Language of the Law

What is the issue?

- There is a recent litigation over the language in which the Draft EIA Notification, 2020 was published.
- This has brought much needed attention to the issue of official languages used by the central government in its functioning.

What is the trigger?

- The trigger for this debate has been litigation by the citizens.
- They have protested against the publication of the draft EIA notification in only English and Hindi.
- They said that this policy excludes many Indians who do not speak Hindi or English from participating in the public consultation process.

What did the courts say?

- Two High Courts have asked the government to publish the notification in all 22 languages mentioned in Schedule VIII to the Constitution.
- The central government is pushing back against this order.
- It argues that it is not required by the law to publish these notifications in the 22 languages mentioned in the Constitution.
- It is also resisting the translation into 22 languages saying it may result in the meaning of the words being obfuscated and often even lost.

Is it true that there is no legal requirement?

- The Authoritative Texts (Central Laws) Act, 1973 creates a legal mechanism to recognise authoritative translations of all central laws into 22 languages of the Constitution.
- This law extends to rules and delegated legislation issued under central laws.
- The Legislative Department of the Law Ministry hosts these translations on its website.

So, why did the government make such a claim?

- Separate from the question of accuracy of translations is the larger policy question regarding the languages used by the central government for

communicating with the public.
- The Official Languages Act, 1963 requires the publication of the law in only English and Hindi.
- As a result, the central government, de facto, ends up excluding non-English and non-Hindi speaking citizens from the law-making process.

What is the language politics?

- This issue is yet to garner the political attention it deserves despite the fact that since Independence, language has been one of the main marker of political identity in India.
- The reorganisation of Indian States on linguistic lines took place in 1956.
- Ever since, language has played a key role in shaping Indian politics.
- Therefore, language is a powerful marker of political identity in India.

What is needed?

- The key regional political parties should ensure that all 22 languages are used by the central government while communicating with the public.
- At the very least, an inclusive language policy must be integral to the law-making and enforcement process.
- This should include mandatorily publishing all parliamentary debates and associated records, the Gazette of India, all legislation and delegated legislation of the central government in all 22 languages.
- The central government offices dealing with citizens across the country should give citizens the option to engage in a language of their choice.
- So far, only the Unique Identification Authority of India has an inclusive language policy allowing citizens to get identity cards in languages other than English and Hindi.

What did the Supreme Court say?

- The Supreme Court of India (Harla v. State of Rajasthan, 1951) has ruled that citizens are not bound by laws which have not been published and publicised.
- At the least, there must be some special rule or customary channel by which such knowledge can be acquired with the exercise of due and reasonable diligence.
- It does not take much to extend this reasoning to argue that citizens are not bound by central laws unless Parliament makes its laws available in languages understood by all Indians.

What is the case in the European Union?

- In this multi-linguistic jurisdiction, all EU-level official documents are made available in all 24 official languages of member States.
- This is so because the EU has a policy in place to respect the linguistic diversity of its member nations.
- This policy allows all EU nationals to communicate with EU institutions in any of the 24 official languages.
- Also, these institutions are required to respond in the same language.
- The Government of India should also have a similar policy in place.

Source: The Hindu

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