

## 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**

