



Multilingualism in courtrooms: Linguistic barriers and their implications for fair justice

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Abstract

India is a country with multilingual feature where people spoke different languages. The Constitution of India recognise 22 language in the Eighth schedule. However article 348 says that English must be used in the Supreme Court as well as in High Court this create a balance between respecting diversity and maintaining uniformity in judicial system.

This study examine how multilingualism affect the justice delivery system in India specially in the High Court many people are not comfortable with English it make a difficult for them to understand a court presiding judgements and their legal right this may limit the excess of justice for ordinary citizen. Article 343 to 351 the constitution explain how language is used in India for government and court they try to balance unity and diversity Hindi is declares official language of the union but English is also allowed to continue especially for official and legal work state are free to choose their own official language. Constitution also protect people who speak minority language and allow them to use their own language for complaint and education Supreme Court and high court use English for their work this help maintain uniformity across the country as the same time constitution encourage the development of Hindi. However in India several judicial cases which deal with language conflict during legal proceedings are rising.

Keywords: Multilingualism in India, Courtroom language, Linguistic barriers, Access to justice, Supreme Court of India

Introduction

India a developing country with more than 1.3 million people, is one of the most diverse country in the world. This diversity is clearly visible in many aspect such as religion, culture, tradition and especially language. India is a home to many indigenous language and multilingualism Indian society from north to south and east to west people speak different languages. Language is not just a medium of communication but it is connecting each Indians with their culture, identity and social belonging.

Even before independence in 1947 the Indians were recognised as a society with multilingual people. After independence the makers of the constitution were fully aware of this diversity and had designed a language policy that would maintain unity respecting linguistic plurality.

Today India continue to function as a multilingual nation where it is common for individuals to speak, understand or use more than one language in their daily life many citizens are shifting language with the shift of their environment mother tongue is mainly use while conversation with family and friends, use english while studying and other languages while travelling from one state to another.

According to the census of India 2011 there are 121 languages spoken as mother tongue. Mother tongue is a first language that a person learns and uses from childhood. Among these, the Constitution of India recognizes only 22 language under the Eighth Schedule as schedule languages days schedule language include Assamese, Bengali, Bodo, Dongri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi Sanskrit, Sanatani, Sindhi, Tamil, Telugu, and Urdu. Recognition of these languages reflects the constitution's commitment to protecting linguistic diversity. Constitution does not declare any single language as the national language provide a detail regarding official language and the.

Language of the he Judiciary

India is not just culturally multilingual; its multilingual nature is also officially recognised by the constitution. This cultural multilingual raise important question in areas such as governance and justice delivery in a country where citizens are diverse and their more comfortable in their own religion or mother-tongue, the use of English as the primary language in the higher judiciary create a important area of discussion it become necessary to examine whether the language policy in Supreme Court and high court are ensuring justice for all the citizen the research aim to critically analyse role of Multilingualism and its impact on justice delivery system particularly in higher Court and Supreme Court. Article 351 direct the union to promote the spread of windy and developed it as a medium of expression for all element of the composition culture of India.

Challenges of Multilingualism in Justice Delivery

Language barrier in court proceedings is one of the challenges faced especially in Supreme Court and High Court because the proceedings are conducted mainly in English. Many citizens, especially from the rural areas, are not comfortable with English. This can create a problem where people may not fully understand argument judgement or legal procedure in their own cases. This creates the feeling of distance between the court and the common people.

People who do not understand English may also fail to clearly understand their legal rights, duties or the final decisions of the court. Limited understanding of their own constitution rights, their own trial became a barrier to limited access to justice. As India has many recognise languages if the judge are often transfer from one state to another then courts function in different religion languages it may create difficulties for judges one not familiar with that language.

Furthermore, the Indian judicial system the court follow unified structure. Judgement of the Supreme Court are referred to and followed by other High Court across country. The use of common language like English helps to maintain uniformity and consistency in legal interpretation, if multiple languages are used there may be risk of translation error or differences in interpretation. Which could affect the consistency of judicial decisions.

Judicial approach towards language in High Court

India with diverse language India with diverse language create an obstacles in justice delivery the issue of language in High Court and Supreme Court has been examine in several cases

Manish Kanaiyalal Gupt v. State of Gujarat (2015), this case was related to language of the High Court judgement question was race whether High Court can give judgement in a language other than English without following the constitution requirement for tender article 348 of the constitution the preceding and the judgement in High Court must be delivered in English English parliament provide otherwise in the case the issue all weather delivering a judgement in original language was valid without proper legal approval code and decided whether the use of language other than English in High Court judgement was constitutionally valid the court employees that English is required to maintain uniformity and consistency in the judicial system overall India.

Similarly in *Krishna Yadav v. State of Bihar* (2019), the Patna High Court considered whether a writ petition under article 226 could be filed in Hindi because an earlier court decision had a different view the matter was referred to a larger bench. The case showed the conflict between promoting regional language and following the constitution rule that higher court proceedings should be in English (Article 348).

There are linguistic conflict in India which is going on after the State Recognition Act 1956, Belgaum (Belagavi) was included in Karnataka because majority of the population spoke Kannada however, a large Marathi speaking population in the area due to these the state of Maharashtra claim that Belagavi should be part of its territory. This agreement led to a long legal and political dispute between the two states. The issue is still not only resolved, the disputes show how language is closely connected to identity and how linguistic differences can create challenges in a federal system like India.

Analytical Dimensions and Core Themes of the Study

1. Colonial History and the Formation of Multilingual Legal Practices

This study examines the historical foundations of multilingualism in India by exploring the background the impact of colonial rule on language structures within legal and institutional frameworks. The introduction of English through the colonial education system was not merely an administrative choice but a deliberate policy that shaped intellectual and bureaucratic hierarchies. People follow the system blindly because of the conflict on their own with the language of different cultures and states having their own religious languages. And for the common solution the English language started in the educational system. Over time, English became associated with authority, governance, and legal legitimacy, particularly in higher courts and

formal institutions. Even after independence, this linguistic structure largely remained intact, creating a layered stem in which English functions as a dominant legal language while regional languages operate within limited spaces. This historical continuity has significantly influenced patterns of legal comprehension, often creating disparities between those trained in English-medium education and those educated in regional languages.

2. Adoption of Official Languages by Indian States

The study further analyses the reasons behind the adoption of different official languages by Indian states, considering regional diversity, demographic composition, cultural identity, and administrative efficiency. India's federal structure allows states to recognize languages that reflect the linguistic realities of their populations. In many instances, the selection of official languages has been closely linked to linguistic movements and demands for cultural recognition. Within the justice system, this linguistic diversity raises important questions regarding accessibility, translation, and procedural consistency. While the use of regional languages enhances local participation, it also requires administrative coordination to ensure that communication between state and central judicial bodies remains effective.

3. Complexity of Legal Language and Citizen Alienation

Another core theme of this study concerns the complexity of legal language and its social consequences. Legal discourse is often characterized by technical terminology, archaic expressions, and intricate sentence structures that may be difficult for ordinary citizens to comprehend. For individuals who lack familiarity with judicial language—particularly those from non-English-speaking backgrounds—this complexity can produce feelings of alienation and exclusion. The gap between legal language and everyday speech may weaken public trust in legal institutions and reduce meaningful participation in judicial processes. By examining this issue, the study highlights how linguistic barriers can function as indirect obstacles to access to justice.

4. Regional Languages and Accessibility in State-Level Legal Processes

Finally, the research explores the extent to which the incorporation of regional languages into state-level legal proceedings has improved public understanding and participation. The use of local languages in lower courts and administrative processes can enhance transparency and ensure that litigants better comprehend legal arguments and judgments affecting them. At the same time, English continues to play a central role in higher judicial forums, appellate procedures, and inter-state coordination. This dual-language structure creates both opportunities and challenges, requiring a balance between inclusivity and uniformity. The study therefore evaluates whether multilingual legal practices genuinely promote accessibility while preserving institutional coherence.

Theoretical Justifications for AI-Based Legal Linguistic Analysis in Courtrooms

Law derives its authority from text, yet the interpretation of legal language has traditionally depended upon human reasoning shaped by precedent, institutional culture, and

interpretative conventions. While these methods have historically sustained judicial legitimacy, they are not free from limitations. Human interpretation is inevitably influenced by cognitive bias, selective precedent reliance, and contextual subjectivity. In multilingual and legally complex systems, these limitations become more pronounced, as linguistic ambiguity and translation inconsistencies can affect both procedural fairness and substantive justice. This raises a fundamental theoretical question: if legal meaning is rooted in language, should its analysis remain purely intuitive, or can it benefit from systematic empirical examination?

The emergence of artificial intelligence and computational linguistics introduces a methodological shift in how legal language can be studied. Unlike traditional approaches that rely on selective textual comparison, AI-based corpus analysis treats legal texts as data capable of being examined through measurable linguistic patterns. From a jurisprudential standpoint, this reflects a movement toward empirical textualism—where interpretation is grounded not merely in abstract reasoning but in demonstrable usage patterns across large bodies of legal material. Such an approach challenges purely discretionary interpretation by introducing analytical transparency. When courts rely on computational tools to observe how specific terms are used historically and contextually, interpretation becomes less speculative and more evidence-oriented.

However, the integration of AI into courtroom analysis is not without theoretical tension. Critics argue that law is not merely a linguistic system but a normative enterprise shaped by moral reasoning and social values. The use of artificial intelligence may also present challenges, particularly in multilingual contexts, as many local languages in India are not adequately represented in AI systems. This limited linguistic coverage can restrict accessibility and create practical difficulties for individuals attempting to use AI-based tools in courtroom settings. A purely data-driven approach risks reducing legal meaning to statistical frequency rather than principled judgment. Therefore, the theoretical justification for AI in courts lies not in replacing judicial discretion, but in refining it. AI should function as a supplementary epistemic tool—enhancing clarity, reducing interpretative arbitrariness, and promoting consistency—while preserving human accountability in decision-making. In this sense, the use of AI in courtroom linguistic analysis represents a broader transformation in legal methodology. It reflects a shift from interpretative intuition toward structured, transparent, and empirically informed reasoning, particularly significant in multilingual legal systems where clarity and accessibility are central to justice.

▪ **Consistency in Judicial Interpretation**

One of the central arguments in favor of AI-assisted legal analysis is its potential to enhance consistency in judicial interpretation. Human judges may interpret similar legal provisions differently due to subjective reasoning, contextual emphasis, or personal interpretative philosophies. AI systems, particularly those based on corpus analysis, can examine large datasets of past judgments and identify recurring linguistic patterns. While machines do not replace judicial discretion, they may support greater uniformity in how statutory language is understood and applied across cases.

▪ **Risk of Over-Reliance on Technology**

Despite its benefits, the increasing use of AI in legal interpretation raises concerns about over-reliance on technological systems. Law is not merely a technical exercise in language analysis; it involves moral judgment, contextual sensitivity, and social understanding. If courts depend excessively on algorithmic outputs, there is a risk that nuanced human reasoning may be reduced to statistical patterns. Therefore, AI must function as an assistive tool rather than a substitute for judicial decision-making.

▪ **Algorithmic Bias and Linguistic Representation**

Transparency becomes particularly important when considering the possibility of algorithmic bias. AI systems are trained on existing datasets, which may reflect historical inequalities or linguistic imbalances. In multilingual societies, some regional languages may be underrepresented in digital legal corpora, leading to unequal analytical accuracy. Without careful oversight, such bias may unintentionally reinforce structural disparities within the justice system.

▪ **Explainability of AI Decisions**

Accountability in AI-based legal tools depends on explainability. Unlike human judges who provide written reasons for their decisions, algorithmic systems may operate through complex computational processes that are difficult to interpret. If AI-generated recommendations influence courtroom analysis, it is essential that these systems remain transparent and explainable. Courts must be able to understand how a conclusion was reached to preserve procedural fairness and public trust.

▪ **Accessibility and Democratic Legitimacy**

The integration of AI into legal language analysis also raises questions about democratic legitimacy. Legal systems derive authority from public confidence and accessibility. If AI tools are accessible only to technologically advanced institutions or English-dominant environments, linguistic minorities may face further marginalization. Ensuring equitable access to AI-supported tools is therefore crucial for maintaining inclusive justice.

▪ **Institutional Responsibility and Regulation**

Finally, the deployment of AI in legal contexts requires clear institutional responsibility. Questions arise regarding who is accountable if an AI-supported analysis leads to an incorrect or biased interpretation. Courts, developers, and policymakers must establish regulatory frameworks that define the limits and responsibilities associated with AI use. Proper governance mechanisms are essential to ensure that technological innovation strengthens, rather than undermines, judicial integrity.

Constitutional Permission and the Use of Regional Languages in High Courts

The constitutional framework governing the language of judicial proceedings in India reflects a careful balance between national uniformity and regional linguistic identity. Article 348(1)(a) of the Constitution establishes English as the language of proceedings in the Supreme Court and all High Courts. However, Article 348(2) creates a limited exception by allowing the Governor of a State to authorize the use of Hindi or any other official language of the State

in High Court proceedings, provided that prior consent of the President of India is obtained. This requirement of Presidential approval ensures that any linguistic change in the judicial system does not disturb national legal coherence or the functioning of the higher judiciary.

The process for granting such permission is not automatic. The State Government must first propose the use of a regional language. The Governor formally forwards the proposal, and the President considers it. Importantly, after the Cabinet Committee decision of 21 May 1965, the consent of the Chief Justice of India became an essential consultative requirement. This additional step ensures that the judiciary's institutional concerns—such as consistency of judgments, appellate review, and administrative feasibility—are taken into account before any language transition is approved. Therefore, the decision is not merely political but involves constitutional, judicial, and administrative considerations.

The conditions for granting permission implicitly require that the proposed change should not hinder the delivery of justice or create procedural complications. Section 7 of the Official Language Act, 1963 further clarifies that even if a High Court delivers judgments in a regional language, an authoritative English translation must accompany it. This requirement protects the appellate structure of the judiciary, as appeals to the Supreme Court continue to operate in English. Thus, linguistic accommodation is permitted, but institutional continuity is preserved.

Regional language movements and cultural identity often play a significant role in such proposals. In linguistically diverse states, the demand to use the dominant regional language in courts is closely connected to questions of accessibility and democratic participation. Citizens may feel more comfortable engaging with legal proceedings in their mother tongue. However, practical challenges arise when judicial officers are transferred across states, or when cases require coordination with national institutions.

These constitutional safeguards demonstrate that while India recognizes linguistic diversity, the language of the higher judiciary remains closely regulated to maintain uniformity, administrative efficiency, and inter-state legal coherence. The requirement of Presidential consent thus functions as a constitutional filter, balancing regional aspirations with national judicial stability.

Linguistic Reform and Technological Transformation in the Indian Judicial System

In contemporary India, linguistic reform has become central to improving access to justice. The dominance of complex legal English has historically created barriers between the judiciary and ordinary citizens. Recent governmental discussions emphasize drafting laws not only in technical legal terminology but also in simplified language that can be understood by the general public. Such an approach strengthens democratic participation by ensuring that citizens can understand their rights and responsibilities. Additionally, the call to repeal obsolete and archaic laws reflects an effort to modernize the legal framework and remove unnecessary procedural burdens.

The encouragement of regional and local languages in courts represents another significant linguistic reform. Promoting vernacular usage increases public confidence and fosters inclusivity in a multilingual nation with 22 officially recognized languages. When court proceedings and legal

documents are available in local languages, citizens feel more connected to the justice system. This is particularly important in addressing the large number of undertrial prisoners detained for minor offences, where accessibility and procedural efficiency directly impact humanitarian justice.

Legal education in vernacular languages is equally essential in addressing linguistic inequality. The dominance of English in legal studies has long restricted access for students from rural and regional backgrounds. Offering legal education in regional languages enhances inclusivity, strengthens grassroots legal systems, and improves public legal awareness. However, significant challenges remain. These include the lack of standardized legal terminology in regional languages, limited availability of high-quality translated resources, faculty proficiency concerns, and the need to integrate vernacular education with an English-dominated national legal framework. Addressing these structural challenges requires coordinated policy support and institutional reform.

Technology now plays a transformative role in resolving linguistic barriers. The integration of Artificial Intelligence in the judiciary demonstrates how digital tools can enhance efficiency without replacing human judgment. Systems such as AI-assisted legal research platforms help judges analyze precedents more quickly, while translation software enables judgments to be converted into multiple Indian languages. Speech-to-text tools reduce delays caused by manual transcription, thereby improving case timelines. Integrated digital court systems combine databases, automated drafting tools, and translation features to streamline judicial workflows. Importantly, these technologies operate under human oversight, maintaining accountability and transparency.

The contemporary solution to linguistic challenges lies in a balanced model: simplifying legal language, promoting regional accessibility, repealing outdated laws, strengthening judicial infrastructure, and integrating responsible AI technologies. Linguistics today is not merely concerned with language preservation but with ensuring equitable access to governance and justice. By aligning legal reform with technological advancement, India can transform its linguistic diversity into a structural strength rather than a systemic barrier.

Conclusion

India being one of the most linguistically diverse countries in the world, the constitution recognises this diversity by including 22 languages in the Eighth Schedule and by promoting a regional language. At the same time it continues to use English in higher judicial proceedings under article 348. Historically English was introduced during the British rule for administrative convenience and control over a time it became the language of governance and judiciary. Even after independence English remained the primary language of the Supreme Court and high court to maintain uniformity, clarity and consistency in legal interpretation across the country. Judicial decisions show that courts prioritize constitution provision and national unitary over regional language demands. However this practice raises concerns about justice accessibility. Many citizens, especially people from rural background may find it difficult to understand court proceedings conducted in English which can create a barrier to effective access to

justice. India face the challenge of balancing to important principle preserving linguistic diversity and ensuring judicial uniformity practice practical solution main include greater use of certified translation technology understandable without disturbing the constitution structure s can only be achieved when the legal process are not only fair but also understandable to every citizen the future of Indian justice delivery lie in finding balanced approach between the language and law and accessibility.

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