

# Let the Madras High Court reverberate with Tamil



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It is a long-pending demand that Tamil be made the official language in the Madras High Court. The Tamil Advocates Action Committee in the High Court launched a series of slogan protests on Nov. 24, 2023, pressing this demand. The next phase of the sloganeering struggle is to be held on Dec. 1. Earlier on October 13, a seminar was held on the demands in this connection at the Tamil Nadu-Puducherry Bar Council auditorium and a resolution was also passed.

**The background**

The Madras High Court was set up way back in 1862. For the past 161 years, Tamil could not enter the portals of the court, finding the fortress made up of black stones impregnable. In these many years, India had been a British colony for 85 years. Even in the over 76-year-old Independent India, Tamil has not been made the language of proceedings in the High Court. Verdicts are not delivered in Tamil. The Madras High Court has not been either renamed as Tamil Nadu High Court.

According to the Article 348 (2), with the prior permission from the President of the country, the Governor of a state can declare either Hindi or the language of the state concerned as an additional official language, apart from English, in the High Court.

On the basis of this legal provision, the DMK government helmed by M. Karunanidhi sought the opinion of the Madras High Court on the issue of Tamil as judicial language. The HC judges went into a huddle and after deliberations, agreed in principle to make Tamil the official language in the court and passed a resolution seeking the infrastructure necessary in this regard. The resolution was sent to the state government on Nov. 29, 2006. The government, in turn, sent the funds to the HC required for making Tamil the official judicial language. Besides, a resolution to make Tamil the official language in the HC was also passed in the Assembly on Dec. 6, 2006 and sent through the Governor to the union government for approval. The union government, in turn, forwarded the resolution to the Chief Justice of the Supreme Court, seeking his opinions.

### **SC refusal**

Similarly, West Bengal, Gujarat, Chhattisgarh and Karnataka had also sent resolutions to the union government seeking to make their state languages the official language in their High Courts. All these resolutions were sent by the union government to the Supreme Court which, however, did not agree to fulfil the states' demand.

When advocates filed a petition under the RTI Act, seeking to know the update on the issue, the Registrar of the Supreme Court refused to provide information on the petition. The Central Information Commission concurred with the Registrar's grave concern over the law-and-order problems likely to be triggered by this language issue.

But it should be recalled that within 18 days of the Constitution coming into effect, the Rajasthan Governor, with the support of the Article 348 (2) and with the consent of the President, made Hindi the official language in the Rajasthan High Court.

Moreover, the union government brought in the Official Language Act in 1963 on the recommendations made by the Commission set up as per the Article 344 (4). The section 7 of this new law allows the Governors to permit the use of Hindi or the languages of the states concerned in the High Court verdicts.

Thereafter, Hindi was made the official language in the High Court in Uttar Pradesh in 1969, Madhya Pradesh in 1971 and Bihar in 1972. Petitions were allowed in Hindi in the Allahabad High Court in 1976.

### **Series of efforts**

According to the Article 344 (4), the union government need not send a state's resolution to the Supreme Court, seeking opinions, but should send it to the President for his/her assent.

Back in the day it was English which was the sole official language even in the Madras Provincial Assembly. It was only after the 1952 Assembly elections that the members of the Legislative Assembly spoke in Tamil for the first time. In the wake of the re-organisation of states on linguistic lines, a massive agitation was launched, pressing the demand to name the Madras State as Tamil Nadu. Freedom-fighter Sankaralinganar fasted unto death over the issue. Communist Party member P. Ramamurthi proposed a resolution on changing the name of the state to Tamil Nadu. Subsequently Bhupesh Gupta, Communist Party parliamentary leader, spoke in support of the resolution. C. N. Annadurai, the DMK founder-leader, who was then a member of the Rajya Saba, stood by Bhupesh Gupta. However, the then union government did not accept the demand.

Much water, though, flew under the bridge. The year 1967 saw the DMK capture power in Tamil Nadu and the Anna-led government passed a resolution in the Assembly to change the name of the State to Tamil Nadu. The union government for its part conceded the demand and thus the Madras State was re-christened as Tamil Nadu. In a cascading effect, another resolution was passed in the Assembly to make Tamil the administrative and judicial language as well as the medium of instruction in educational institutions. The resolution won a thumbs-up from even opposition members such as N. Sankariah, A. Balasubramaniam, M.P. Sivagnanam and so on. Finally the resolution was passed successfully. But sadly enough, years on, Tamil is yet to become the official language in the Madras High Court proceedings.

### **Let the misery go**

Tamil Nadu Chief Minister M.K.Stalin took up the issue with the Chief Justice of the Supreme Court Chief when the latter was on a visit to Tamil Nadu recently, asking him to take measures to make Tamil the official judiciary language.

In fact, this is the demand of the Tamil-speaking people and also their fundamental right to hear the advocates arguing and the judges reading out verdicts in their mother language in the High Court in Tamil Nadu. After all, language is the warp and woof of culture.

Hence, the Tamil Nadu government should pass a resolution in the Assembly on the issue and send it to the union government for getting the President's approval. By the way, November 26 is the Constitution Day. It is 73 years since the Constitution came into effect.

There is a widespread expectation that at least now Tamil should be made the official language in the High Court. Will the expectation be fulfilled or belied?

**Translated by V. Mariappan**