



ORIGINAL RESEARCH PAPER

Law

CONSTITUTION OF INDIA AND LANGUAGES.

KEY WORDS: Constitution of India – Preamble – Part XVII – Article 343 to 351 – Official Language of India – Hindi – Schedule– VIII – Federal Structure – Law Commission Report No. 216 – Other Legal provisions.

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ABSTRACT

The paper "Languages under the Constitution of India". This research paper is divided into three part. (A) Languages under the Part XVII, Official Language, Article 343 to Article 351, of the Constitution of India (B) Languages under the Schedule – VIII of the Constitution of India and (C) Other various legal provisions, Act, rules and regulations regarding Languages in India. Researcher also touches the said topic with Preamble of India and Languages in India.

INTRODUCTION :-

Languages are basically a systematic substitute for the communication. Languages are the social form for the better communications, which deals with the social harmony, family and nation. It is useful for individual as well as large public interest also, same like we can say that languages are very useful for the progress of any nation in the world. Therefore, languages play a very important role in human life. It can be said that languages are extraordinary mechanism for the any Nation.

The Constitution of India i.e. Supreme law of India, Superior Law of the Land and ideology of the nation. The Constitution of India is the document for the Nation (India). India known as Bharat. India is nation which made from various states. i.e. Union of states. Ideology, Goals, aims, objectives and philosophy of the India (Bharat) is mention in the Preamble of the Constitution of India. The Constitution of India is providing us Federal Structural (Quasi-Federal). Federal structure means distribution of powers between Executive, Legislative and Judiciary branches. It's called in legal language the Doctrine of "Separation of Power". Constitution of India deals with Preamble, Citizenship, Fundamental Rights, Directive principles of state policies, Fundamental Duties etc. Including some constitutional provision regarding **LANGUAGES**. Languages are as a rule governed system.

The Constitution of India was framed by the Constitutional Assembly and gives our shelves. This member of said Assembly was elected by provincial Legislative Assembly. Dr. Rajendra Prasad was the Chairman of the Constitutional Assembly, and Dr. Ambedkar was the chairperson of very important committee i.e. the Drafting Committee.

The constitution of India and other legal provisions deals with languages in below mention Articles / Schedules / Acts / Reports :

1. Article – 120, Article – 210 of the Constitution of India.
2. **PART XVII, Official Language, Article 343 to Article 351, of the Constitution of India**
3. Languages under the Schedule – VIII of the Constitution of India and
4. The Official Languages Act, 1963 (As Amended, 1967) (Act No. 19 of 1963)
5. The Official Language Resolution, 1968
6. The Official Languages (Use for Official Purpose of the Union) Rules, 1976 (As Amended, 1987, 2007, 2011)
7. Law Commission Report No. 216

Researcher divides this article in mainly three partitions, these are as under:-

(A) LANGUAGES UNDER THE PART XVII, OFFICIAL LANGUAGE, ARTICLE 343 TO ARTICLE 351, OF THE CONSTITUTION OF INDIA

Chapter XVII deals with official languages of India. Its can divide into Eight (VIII) parts, i.e. as under:-

1. Official Language of the Union (Article – 343)

2. Official Language of the State (Article – 345)
3. Language for inter-communication (Article – 346)
4. Language of the Supreme Court & High Courts (Article – 348)
5. Formation of a language commission (Article – 344)
6. Language to be used in union parliament (Article – 120) and state legislatures (Article – 210)
7. Safeguards for linguistic minorities (Article – 29 & 30)
8. Miscellaneous provisions for the promotion, development and use of Hindi language (Article – 351)

Article - 343¹. The official language of the Union shall be Hindi in Devanagari script.

The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals....

Article – 345². Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State

Article – 346³. The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union....

Article -348⁴. Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

- (a) all proceedings in the Supreme Court and in every High Court,
 - (b) the authoritative texts—
- (i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,
 - (ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and
 - (iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language.

Article – 344⁵ The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement, by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order shall define the procedure to be followed by the Commission...

Article – 120⁶. Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or in English: Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother-tongue...

Article – 210⁷. Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in the Legislature of a State shall be transacted in the official language or languages of the State or in Hindi or in English: Provided that the Speaker of the Legislative Assembly or Chairman of the Legislative Council, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the House in his mother tongue...

Article – 29⁸. Any section of the citizens residing in the territory of India or any part thereof having a distinct **language**, script or culture of its own shall have the right to conserve the same...

Article – 30⁹. All minorities, whether based on religion or **language**, shall have the right to establish and administer educational institutions of their choice...

Article - 351¹⁰. It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

(B) LANGUAGES UNDER THE SCHEDULE – VIII OF THE CONSTITUTION OF INDIA

The Constitution of India have total XII (12) schedules. All schedules deals with some special provision, in total XII (12) schedule one schedules deals with the Languages and its number is VIII (8). In said schedule today there are 22 languages listed, so it's called scheduled language of nation. Originally only 14 languages were listed at the time of constitution of India was framed. Not its increased to 22 languages. These languages as per alphabetically listed as below :-

(VIII) EIGHTH SCHEDULE¹¹

[Articles 344 (1) and 351] LANGUAGES

1. Assamese.
2. Bengali.
3. Bodo.
4. Dogri.
5. Gujarati.
6. Hindi.
7. Kannada.
8. Kashmiri.
9. Konkani.
10. Maithili.
11. Malayalam.
12. Manipuri.
13. Marathi.
14. Nepali.
15. Oriya.
16. Punjabi.
17. Sanskrit.
18. Santhali.
19. Sindhi.]
20. Tamil.
21. Telugu.
22. Urdu.

Details of 22 Schedule languages of India are as follows¹² : Indo-Aryan Language Family

1. Assamese
2. Bengali
3. Gujarati
4. Hindi
5. Kashmiri
6. Konkani
7. Marathi
8. Oriya
9. Punjabi

10. Sanskrit
11. Sindhi
12. Urdu

Dravidian Language Family

13. Kannada
14. Malayalam
15. Tamil
16. Telugu

Tibeto-Burman Language Family:

17. Manipuri
18. Nepali
19. Bodo
20. Maithali
21. Dogri
22. Santhali

Demand for more languages for inclusion in the Schedule – VIII¹³.

(1) Angika, (2) Banjara, (3) Bazika, (4) Bhojpuri, (5) Bhoti, (6) Bhotia, (7) Bundelkhandi (8) Chhattisgarhi, (9) Dhatki, (10) English, (11) Garhwali (Pahari), (12) Gondi, (13) Gujjar/Gujjari (14) Ho, (15) Kachachhi, (16) Kamtapuri, (17) Karbi, (18) Khasi, (19) Kodava (Coorg), (20) Kok Barak, (21) Kumaoni (Pahari), (22) Kurak, (23) Kurmali, (24) Lepcha, (25) Limbu, (26) Mizo (Lushai), (27) Magahi, (28) Mundari, (29) Nagpuri, (30) Nicobarese, (31) Pahari (Himachali), (32) Pali, (33) Rajasthani, (34) Sambalpur/Kosali, (35) Shaurseni (Prakrit), (36) Siraiki, (37) Tenyidi and (38) Tulu.

(C) OTHER VARIOUS LEGAL PROVISIONS, ACT, RULES AND REGULATIONS REGARDING LANGUAGES IN INDIA

THE OFFICIAL LANGUAGES ACT, 1963

(AS AMENDED, 1967) (Act No. 19 of 1963)

An Act to provide for the languages which may be used for the official purposes of the Union, for transaction of business in Parliament, for Central and State, Acts and for certain purposes in High Courts. Be it enacted by Parliament in the Fourteenth Year of the Republic of India.

THE OFFICIAL LANGUAGE RESOLUTION, 1968

The following Government Resolution, as adopted by both Houses of Parliament, is hereby published for general information

The Official Languages (Use for Official Purpose of the Union)

RULES, 1976 (As Amended, 1987, 2007, 2011)

G.S.R 1052 - In exercise of the powers conferred by section 8, read with sub-section(4) of section 3 of the Official Languages Act, 1963 (19 of 1963), the Central Government hereby makes the following rules.

LAW COMMISSION OF INDIA – REPORT NO – 216¹⁴.

NON-FEASIBILITY OF INTRODUCTION OF HINDI AS COMPULSORY LANGUAGE IN THE SUPREME COURT OF INDIA :-

Recommendation of the Report No – 216 :-

- i) Language is a highly emotional issue for the citizens of any nation. It has a great unifying force and is a powerful instrument for national integration. No language should be thrust on any section of the people against their will since it is likely to become counterproductive.
- ii) It is not merely a vehicle of thought and expression, but for Judges at the higher level, it is an integral part of their decision-making process. Judges have to hear and understand the submissions of both the sides, apply the law to adjust equities. Arguments are generally made in higher courts in English and the basic literature under the Indian system is primarily based on English and American text books and case laws. Thus, Judges at the higher level should be left free to evolve their own pattern of delivering judgments.
- iii) It is particularly important to note that in view of the national

transfer policy in respect of the High Court Judges, if any such Judge is compelled to deliver judgments in a language with which he is not wellversed, it might become extremely difficult for him to work judicially. On transfer from one part of the country to another, a High Court Judge is not expected to learn a new language at his age and to apply the same in delivering judgments.

THE THREE LANGUAGE FORMULA¹⁵

The Three Language Formula modified in the Kothari Commission (1964-66). As per said commission these three languages are as : (1) Mother tongues (2) Hindi (Official language / National Pride / Language of Unity) and (3) English (Language for administrative efficiency and technological progress and International communications). This Three Languages Formula was deals with NPE-1986 (National Policy of Education)

CONCLUSION :-

Researcher tries his best to introduce the Constitution of India with the special provision regarding Languages. The Constitution of India clear the role of it's for the Languages and it is also worry for the future of Languages in India. Constitution of India also trying his best for the promoting all the mother languages and specially Hindi language. As a duty we have to obey, promote and practice of our official language i.e. HINDI as a citizen of India. Researcher going to say that these 22 languages which are mention in the Schedule – VIII of the Constitution of India, we can call its

OFFICIAL LANGUAGE OF INDIA OR LANGUAGES OF INDIA.

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