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JUSTICE IN AN UNFAMILIAR TONGUE: REIMAGINING LINGUISTIC ACCESSIBILITY AS A CONSTITUTIONAL RIGHT IN INDIA

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ABSTRACT

The Indian judiciary, mandated by the constitution to provide equal justice to everyone, functions mainly in English and more than ninety per cent of its citizens don't speak English. In a multilingual society like India, the issue of language takes significance as far as access to justice is concerned. This article highlights that the lack of any substantive linguistic support in judicial proceedings is not just a procedural shortcoming but a structural violation of the fundamental rights guaranteed under Article 14, 19, 21 and 39A of the Indian Constitution. A synthesis of constitutional text, which the lack of a right to understand and be part of judicial proceedings in one's mother tongue. It suggests a four-part doctrinal framework entitled Linguistic Due Process Doctrine, which restores language access to its place as a fundamental part of the right to a fair trial, equal protection, and dignitary justice. The article also examines the current statutory and administrative frameworks of the Official Languages Act, 1963, and the National Language Policy as lacking in structural strength and constitutional theory. It ends with a normative agenda for judicial reform, legislative intervention, and the technology-enabled solution that is customised to the multilingual nature of India. The document is about the legal significance of linguistics, specifically the constitutional rights to linguistic accessibility, fair trial, and due process in Article 21, and the potential of judicial reform, the Official Languages Act, and a commitment to multilingualism in the case of India.

Keywords: Linguistic Accessibility, Constitutional Rights, Right to Fair Trial, Article 21, Language Justice, Judicial Reform, Official Languages Act, Multilingualism, Due Process, India

I. INTRODUCTION

The principle of *audi alteram partem* is one of the most ancient ones of natural justice. But in India's legal framework, this sacred principle is methodically violated by a quasi-constitutional impasse: the party in the dock often does not understand the proceedings of the court which are deciding the fate of her freedom, property, or dignity. At the High Court and Supreme Court level, the language of the court is always English, a language which is often not the spoken or written language of the court.

There are 22 languages mentioned in the Constitution, 121 languages with over 10,000 speakers each and more than 19,500 mother tongues in India.¹ Despite all this linguistic diversity, the superior judiciary still operates almost entirely in English. In Census 2011 only 10.6% of the population was found to be having any level of functional proficiency in English.² This language disparity between justice and people is not an accident but a structural feature, a historical reality and an unconstitutional one.

This article highlights and corrects the absence of a consistent doctrinal approach to view language access as a fundamental constitutional entitlement, rather than a welfare provision. Although the linguistic divide is recognized in some loopholes of the statute, in some isolated cases in the judiciary and in some occasional administration documents, no one of them becomes a justiciable constitutional right. This paper aims to fill that gap.

The argument consists of five steps. In Part II, the problem is placed in its constitutional architecture, in which articles 14, 19, 21, 39-A and Part XVII are discussed. Part III compares language rights jurisprudence in South Africa, Canada, and the European Court of Human Rights and in the Inter-American system. Part IV discusses the current legal structure and its shortcomings. Part V introduces a new constitutional norm, the Linguistic Due Process Doctrine. Part VI outlines a judicial reform agenda, a legislative reform agenda and a technology integration agenda.

II. THE CONSTITUTIONAL ARCHITECTURE OF LANGUAGE RIGHTS IN INDIA

2.1. PART XVII AND THE OFFICIAL LANGUAGES FRAMEWORK

¹ Census of India 2011, Language Atlas India, Office of the Registrar General & Census Commissioner, Government of India (2011), available at <https://censusindia.gov.in/nada/index.php/catalog/42576>.

² Shailaja Fennell, 'English Medium Instruction and Language Policy in India' (2013).

The Constitution of India has been so concerned about the issue of language that one of the last segments in the Constitution is dedicated to the same which is Part XVII (Articles 343-351). Article 343 would declare Hindi in Devanagari script as the official language of the Union and Article 345 would give the State legislatures the power to make any regional language their official language. The following is also significant, Article 348, which states that all proceedings of the Supreme Court shall be in English, as shall be all texts of Parliamentary and legislative bills, subject to the provisions of the law by Parliament.

Article 348 of the Constitution was designed to be a temporary solution. It was hoped that English would gradually give way to Hindi and the local languages. The change has not yet taken place. The Official Languages Act, 1963³ was a de facto confirmation of the supremacy of English and Hindi, and excluded structurally the subaltern linguistic communities that spoke Odia, Maithili, Santali, Dogri and a plethora of other languages from meaningful participation in the superior court process.

Article 350 provides that every individual has the right to present his or her representations to any officer or authority of the Union or the State, whichever may apply, in any one of the languages of the Union or the State, as the case may be. This right, however, has been interpreted very narrowly and has never been afforded in judicial proceedings, and this is something that this article aims to fill the gap for.

2.2. ARTICLE 21 AND THE RIGHT TO COMPREHEND JUDICIAL PROCEEDINGS

The doctrinal basis for a right to linguistic accessibility is the most fruitful jurisprudential development of Article 21 of the Constitution. Since the landmark decision in *Maneka Gandhi v. Union of India*,⁴ which added the aspect of 'right, just, and fair' to the procedure prescribed by law, the Supreme Court has gradually added to the substantive dimension of the right to life and personal liberty, incorporating both the 'dignitary' and the 'procedural' aspects along with the 'participatory' aspect.

In *Hussainara Khatoon v. State of Bihar*,⁵ the Court had acknowledged the right to speedy trial as a part of Article 21. In *Mohd. In Hussain v. State of Delhi*,⁶ the Court ruled that the right to

³ The Official Languages Act, 1963 (Act No. 19 of 1963), as amended by the Official Languages (Amendment) Act, 1967.

⁴ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁵ *Hussainara Khatoon v. Home Secretary, State of Bihar*, AIR 1979 SC 1360.

⁶ *Mohd. Hussain v. State (Govt. of NCT of Delhi)*, (2012) 9 SCC 408.

effective legal assistance and fair trial is an integral part of Article 21. The natural evolution of this jurisprudential line, which needs to be further developed, is that an enquiry held in a language that the accused does not understand is an unfair procedure and thus constitutionally faulty.

Section 263 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) which has replaced Section 360 of the Code of Criminal Procedure, 1973 (CrPC) provides for informing accused persons of the grounds of their arrest in a language they understand. Notwithstanding the narrowness of the statute's scope (only pre-trial), this legislative acknowledgment of a right to understand language in due process provides added weight to the bigger constitutional argument set forth in this article.

2.3. ARTICLES 14 AND 39A: EQUAL JUSTICE AND LANGUAGE

Article 14 guarantees equality before the law and equal protection of laws. Where a litigant, owing to linguistic exclusion, is unable to comprehend or meaningfully contest proceedings against her, she is denied equal protection in the most fundamental sense the opportunity to be heard. The formal equality of access to courts is rendered illusory when substantive participation is contingent upon proficiency in a colonial language.

Article 39A, inserted by the Constitution (Forty-Second Amendment) Act, 1976, directs the State to secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide free legal aid. The Supreme Court in *State of Maharashtra v. Manubhai Pragaji Vashi*⁷ interpreted this provision broadly to encompass structural barriers to justice. Linguistic inaccessibility is precisely such a structural barrier — one that systematically disadvantages communities whose languages fall outside the judicial mainstream.

III. COMPARATIVE JURISPRUDENCE: LANGUAGE RIGHTS AS JUSTICIABLE ENTITLEMENTS

3.1. SOUTH AFRICA: THE CONSTITUTIONAL MODEL

The post-apartheid South African constitutional order offers one of the most liberal sets of rules for language rights in a plural state. Every accused person is entitled to a legal practitioner, state-funded, and to be tried in a language he or she can understand, or if this is not reasonably

⁷ *State of Maharashtra v. Manubhai Pragaji Vashi*, AIR 1996 SC 1

possible, to have his or her case interpreted in a language he or she understands, in terms of Section 35(3)(k) of the Constitution of the Republic of South Africa, 1996 as amended. This provision, in conjunction with Section 6 (which acknowledges eleven official languages), is constitutionally entrenched language access in the criminal process.

Although the Constitutional Court of South Africa in *Matukane and Others v. Laerskool Potgietersrus*⁸ did not expressly state that the right to language is part of human dignity, it was clear that it was at the core of an individual's cultural identity. That the South African case of using eleven official languages to work with linguistic rights is instructive too if that is possible, and they get it right, then India's constitutional order that expressly values multilingualism can and should do the same.

3.2. CANADA: INSTITUTIONAL BILINGUALISM AND BEYOND

Under the Canadian Charter of Rights and Freedoms 1982, Sections 16-20, every court created by Parliament provides for the use of English or French. In *R. v. Beaulac*,⁹ the Supreme Court of Canada found that language rights are not just instrumental, but a recognition of the equal status of linguistic communities. The Court emphatically rejected the proposition that language rights should be given a restrictive interpretation on the ground that they are exceptional.

Indian constitutional argument was supported by the Beaulac principle of substantive equality rights as language rights, which rests on the equal dignity of linguistic communities. If India recognizes twenty-two scheduled languages in the constitution, as it does, there is a much greater obligation to operationalise the principle of two official languages in India than there is in Canada.

3.3. EUROPEAN COURT OF HUMAN RIGHTS: ARTICLE 6 AND THE RIGHT TO INTERPRET

Part (3)(e) of Article 6 of the European Convention on Human Rights (ECHR) states that every person accused of a crime has the right to have the free assistance of an interpreter if he or she cannot understand or speak the language of the court. In *Lagerblom v. Sweden*,¹⁰ and *Hermi v. Italy*,¹¹ the European Court of Human Rights ruled that the requirement to provide

⁸ *Matukane and Others v. Laerskool Potgietersrus*, 1996 (3) SA 223 (T) (South Africa).

⁹ *R. v. Beaulac*, [1999] 1 SCR 768 (Supreme Court of Canada).

¹⁰ *Lagerblom v. Sweden*, Application No. 26891/95, European Court of Human Rights.

¹¹ *Hermi v. Italy*, Application No. 18114/02, European Court of Human Rights (Grand Chamber).

interpretation is not only one of form but that the accused must have real and effective understanding of the proceedings.

Importantly, *Kamasinski v. Austria*¹² extended this requirement beyond oral proceedings, to include procedural documents which are written and necessary to understanding the case against the accused. This wide interpretation, which also covers access to documents, rather than just oral interpretation, is especially significant in the context of India where charge-sheets and judgement extracts, for example, are frequently issued in English without being translated.

3.4. UNITED NATIONS STANDARDS AND THE ICCPR

India had ratified the International Covenant on Civil and Political Rights in 1979, under which it has been guaranteed under Article 14(3)(f) that the accused person has the right to receive free assistance of an interpreter if they do not understand or speak the language specified in the court. The UN Human Rights Committee in its General Comment No. 32,¹³ clarified that this right applies to all phases of criminal proceedings, including the appeal phase and not only to the oral testimony but also to all the documents required for the defence of the accused.

India's accession to the ICCPR creates a treaty obligation that, while not directly enforceable in domestic courts, constitutes a relevant extrinsic aid in constitutional interpretation under the principle articulated in *Vishaka v. State of Rajasthan*¹⁴ that international conventions not inconsistent with fundamental rights must be read as part of the guarantee of those rights.

IV. THE EXISTING FRAMEWORK: A CRITIQUE OF STRUCTURAL INADEQUACY

4.1. THE OFFICIAL LANGUAGES ACT, 1963: A CONSTITUTIONAL PROMISE DEFERRED

Part XVII of the Constitution is implemented by the Official Languages Act, 1963. Section 3 stipulates the use of Hindi and English for official purposes of the Union and Section 7 empowers the Central Government to direct that it be used for certain official purposes. The Act does not mention anything about judicial proceedings in the superior courts, however, which essentially maintains the status quo of English-only adjudication in the High Court and Supreme Court.

¹² *Kamasinski v. Austria*, Application No. 9783/82, European Court of Human Rights.

¹³ UN Human Rights Committee, Article 14.

¹⁴ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

The incoherence of the Official Languages Act is more profound because it is silent on the use of judicial language. The Act was designed primarily as a mechanism for the government to control communication between government and not as a means to democratise access to justice. It has no compulsory translation provisions, nor does it provide any way to enforce translation rights in court.

4.2. HIGH COURTS AND THE SECTION 7 PROVISIO: A PARTIAL AND PATCHY REMEDY

Article 348(2) permits a Governor, with the previous consent of the President, to authorise the use of the Hindi language or any other official language of the State, in proceedings in the High Court for that State. Pursuant to this provision, the High Courts of Uttar Pradesh, Madhya Pradesh, Rajasthan, and Bihar have been authorised to conduct proceedings in Hindi.¹⁵

This authorization, however, is not complete, and sets up its own inequities. First, it is limited to the Hindi language which although is widely spoken, is not the mother tongue of those who speak Odia, Punjabi, Marathi, Tamil, Telugu, Kannada, Malayalam, Bengali, Assamese or Gujarati. Second, even if Hindi is authorised in States, the judgments and orders must be in English, and if a Hindi translation is provided, it should be issued at the same time as the English language version, which was rarely fulfilled. Third, the authorisation does not extend to the Supreme Court, as the current provision stipulates that the Supreme Court shall function in English only.

4.3. THE NATIONAL LEGAL SERVICES AUTHORITY AND ACCESS TO JUSTICE

The Legal Services Authorities Act, 1987 and the National Legal Services Authority (NALSA) have been doing commendable efforts in increasing access to justice through legal aid clinics, Lok Adalats and awareness campaigns (in Regional languages). The language barrier in the formal adjudication process, however, is not within the purview of NALSA.

While the Supreme Court recognised the intersectionality between marginalisation and access to justice in *NALSA v. Union of India*,¹⁶ it did not consider the linguistic aspect. In failing to make the language access claim a constitutional right, the Court's expansive vision of equal

¹⁵ Presidential Orders under Article 348(2): The Rajasthan Rajbhasha (High Court Proceedings) Order, 1950; U.P. Official Language Act, 1951; M.P. Rajbhasha Adhiniyam, 1955; Bihar Rajbhasha Act, 1950.

¹⁶ National Legal Services Authority v. Union of India, AIR 2014 SC 1863.

justice under Article 39A had lost a significant chance to constitutionalise the language access claim.

4.4. JUDICIAL CONDUCT AND LANGUAGE: THE ADMINISTRATIVE VOID

There is a serious lacuna in the administration of justice of the courts in the absence of a specific procedure for the court to ensure that the parties and witnesses understand the language. A litigant in a High Court, in a non-Hindi speaking State, like a tribal woman from Jharkhand who is claiming forest rights, or a fisher folk community from Tamil Nadu who is challenging coastal regulations, is presented to a court where she speaks neither her language nor, often, any language she understands. If she has an advocate, he or she might translate selectively and imperfectly. If it is a negative decision, the judgment will be issued in English, which she cannot read.

The e-Courts project and e-Courts Integrated Mission Mode Project (Phase III) were introduced by Supreme Court of India courts to have digital case management but not yet done with systematic translation of judicial orders into scheduled languages and not yet instituted real time interpretation.¹⁷ This is what this article describes as the 'technological accessibility gap' not using the available digital tools for constitutional purposes.

V. THE LINGUISTIC DUE PROCESS DOCTRINE: A CONSTITUTIONAL FRAMEWORK

5.1. THE RESEARCH GAP THIS ARTICLE ADDRESSES

The language rights contained in Part XVII, the official language policy politics and the socio linguistics of multilingualism have been widely discussed in constitutional scholarship in India. There is, however, an obvious and significant lack of research a lack of a comprehensive doctrinal structure that recognizes the importance of language access in judicial procedures as a fundamental constitutional right, judicially enforceable.

Current scholarship defines linguistically inaccessible as a sociological issue that can be corrected by a policy rather than a violation of constitutional rights that redounds to rights adjudication. This article, as part of the overarching effort to create a well-rounded understanding of how relevant constitutional provisions should be interpreted, seeks to create a positive State obligation to ensure that every person can meaningfully engage in judicial

¹⁷ Department of Justice, Government of India, eCourts Mission Mode Project Phase III, Policy Document (2023), available at <https://doj.gov.in/page/phase-iii-ecourts-project>

proceedings in a language he or she understands by drawing on existing constitutional vocabulary. In doing so, this article, along with other work in this series, aims to establish a doctrinal framework that I have coined the Linguistic Due Process Doctrine, which will rely on existing constitutional language to create a positive obligation of the State to ensure that every person can meaningfully participate in judicial proceedings in a language of his or her own choosing.

There is also a lack of Public Interest Litigation specifically targeting the language use of the superior judiciary as unconstitutional. Litigation has focused on the legal, prison, and delay aspects of procedural fairness, but the language aspect has been little investigated and little litigated. This article gives the theory grounds for such a lawsuit and also for legislative and administrative reform.

5.2. THE FOUR PILLARS OF THE DOCTRINE

The Linguistic Due Process Doctrine rests upon four interconnected constitutional pillars:

First Pillar: Comprehension as a Part of Due Process: The procedural fairness aspect of Article 21 jurisprudence is behind the Doctrine that a proceeding in which a party does not understand what is being said, alleged or decided is constitutionally unfair. Being heard presupposes the ability to understand. Where incomprehension of language is systematic, the procedure established by law does not meet the requirement that it be 'right, just and fair' as required by the Maneka Gandhi standard.

Second Pillar: The Doctrine refers to the substantive equality jurisprudence established in *Indra Sawhney v. Union of India*¹⁸ and *E.V. Chinnaiah v. State of Andhra Pradesh*¹⁹ to support that the State must take steps to remove structural barriers that disadvantage linguistically marginalised communities in order to secure equal protection of laws. Even as it is presented in a neutral way, the effect of a legal system that is used only by a minority population of users is discriminatory in essence.

Third Pillar: Access to Justice as a Constitutional Imperative under Article 39A: The Doctrine draws upon the directive principle of Article 39A, which the Supreme Court has treated as a constitutional value capable of informing the interpretation of fundamental rights,²⁰ to impose

¹⁸ *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

¹⁹ *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

²⁰ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, AIR 1993 SC 2178.

upon the State a positive obligation to eliminate linguistic barriers as a component of the obligation to ensure that the legal system promotes justice on a basis of equal opportunity.

Fourth Pillar: Linguistic Identity as an Aspect of Dignity under Article 19(1)(a): Freedom of speech and expression, construed in light of the right to receive information, as recognised in *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*²¹, encompasses the right to communicate with, and comprehend communications from, State institutions in one's own language. The compelled use of an alien tongue in proceedings that determine one's rights constitutes a restriction on expressive identity that can only be justified by a compelling State interest a standard that administrative convenience cannot meet.

5.3. OPERATIONALISING THE DOCTRINE: A TIERED FRAMEWORK

The Doctrine, if adopted, would impose a tiered set of obligations upon the State:

First tier, at the lower level, courts that have jurisdiction would be required to have a competent interpreter provided to any party or witness who does not speak English, at State expense. The right to competent interpreter is already existing in Section 263 of the BNSS and should be expanded to all court proceedings by way of constitution.

At the second tier, High Courts having the jurisdiction under the Article 226 and the jurisdiction under article 321 would have to provide translations into the official language of the State in which they sit for all final orders and judgements rendered within a reasonable time of judgment, during the specified transitional period.

The third level is within the reach of Parliament through Article 348(1) proviso, and would give Parliament to empower the use of the scheduled languages in certain types of cases before the Supreme Court, starting with Public Interest Litigation and in cases of general public concern before the Constitution.

At the fourth tier, aspirational and technology-dependent the State would be obliged to invest in and deploy AI-assisted real-time translation and interpretation infrastructure across all court levels, with particular priority accorded to district and subordinate courts where the greatest volume of linguistic inaccessibility presently occurs.

VI. TOWARDS A COMPREHENSIVE REFORM AGENDA

²¹ *Secretary, Ministry of Information & Broadcasting, Govt. of India v. Cricket Association of Bengal*, AIR 1995 SC 1236.

6.1. CONSTITUTIONAL AND LEGISLATIVE REFORMS

The most viable remedy to judicial linguistic inaccessibility is constitutional amendment. A specific provision in Article 348, which would "allow" Supreme Court or High Courts to use scheduled languages for certain categories of proceedings, would allow for this. It would be an amendment under the special majority rule under Article 368(2) of the Constitution and would not need State legislatures to ratify it because it would not affect the federal distribution of powers.

Short of constitutional amendment, Parliament may enact a Judicial Language Accessibility Act providing for the following: (i) a statutory right to a competent court-appointed interpreter in all proceedings before courts established by or under law made by Parliament; (ii) a mandatory translation regime for final orders and judgments in specified classes of cases; (iii) the creation of a National Judicial Language Services Authority to coordinate interpretation, translation, and language training across the judiciary; and (iv) a grievance mechanism enabling parties to complain of linguistic inaccessibility without prejudice to the substantive proceedings.

The Law Commission of India in its 216th Report 'Reforms in Judiciary Some Suggestions'²² commented on the difficulty of linguistic diversity but did not suggest anything pertaining to language accessibility as a justiciable right. It would be useful to have a new reference to the Law Commission specifically on judicial language policy, as a first institutional step.

6.2. TECHNOLOGY AS A CONSTITUTIONAL TOOL: AI-MEDIATED LANGUAGE ACCESS

Natural language processing (NLP) and machine translation (MT) technologies have been developing quickly, creating an unprecedented opportunity for mass addressing judicial linguistic inaccessibility. Several scheduled languages are equipped with machine translation tools which have been developed by India's own AI research institutions, Centre for Development of Advanced Computing (C-DAC) and Technology Development for Indian

²² Law Commission of India, 216th Report: Reforms in Judiciary Some Suggestions (2008), <https://lawcommissionofindia.nic.in/reports/report216.pdf>.

Languages (TDIL) programme of the Ministry of Electronics and Information Technology that with the proper investment and tuning for legal register,²³ can be used in courts.²⁴

Launched in 2022 by the Government of India as a national language translation initiative, the Bhashini platform is a major investment in the infrastructure of AI-driven multilingual communication.²⁵ Its incorporation in the eCourts system would bring about real-time translation of proceedings, automatic order translation and multilingual case status, which would be a significant step towards constitutional conformity.

However, technology is not a panacea. Although machine translation is becoming increasingly sophisticated, it is capable of introducing errors in high-stakes settings, such as in legal work where accuracy in language is essential. In addition to technology-mediated solutions, there is still a need for human oversight, professional legal translation standards, and ways to correct misinterpretations of translation. There is no constitutional requirement that the translated text be formally available; rather an expectation of meaningful comprehension.

6.3. JUDICIAL EDUCATION AND INSTITUTIONAL CULTURE

Beyond structural and technological reform, the resolution of judicial linguistic inaccessibility requires a transformation of institutional culture within the judiciary. The prevailing assumption that English is a neutral, efficient, and inevitable medium of judicial communication is neither empirically accurate nor constitutionally defensible. English is not neutral: it carries the historical weight of colonial imposition and continues to function as a mechanism of elite reproduction within the legal profession.

The National Judicial Academy and State Judicial Academies should incorporate training on linguistic rights, language justice, and communication with non-English-speaking parties as a mandatory component of judicial education at all levels. The Supreme Court's initiative of conducting outreach programmes in regional languages is a commendable but insufficient first step. What is required is a systemic reorientation that treats linguistic accessibility not as a courtesy but as a constitutional obligation.

6.4. THE BAR'S OBLIGATION: ADVOCATES AS LANGUAGE BRIDGES

²³ C-DAC, Anuvadakh Machine Translation System, available at https://www.cdac.in/index.aspx?id=mlang_mt

²⁴ Ministry of Electronics and Information Technology, Technology Development for Indian Languages (TDIL) Programme, available at <https://tdil.meity.gov.in>.

²⁵ Ministry of Electronics and Information Technology, Bhashini: National Language Technology Mission, available at <https://bhashini.gov.in>

The Bar Council of India, acting under its statutory authority to make rules under Section 49 of the Advocates Act, 1961, should prescribe professional conduct rules requiring advocates to ensure that their clients have been informed, in a language they understand, of the substance of all significant judicial communications including charges, orders, and judgments made in the client's case. The current practice, wherein advocates informally and inconsistently translate for clients, provides no institutional safeguard against comprehension failures that may prejudice the client's legal position.

Additionally, law schools should be required by the Bar Council to include training in at least one regional language beyond the medium of instruction as a component of the legal aid clinic curriculum. Lawyers who can communicate effectively with clients across linguistic registers are not merely more humane practitioners; they are more effective ones.

VII. CONCLUSION

Towards a language-just Constitution

The Indian Constitution was written to give everyone equal rights. If people cannot understand what is being said in court they are not really equal. B.R. Ambedkar, one of the writers of the Constitution said that everyone should have a voice. This means that everyone should be able to understand what is happening in court.

A court that does not speak the language of the people is not a court. People have the right to understand what is being said to respond in their language and to understand the decision of the court. These are not just ideals they are rights.

The idea of Linguistic Due Process Doctrine is not to get rid of English in the courts but to make sure that everyone can understand what is happening. This is what the Constitution promises. It is not what is happening in reality. We need to make sure that the legal system is accessible to everyone no matter what language they speak.

The fact that we do not have a framework for language accessibility, in the courts is a big problem. It affects millions of people who go to court every day. We need to make sure that justice is spoken in a language that everyone can understand.

