



Government of Tamilnadu

Department of Employment and Training

Course : TNPSC Group I Mains Material

Subject : Indian Polity

Topic : Official Language

© Copyright

The Department of Employment and Training has prepared the TNPSC Group-I Preliminary and Main Exam study material in the form of e-content for the benefit of Competitive Exam aspirants and it is being uploaded in this Virtual Learning Portal. This e-content study material is the sole property of the Department of Employment and Training. No one (either an individual or an institution) is allowed to make copy or reproduce the matter in any form. The trespassers will be prosecuted under the Indian Copyright Act.

It is a cost-free service provided to the job seekers who are preparing for the Competitive Exams.

Commissioner,

Department of Employment and Training.

OFFICIAL LANGUAGE

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 have 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 non- Hindi 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 recognized by that state, then he may direct that such language shall also be officially recognized 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.

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 authorize 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.

Special Directives:

The Constitution contains certain special directives to protect the interests of linguistic minorities and to promote the development of Hindi language.

There are:

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, Odia, 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.

◆.....◆

Questions:

1. Discuss in detail about Official Language in India.

