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The Constitutional Jurisprudence of Official Language in India

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ABSTRACT

The linguistic architecture of the Constitution of India represents one of the most carefully calibrated and politically contested constitutional settlements in modern constitutional history. Part XVII (Articles 343 to 351), read with Articles 120, 210, 344, 350A, 350B and the Eighth Schedule, embodies a constitutional compromise negotiated in the Constituent Assembly in 1949. Rather than declaring a constitutionally designated "National Language", the Constitution adopted a distinction between the "official language of the Union" and the languages used for other constitutional and governmental purposes. Article 343(1) declares Hindi in Devanagari script to be the official language of the Union and prescribes the international form of Indian numerals, while Article 343(2) provided for the continued use of English for specified Union purposes during the initial fifteen-year period. Parliament was expressly empowered by Article 343(3) to provide by law for the continued use of English after that period.

This treatise examines the historical negotiations surrounding the Munshi-Ayyangar compromise, the architecture of Part XVII, the constitutional position of regional languages and linguistic minorities,

the language of superior courts and authoritative legal texts under Article 348, and the statutory continuation of English through the Official Languages Act, 1963, as amended in 1967. It also evaluates leading judicial decisions concerning linguistic rights, minority education, official-language policy and judicial language. Particular attention is given to the distinction between constitutional provisions and statutory practice, so that Hindi is not inaccurately described as India's "national language" and English is not inaccurately treated as a constitutionally co-equal official language of the Union.

The study further examines contemporary questions concerning linguistic federalism, the National Education Policy 2020, digital accessibility, judicial translation and the constitutional balance between national integration and linguistic pluralism. It argues that the Indian constitutional model is best understood as an accommodationist and asymmetrical multilingual framework in which Hindi occupies the constitutionally specified position of official language of the Union, English continues for specified purposes under parliamentary law, and regional and minority languages receive varying forms of constitutional and statutory protection.

1. Introduction: Language as the Crucible of Nationhood and Constitutionalism

Language has historically functioned both as a vehicle of cultural identity and as an instrument of political mobilisation. India presented constitution-makers with a linguistic reality fundamentally different from the relatively homogeneous linguistic assumptions associated with several European nation-state models. At independence, India contained numerous languages, dialects and literary traditions belonging to several language families, including Indo-Aryan, Dravidian, Austroasiatic and Tibeto-Burman groups.The language question therefore implicated democratic participation, administrative accessibility, educational opportunity, employment, regional dignity and national integration. Hindi proponents regarded the replacement of English as an important dimension of decolonisation, while representatives of non-Hindi-speaking regions feared that an accelerated transition to Hindi could create structural disadvantage. The retention of English, on the other hand, was criticised as perpetuating a colonial linguistic hierarchy.

The constitutional response was neither the immediate abolition of English nor the creation of a constitutionally entrenched national language. Part XVII adopted the concept of the "official language of the Union". Article 343(1) specifies Hindi in Devanagari script as that official language, while the Constitution simultaneously creates a broader multilingual framework through provisions relating to State languages, linguistic minorities, parliamentary language, judicial language and the Eighth Schedule.This treatise therefore approaches Indian language constitutionalism as a negotiated federal settlement rather than as a simple Hindi-versus-English binary. It examines the historical compromise, the text and structure of Part XVII, the statutory continuation of English, judicial interpretation, and contemporary tensions between linguistic accommodation and administrative standardisation.

2. The Constituent Assembly Crucible and the Munshi-Ayyangar Formula

The language question was among the most contentious subjects before the Constituent Assembly. The disagreement was not merely linguistic; it reflected competing visions of decolonisation, national integration, administrative continuity and federal equality. The Assembly ultimately adopted a compromise that gave Hindi a constitutionally specified role while allowing English to continue and providing institutional space for regional and minority languages.

2.1 The Polarized Factions: Hindi Proponents and Non-Hindi Pragmatists

Prominent advocates of Hindi included Purushottam Das Tandon, Seth Govind Das and other members who regarded an indigenous Indian language as essential to national self-respect. They generally supported Hindi in Devanagari script and sought a more rapid reduction of English in public administration. On the other side, representatives from non-Hindi-speaking regions, including T.T. Krishnamachari, N. Gopalaswami Ayyangar and K. Santhanam, warned against an abrupt linguistic transition that could alienate large sections of the Union. Their interventions emphasised the need for time, accommodation and institutional safeguards.

T.T. Krishnamachari's interventions in the Constituent Assembly are historically significant because they expressed the concern that an abrupt imposition of Hindi could produce serious regional resentment. For academic accuracy, however, the language of Constituent Assembly interventions should be cited from the official debates when reproduced verbatim. The present study therefore treats the substance of those interventions rather than relying on an unverified verbatim quotation.

2.2 The Hindustani versus Hindi Debate

Another dimension concerned Hindustani. Mahatma Gandhi had supported Hindustani as a composite language capable of functioning across linguistic and communal divisions and associated it with both Devanagari and Persian-Arabic scripts. The political circumstances following Partition, however, weakened the prospects of adopting Hindustani as the Union's official language. The Assembly ultimately adopted Hindi in Devanagari script in Article 343(1).

2.3 The Munshi-Ayyangar Formula: The Constitutional Compromise

Dimension	Hindi-oriented position	Non-Hindi concern	Constitutional settlement
Nomenclature and status	Hindi as national/official language	No linguistic majoritarianism	Hindi designated official language of the Union; no national language designated
Script	Devanagari	Protection against exclusion	Hindi in Devanagari script
Numerals	Preference for Devanagari numerals	International form preferred	International form of Indian numerals under Article 343(1)
English	Rapid discontinuance	Continued use required	English continued under Article 343(2) and thereafter by parliamentary law
Judicial and statutory language	Transition to Hindi	Need for legal certainty	Article 348 establishes English as constitutional default for superior courts and authoritative legal texts

Development of Hindi	Hindi-centric development	Pluralistic linguistic culture	Article 351 requires enrichment of Hindi through Hindustani and other Eighth Schedule languages

The compromise associated with K.M. Munshi and N. Gopalaswami Ayyangar sought to reconcile the principal positions. The constitutional settlement omitted the designation of any language as the "national language" and instead provided for Hindi as the official language of the Union. It also preserved English for a transitional period and empowered Parliament to legislate concerning its continued use. The settlement thus separated questions of cultural identity from the immediate requirements of administration, legislation and judicial continuity.

3. The Architecture of Part XVII: A Deconstructive Analysis of Articles 343 to 351

3.1 Chapter I: Language of the Union (Articles 343 and 344)

Article 343(1) provides that the official language of the Union shall be Hindi in Devanagari script and that the form of numerals for official purposes of the Union shall be the international form of Indian numerals. Article 343(2) originally contemplated the continued use of English for fifteen years from the commencement of the Constitution. Article 343(3) empowered Parliament to provide by law for the use of English and/or the Devanagari form of numerals after that period.

The fifteen-year period was therefore not the end of English by itself. Parliament exercised the power contemplated by Article 343(3) through the Official Languages Act, 1963, whose Section 3 was subsequently strengthened by the Official Languages (Amendment) Act, 1967 (enacted as Act No. 1 of 1968). English consequently continues to be used for specified Union purposes alongside Hindi.

3.2 The Mechanism of Progressive Review: Article 344

Article 344 created the Official Language Commission mechanism and a Parliamentary Committee on Official Language. The first Official Language Commission was constituted in 1955 under the chairmanship of B.G. Kher. Its recommendations and the dissenting views of members from non-Hindi-speaking regions reflected the difficulty of imposing a uniform timetable for linguistic transition.

The Parliamentary Committee on Official Language, constituted in accordance with Article 344, provides an institutional mechanism for examining the Commission's recommendations and advising upon the progressive use of Hindi and related questions of official-language policy.

3.3 Chapter II: Regional Languages (Articles 345, 346 and 347)

Article 345 permits a State Legislature to adopt one or more languages in use in the State, or Hindi, as the language or languages for all or any official purposes of the State. Article 346 addresses communication between States and between a State and the Union. Article 347 empowers the President, where the constitutional conditions are satisfied, to recognise a language spoken by a substantial proportion of a State's population for specified official purposes.

3.4 Chapter III: Language of the Supreme Court, High Courts and Authoritative Legal Texts (Articles 348 and 349)

Article 348 establishes English as the constitutional default language for proceedings in the Supreme Court and High Courts and for the authoritative texts of Bills, Acts, Ordinances, orders, rules, regulations and bye-laws referred to in the provision, unless Parliament otherwise provides by law.

Article 348(2) permits the Governor of a State, with the previous consent of the President, to authorise the use of Hindi or another official language of the State in proceedings in the High Court. The constitutional text contains a qualification concerning judgments, decrees and orders. In addition, Section 7 of the Official Languages Act, 1963 provides a statutory mechanism under which the Governor, with the previous consent of the President, may authorise the use of Hindi or the official language of the State in judgments, decrees or orders of the High Court, provided an English translation is issued in accordance with the statutory requirement. Accordingly, it is inaccurate to state categorically that regional languages can never be used in High Court judgments.

Article 348(3) deals with the authoritative English text where a State Legislature has enacted legislation in a language other than English. Article 349 contained a special procedural safeguard concerning legislation on language matters during the initial constitutional period.

3.5 Chapter IV: Special Directives (Articles 350, 350A, 350B and 351)

Article 350 provides that every person is entitled to submit a representation for the redress of a grievance to an officer or authority of the Union or a State in any language used in the Union or in the State. It should not, therefore, be described narrowly as a constitutional “right to petition in one's mother tongue”.

Article 350A directs every State and local authority to endeavour to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. Article 350B provides for a Special Officer for Linguistic Minorities, appointed by the President, to investigate matters relating to constitutional safeguards for linguistic minorities. Article 351

directs the Union to promote the spread and development of Hindi so that it may serve as a medium of expression for the composite culture of India and requires its enrichment through Hindustani and the other languages specified in the Eighth Schedule.

4. The 1965 Crisis and the Statutory Continuation of English

The approach of 26 January 1965 generated substantial political anxiety in non-Hindi-speaking regions because Article 343(2) had originally contemplated the expiry of the fifteen-year transitional period. The issue was particularly contentious in the then Madras State, where anti-Hindi agitations became a major political movement.

4.1 The Nehruvian Assurance

Jawaharlal Nehru gave important assurances in Parliament in 1959 that English would continue for as long as non-Hindi-speaking populations required it and that Hindi would not be imposed upon them. Because the exact wording of historical parliamentary statements should be checked against the official record before quotation, this treatise states the substance rather than presenting an unverified verbatim quotation.

4.2 The Official Languages Act, 1963

Parliament enacted the Official Languages Act, 1963 under Article 343(3). Section 3 provided for the continued use of English, in addition to Hindi, for specified official purposes of the Union and for the transaction of business in Parliament. The wording of the original enactment became a major political issue because non-Hindi-speaking regions sought a more explicit assurance of continued English use.

4.3 The 1967 Amendment

The Official Languages (Amendment) Act, 1967, enacted as Act No. 1 of 1968, strengthened the statutory guarantee of continued English use. Section 3(5) provides a highly demanding procedure for discontinuing the use of English for the purposes covered by the provision: resolutions for discontinuance must be passed by the legislatures of all States that had not adopted Hindi as their official language and by each House of Parliament. This provision therefore provides exceptionally strong statutory protection for continued English use. It is more precise to describe this as a statutory protection or practical safeguard than as a constitutional declaration that Hindi and English are permanently co-equal official languages.

5. The Eighth Schedule: Constitutional Status, Evolution and Cultural Pluralism

5.1 Constitutional Function

The Eighth Schedule currently contains twenty-two languages. Its direct constitutional functions are particularly visible in Article 344(1), concerning representation in the Official Language Commission, and Article 351, which directs that Hindi be enriched by assimilating forms, styles and expressions from Hindustani and the other languages specified in the Schedule.

Recognition in the Eighth Schedule should not, however, be described as automatically creating a uniform package of statutory benefits such as mandatory representation on every cultural body, priority in financial allocation, or an independent constitutional right to use the language in every Union examination or service. Particular institutions, examinations and schemes operate under their own statutes, rules and policies.

5.2 Chronological Expansion

Constitutional measure	Year	Languages added/changed	Total
Original Constitution	1950	14 languages: Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu and Urdu	14
21st Amendment	1967	Sindhi	15
71st Amendment	1992	Konkani, Manipuri and Nepali	18
92nd Amendment	2003	Bodo, Dogri, Maithili and Santhali	22
96th Amendment	2011	‘Oriya’ renamed ‘Odia’	22

Demands for inclusion of additional languages, including Bhojpuri, Rajasthani, Tulu, Khasi and others, remain part of India's continuing linguistic-policy debate. Such demands should not be presented as evidence of an existing constitutional entitlement to automatic inclusion.

6. Judicial Hermeneutics: Landmark Case Law on Linguistic Rights and Official Language

6.1 Fundamental Rights and Linguistic Rights

In State of Bombay v. Bombay Education Society, AIR 1954 SC 561, the Supreme Court invalidated a discriminatory restriction imposed upon admission to an educational institution. The principal constitutional significance of the case lies in the protection against denial of admission on specified grounds under Article 29(2), read with the constitutional protection of minority educational interests. It should not be reduced to a general proposition that every State language policy is invalid under Article 29(1).

In re Kerala Education Bill, 1957, AIR 1958 SC 956 is a foundational authority concerning the scope of minority educational rights under Article 30(1) and the permissible extent of State regulation. It is more accurate to cite it for the balance between educational regulation and minority rights than as a direct ruling on official-language policy.

6.2 Union of India v. Murasoli Maran

Union of India v. Murasoli Maran, (1977) 2 SCC 416, AIR 1977 SC 225, concerned the implementation of Hindi training and related Presidential directions for Central Government employees. The Supreme Court upheld the relevant policy framework and rejected the challenge. The decision demonstrates that measures promoting the progressive use and knowledge of Hindi are not inherently unconstitutional merely because they impose administrative training requirements, provided they remain within the constitutional and statutory framework. The case should not be inaccurately characterised as a ruling confined to voluntary Hindi training.

6.3 Article 348 and Authoritative Legal Texts

Article 348 creates a constitutional framework for the language of superior courts and authoritative legal texts. Where a State enactment is made in a language other than English, the Constitution and relevant statutory provisions provide for an authoritative English text or translation in the circumstances specified by law. The legal significance of the English text is therefore closely connected with uniformity and certainty in the interpretation and application of legislation across the Union.

The language of oral submissions in the Supreme Court also illustrates the practical operation of Article 348. In Madhu Limaye v. Ved Murti, (1970) 3 SCC 738, the controversy involved Raj Narain's intervention and the difficulty arising when submissions were made in Hindi without adequate English interpretation. The case should not be described as Madhu Limaye personally insisting on conducting the entire argument in Hindi. The broader point is that the Court treated linguistic accessibility and the common working language of the Supreme Court as matters of institutional functioning.

7. Linguistic Dilemmas in the Superior Judiciary: The Article 348 Conundrum

Judicial forum	Constitutional position	Operational qualification
Supreme Court	English is the constitutional default language of proceedings under Article 348(1)(a).	Parliament may alter the position by law; translation and accessibility initiatives can supplement the working language.
High Courts	English is the constitutional default language under Article 348(1)(a).	Article 348(2) permits State-language proceedings with Presidential consent; Section 7 of the Official Languages Act provides a mechanism for judgments, decrees and orders with an English translation.
Subordinate courts	Language is governed principally by applicable procedural and State laws.	Regional languages and Hindi are widely used; contemporary criminal procedure must also be read with the Bharatiya Nagarik Suraksha Sanhita, 2023.

7.1 The Arguments for Judicial Vernacularisation

Supporters of greater use of Indian languages in the higher judiciary argue that meaningful access to justice requires litigants to understand proceedings and judgments affecting their rights. Translation technology

can significantly reduce the accessibility gap without necessarily replacing English as the authoritative working language of the superior courts.

7.2 The Counter-Arguments: Uniformity, Precedent and Institutional Mobility

The principal institutional concern is that the Supreme Court functions as a national court and High Court decisions interact with an all-India body of precedent. A common authoritative language facilitates the transfer of judges, comparative reading of precedents and consistent legal interpretation. A balanced approach can therefore combine English as an authoritative working language with reliable regional-language translations and technological accessibility.

8. Contemporary Frontiers: Linguistic Federalism, NEP and the Anti-Imposition Discourse

Official-language policy remains politically sensitive because language is closely connected with regional identity and access to education and employment. Contemporary debates are best understood as tensions between administrative standardisation and cooperative linguistic federalism rather than as a simple constitutional conflict between Hindi and English.

8.1 Parliamentary Committee on Official Language

The 11th Volume of the Report of the Committee of Parliament on Official Language, presented in 2022, contained recommendations concerning the use of Hindi in higher education and competitive examinations in specified contexts. These recommendations generated political controversy in several non-Hindi-speaking States. They should be understood as recommendations of a parliamentary committee and not as directly binding constitutional commands.

8.2 National Education Policy 2020 and the Three-Language Formula

NEP 2020 continues the Three-Language Formula while providing greater flexibility and expressly stating that no language will be imposed on any State. It recommends, as far as practicable, that the home language, mother tongue, local language or regional language be used as a medium of instruction until at least Grade 5, and preferably beyond. The policy therefore contains both a multilingual pedagogical objective and a non-imposition principle.

8.3 Digital Vernacularisation

Digital governance has created new possibilities for linguistic accessibility. Government portals, examination systems, public information resources and judicial materials are increasingly being made

available in Indian languages. However, availability varies substantially between institutions and services; it would therefore be inaccurate to state that all major Union digital services or examinations are already available uniformly in all twenty-two Eighth Schedule languages.

9. Comparative Global Paradigms: Canada, Switzerland and South Africa

Country	Constitutional model	Language mechanism	Comparison with India
Canada	Bilingual federalism	English and French have federal official-language status under the Official Languages Act and constitutional framework.	More symmetrical at the federal level than India's asymmetric multilingual arrangement.
Switzerland	Territorial multilingualism	German, French, Italian and Romansh have constitutionally differentiated national/official roles.	Strong territorial principle; India combines State-level linguistic autonomy with Union-level language rules.
South Africa	Constitutional multilingualism	The Constitution recognises twelve official languages, including South African Sign Language.	More formally multilingual at the national constitutional level than India's Union framework.

10. Conclusion and Forward-Looking Prescriptions

Part XVII represents a constitutional accommodation between the aspiration for an indigenous Union language and the practical and political necessity of linguistic pluralism. The Constitution did not adopt a single national language. Instead, it gave Hindi a defined constitutional position as the official language of the Union while permitting the continued use of English under parliamentary law and protecting a wider

field of regional and minority linguistic interests.First, linguistic policy should respect the constitutional distinction between promotion and coercion. Article 351 creates a directive for the development of Hindi, but that directive should be read within the broader constitutional commitment to equality, federalism, cultural pluralism and linguistic minority protection.Second, the enrichment of Hindi contemplated by Article 351 should be understood as an inclusive process. The constitutional text itself refers to Hindustani and the other Eighth Schedule languages. Development should therefore not be equated with linguistic isolation or compulsory homogenisation.Third, technological multilingualism can reconcile accessibility with judicial uniformity. Artificial intelligence, machine translation and human verification can be used to make judgments and public legal information accessible in Indian languages. Such systems should, however, incorporate rigorous authentication, confidentiality safeguards, terminology controls and human review before translations are treated as authoritative.Ultimately, Indian constitutional language policy is better understood as a framework of negotiated pluralism. Hindi, English and the regional languages need not be treated as mutually exclusive competitors. The constitutional challenge is to ensure that administrative efficiency, national integration and linguistic dignity reinforce rather than undermine one another.

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