 1963
- 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.



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