2025 INSC 486

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2025

SPECIAL LEAVE PETITION (C) NO(S). OF 2025
DIARY NO. 24812 OF 2024

MRS. VARSHATAI W/o. SH. SANJAY BAGADE

...APPELLANT

Versus

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY, MINISTRY OF LAW AND JUDICIARY, MANTRALAYA, MUMBAI AND ORS. ETC.

...RESPONDENTS

J U D G M E N T

SUDHANSHU DHULIA, J.

'When you learn a language, you don't just learn to speak and write a new language. You also learn to be open-minded, liberal, tolerant, kind and considerate towards all mankind.'

- *Mouloud Benzadi*

1. Leave granted.

2. The appellant before this Court is apparently not pleased with the use of Urdu on the signboard of the new building of the Municipal Council, Patur (hereinafter referred to as 'Municipal Council') in district Akola, Maharashtra. The board of the Council displays "Municipal Council, Patur", in Marathi at the top, with its translation below in Urdu language.

3. According to the appellant, who is a former member of the Municipal Council, the work of the Municipal Council can only be conducted in Marathi, and the use of Urdu in any manner is impermissible, even though it may just be a writing on the signboard of the Municipal Council.

4. The appellant first raised her objection before the Municipal Council itself. The Council made its deliberations on the question raised by the appellant and ultimately through its resolution dated 14.02.2020, the Municipal Council rejected the appellant's objection by a majority, and it was resolved that the use of Urdu in addition to Marathi on the signboard of the Municipal Council is perfectly justified. At this stage, we may mention that the signboard is mainly in Marathi, with Urdu appearing below on the signboard, since a significant number of Council members and residents within the Municipal

Council area are familiar with Urdu language. This is not a new practice and in fact, it was pleaded before the Collector that this was displayed on the signboard since the existence of the Municipal Council, from the year 1956.

5. The appellant, not satisfied with the resolution, however, moved an application under Section 308 of the Maharashtra Municipal Council, Nagar Panchayats and Industrial Township Act, 1965 (hereinafter referred to as '1965 Act') before the Collector Akola, praying for setting aside of the Municipal Council's resolution. This application was allowed, and the following order was passed on 15.12.2020:

> *"Application of applicant, under section 308 of Maharashtra Municipal Council, Nagar Panchayati and Industrial Township Act, 1965 similarly, Maharashtra Municipal Council, Nagar Panchayati and Industrial Township Act, 1965 in respect of section 308 is allowed as per the Government circular explanatory instruction no. 4(b) it has been ordered to the Municipal Council that Rajbhasha Marathi shall be used 100% in the Government proceedings."*

6. Some members of the Municipal Council challenged this order before the Divisional Commissioner, Amravati in revision under Section 318 of the 1965 Act. The Divisional

Commissioner vide order dated 30.04.2021 set aside the order of the Collector, against which Writ Petition No. 2219 of 2021 was filed by the appellant before the Bombay High Court (Nagpur Bench).

7. The main ground of challenge by the appellant before the High Court was that Marathi is the official language of the State and all work conducted by government or government bodies, including local bodies, must be done only in Marathi. Therefore, according to the appellant, the use of Urdu in any manner is wrong, and should not be permitted.

8. In their reply, the members of the Municipal Council, apart from presenting their case on merits, raised a preliminary objection that the appellant's application before the Collector under Section 308 of the 1965 Act, was not maintainable in the first place. It was argued that there is a resolution of the Municipal Council upholding its decision of displaying Urdu on the signboard of the Council, and in terms of the plain language of Section 308 of 1965 Act, any application, seeking suspension of execution of a Municipal Council's resolution, can only be entertained by the Collector when moved by the

Chief Officer of the Municipal Council; which was not the case here.

9. Sub-section (1) of Section 308 was amended in the year 2018. Prior to this amendment, if the Collector was of the opinion that the execution of any order or resolution of a Council was likely to cause injury or annoyance to the public and may lead to a breach of peace, or was unlawful, he had the powers to suspend its execution or prohibit its enforcement. The Collector could even exercise such power *suo motu* in an appropriate situation. All the same, subsequent to the amendment in sub-section (1) of Section 308 in the year 2018, it can be done only when such a resolution is sent by the Chief Officer before the Collector.

10. Section 308(1) of 1965 Act before and after the amendment reads as under:

Old	**New**
"Section 308. Powers to suspend execution of orders and resolutions of Council on certain grounds- *(1) If, in the opinion of the Collector, the execution of any order or resolution of a*	***"Section 308. Powers to suspend execution of orders and resolutions of Council on certain grounds-*** *(1) If the Council or any Committee resolves contrary to provisions of this Act or any*

Council, or the doing of anything which is about to be done or is being done by or on behalf of a Council, is causing or is likely to cause injury or annoyance to the public or is against public interest or to lead a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof."	*other law, or rules, bye-laws, or the Government directions, then <u>it shall be the responsibility of the Chief Officer to send it to the Collector for suspension of execution of such a resolution or prohibition of doing thereof, within the period of three days from the receipt of the said resolution.</u> The Collector shall decide on such proposal within the period of thirty days from the date of receipt of such proposal …"*

(Emphasis provided)

11. It is therefore clear that, after the amendment, the Collector can exercise powers only when the Chief Officer of the Municipal Council brings it to the Collector's notice that the Municipal Council has passed a resolution contrary to the provision of the 1965 Act or any other law, rule or bye-laws. In such a situation, the Chief Officer of the Municipal Council alone has the responsibility to move an appropriate application before the Collector in terms of Section 308(1) of the 1965 Act and more importantly it is only on an application moved before the Collector by the Chief Officer of the Municipal Council that the powers can be exercised by the Collector under the amended Section 308 of 1965 Act. In this

case, the application was admittedly not made by the Chief Officer of the Municipal Council but by the appellant, which should not have been entertained in the first place.

12. The High Court accepted this argument of the members of the Municipal Council, but nevertheless, the High Court also went into the merits of the matter and ultimately did not consider it a case calling for any interference. In its order dated 30.06.2021, while dismissing the petition it was said:

> *"16. Even on facts, this Court is not at all impressed with the contentions sought to be raised on behalf of the petitioner. It is obvious that the Government Resolution / circulars being executive instructions would not prevail over statutory provisions. Even otherwise, resolution of the Municipal Council was passed by majority and it is still in force. The resolution specifically states that the writing on the board on the new building of Municipal Council would be in Marathi at the top and below that in Urdu language. There cannot be any dispute about the fact that as per entry No.22 of the VIIIth Schedule of the Constitution of India, Urdu is very much included in the list of languages. Thus, this Court sees no reason to entertain the contentions raised on behalf of the petitioner. Accordingly, the Writ Petition is dismissed."*

13. This order was challenged before this Court in SLP (Civil) No. 13820 of 2021. During arguments in this SLP, the appellant's contention was that now a new legislation i.e. the Maharashtra

Local Authorities (Official Languages) Act, 2022 (hereinafter '2022 Act') had been enacted during the pendency of the SLP, in terms of which, the use of Urdu language on the signboard of the Municipal Council is not permitted. Consequently, this Court had passed the following order on 29.04.2022:

> *"The challenge in the present special leave petition is to an order passed by the High Court of Judicature at Bombay dated 30.06.2021 wherein challenge to the decision of the Municipal Council to write the name of Municipal Council on the sign Board in Urdu language as well remained unsuccessful.*
>
> *The learned counsel for the petitioner and learned counsel for the State has pointed out that a recent enactment by the State of Maharashtra i.e. Maharashtra Act No.XXXI of 2022 (Maharashtra Local Authorities (Official Languages) Act, 2022) which mandates that 'all sign boards, name plates, notice boards and other display matters pertaining to public interface and public interest to the Local Authority or any Department or office thereof' shall be in Marathi.*
>
> *Since the Act has come into force during the pendency of the present proceedings, we find that the order of the High Court on account of subsequent development is not sustainable. However, it shall be open to the aggrieved person to seek recourse to the remedy as may be available to him against the impugned Act in accordance with law.*
>
> *The special leave petition is disposed of in above terms.*
>
> *Pending application(s), if any, also stand disposed of."*

14. Under these circumstances, the matter was heard again by the Division Bench of the Bombay High Court (Nagpur Bench), and an order was passed on 10.04.2024, which is presently under challenge before this Court:

> *"5. Perusal of the Act of 2022, would indicate that Marathi has been declared as official language of all the Local Authorities in the State of Maharashtra, to be used for all official purposes as well as purposes related to public interface and public interest in all offices of the Local Authorities. Section 3 (1) (a) to (i) of the Act of 2022 elucidates as to in which communications, actions, forms, signboards etc. the Marathi language is to be used.*
> *6. We are herewith concerned with the display of the name of the Municipal Council on its building, which in addition to Marathi, has also been written in Urdu script.*
> *7. A perusal of the Act of 2022, would indicate, that all that it does, is to ensure that the business and affairs of the Council, are to be conducted in Marathi language, including Marathi script. Insofar as the erection of signboard and display of the name of the Municipal Council is concerned, it does not prohibit use of an additional language, to display the name, in addition to the name being displayed in Marathi language. Till such time, Marathi language continues to be the official language of the Local Authorities, in terms of the Act of 2022, in our considered opinion, the use of an additional language to display the name of Municipal Council on its building would not indicate any violation of the provisions of the Act of 2022. What is to be also noted is that there is no prohibition in the Act*

> *of 2022 for any such use of a language, in addition to the official language, in view of which, insofar as Writ Petition No.2703/2023 is concerned, the impugned communication dated 10/02/2023 by the Administrator, cannot be sustained and the same is hereby quashed and set aside. The writ petition is accordingly allowed in the above terms. No order as to costs.*
>
> *8. Insofar as Writ Petition No.1568/2023 is concerned, in view of what has been said above, we do not see any reason to interfere therein. The writ petition is dismissed. No order as to costs."*

15. The High Court to our mind rightly concluded that the 2022 Act, on which the appellant placed significant reliance, does not prohibit the use of an additional language, which is Urdu in the present case, on the signboard of the Municipal Council building. The argument before the High Court in the second round of litigation by the present appellant was that Section 3(1) of the 2022 Act provides for Marathi to be the official language of all local authorities in the State, except for the purposes specified in sub-section (2) and the only exception which was provided was the use of English in the specified communications under sub-section (2). All the same, this argument is incorrect. There is no prohibition on using any other language, especially one included in the VIIIth Schedule

of the Constitution of India. Sub-section (2) of Section 3 is an enabling provision to use English in situations where the communications, in which the subject matter of the communication cannot be properly conveyed in Marathi or in situations where the persons to whom such communications are addressed cannot understand Marathi. This makes it more than explicit that even the enactment recognizes that language essentially is a tool of communication; which, according to us, cannot be condemned, when this language is being used by a community or group. We have to emphasize that Marathi and Urdu occupy the same position under Schedule VIII of the Constitution of India.

16. Before us is a fellow citizen who has taken great pains to take this matter twice to the High Court and then twice again before this Court. What the appellant thinks may also be the thinking of many of our fellow citizens. These need to be addressed.

17. Let our concepts be clear. Language is not religion. Language does not even represent religion. Language belongs to a community, to a region, to people; and not to a religion.

18. Language is culture. Language is the yardstick to measure the civilizational march of a community and its people. So is the case of Urdu, which is the finest specimen of *ganga-jamuni tahzeeb,* or the *Hindustani tahzeeb,* which is the composite cultural ethos of the plains of northern and central India. But before language became a tool for learning, its earliest and primary purpose will always remain communication.

19. Coming back to our case, the purpose here for the use of Urdu is merely communication. All the municipal council wanted to do was to make an effective communication. This is the primary purpose of a language, which the Bombay High Court has laid emphasis on.

20. We must respect and rejoice in our diversity, including our many languages. India has more than hundred major languages. Then there are other languages known as dialects or 'Mother Tongues' which also run into hundreds. According to the 2001 Census, India had a total of 122 major languages including the 22 scheduled languages, and a total of 234 mother tongues. Urdu was the sixth most spoken scheduled language of India. In fact, it is spoken by at least a part of the population in all States and Union Territories, except perhaps

in our north-eastern States. In the 2011 Census, the number of mother tongues increased to 270. However, it is to be noted that this number was also arrived at by taking into consideration only those mother tongues which had more than ten thousand speakers. Thus, it would not be wrong to say that the actual number of mother tongues in India would run into thousands. Such is the immense linguistic diversity of India!

21. The Constitution of India though mentions twenty-two Indian languages in its VIIIth Schedule, which includes both Marathi and Urdu, and significantly, 'English' is not a language mentioned in the VIIIth Schedule as it is not an Indian language. With this linguistic diversity, India is the most multilingual country in the world. In such a country, what should be the language for communication and use throughout the country, and what should be the national language became a vexed question during the debate in the Constituent Assembly. We have to keep in mind that language is not just a language, it is also representative of a culture. That makes a discussion on language both sensitive and delicate and this is where one of our principal Constitutional

values of 'tolerance' must also come into play. We, the people of India, have taken great pain in resolving the language issue at the Centre, which is our unique achievement considering the linguistic diversity of the nation as we have been mentioning repeatedly. According to Granville Austin, the Constituent Assembly had almost come to a breaking point while resolving the question of language or what should be the national language[1]. Finally, the members of the Constituent Assembly agreed on 'Hindi' to be the *"Rajbhasha"* i.e. the official language of the Union of India with English to be used for a period of 15 years from commencement of the Constitution, though Parliament was given the powers to extend this period.

22. Part XVII of our Constitution is on the official language. Article 351 emphasizes on the spread of Hindi language and to develop the language, *inter alia,* by assimilating the forms and style and expressions used in "*Hindustani*" and other languages of the VIII[th] Schedule and wherever necessary or

[1] See GRANVILLE AUSTIN, *Language and the Constitution-the half-hearted compromise*, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, Oxford University Press (2000) at pp. 265-307.

desirable, by drawing vocabulary, primarily from Sanskrit but also secondarily from other languages.

23. We must now refer to Article 345 which relates to the Official language of a State:

> ***"345. Official language or languages of a State**:*
> *Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State: Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution."*

This Article empowers State legislatures to adopt Hindi or any other language in use in that State as the official language of that State.

24. A five-judge Bench of this Court in ***Uttar Pradesh Hindi Sahitya Sammelan*** *v.* ***State of Uttar Pradesh*** **(2014) 9 SCC 716**, had an occasion to consider the Constitutional provisions relating to official languages of the State, when Urdu was adopted as the second language in the State of Uttar Pradesh. The Uttar Pradesh Official Languages Act was enacted in the year 1951, and it made Hindi the official language in the State.

In 1989, an amendment was introduced in the Act by which Urdu was made the second official language *"for such purposes as may be notified by the State Government from time to time."* In pursuance of powers conferred under the 1989 amendment to the 1951 Act, the State government issued a notification on 07.10.1989 notifying the use of Urdu as a second language for certain purposes. The Appellant therein challenged the Constitutional validity of the 1989 amendment to the 1951 Act before the Allahabad High Court. The Division Bench which heard the matter delivered a split verdict. As a result, the matter was referred to a third judge, who held that the 1989 Amendment to the 1951 Act did not suffer from any infirmity and was not unconstitutional. The appellant then filed an SLP before this Court, against the decision of the High Court, where the matter was ultimately referred to a Constitution Bench of Five Judges, which upheld the Constitutional validity of the 1989 Amendment, and the addition of Urdu as a second language was held to be valid.

25. According to the appellant therein, Article 345 gives two options to the States: adoption of any one or more of the languages in use in the State, or, adoption of Hindi as official

language. Therefore, if the State of Uttar Pradesh has already adopted Hindi as its official language by the 1951 Act, it cannot adopt any other language as its official language. In other words, once Hindi is adopted as an official language no other language can be added as another official language. This is how, according to the appellant, Article 345 ought to be read. This Court did not accept this argument and held that mere adoption of Hindi by the State as its official language does not bar the State legislature from adopting other languages as its official language under Article 345 of the Constitution. It was thus observed:

> *"23. Part XVII of the Constitution as its scheme suggests is accommodative. After all, language policies are constructs and they change over time.*
>
> *24.The plain language of Article 345 which empowers the State Legislature to make law for adoption of one or more of the languages in use in the State leaves no manner of doubt that such power may be exercised by the State Legislature from time to time. A different intention does not appear from the plain language of Article 345. We do not find any indication that the power can be exercised by the State Legislature only once and that power gets exhausted if the State Legislature adopts Hindi as the official language of the State. In our view, the State Legislature is at liberty to exercise its discretion under Article 345 from time to time for specified purpose. It does not appear to us that Hindi once adopted*

> *as official language of the State in exercise of its power by the State Legislature under Article 345, the State Legislature ceases to have any law-making power under Article 345…"*

It was held that adoption of a particular language, say Hindi, as the official language by a State legislature does not bar that legislature from again invoking powers under Article 345 to designate yet another language(s) as the official language(s) if it is required. The argument of the appellant was that when more than one language is in use in a State, then the legislature of that State can adopt one or more than one of such languages or just Hindi as its language. All the same, this Court did not accept this interpretation of Article 345.

26. Considering the practical necessity, various States have responded to the demand for the inclusion of another language as its official language. Following are the States and Union Territories in India which have more than one official language, or permit the use of more than language for certain official purposes[2]:

[2] Data taken from Official Languages Acts passed by State Legislatures as well as other Government sources for some Union Territories. However, there might be subsequent repeals/amendments in the above-mentioned legislations which might have been inadvertently missed by the author of this judgment.

S.No.	State/Union Territory	Official Language(s)	Other official language(s)/language(s) permitted to be used for official purposes
1.	Andhra Pradesh	Telugu	Urdu, English
2.	Assam	Assamese	Bengali, Bodo, English
3.	Bihar	Hindi	Urdu
4.	Chhattisgarh	Hindi	Chattissgarhi
5.	Goa	Konkani	Marathi, English
6.	Gujarat	Gujarati, Hindi	
7.	Haryana	Hindi	Punjabi, English
8.	Himachal Pradesh	Hindi	Sanskrit
9.	Jharkhand	Hindi	Magahi, Bhojpuri, Maithili, Angika, Bhumij, Urdu, Santhali, Mundari, Ho, Khadiya, Kurukh, Kurmali, Khortha, Nagpuri, Panchparganiya, Bengali, Odia
10.	Karnataka	Kannada	English
11.	Kerala	Malayalam	English, Tamil, Kannada
12.	Maharashtra	Marathi	English
13.	Manipur	Manipuri (Meiteilon)	English
14.	Meghalaya	English	Khasi, Garo
15.	Mizoram	Mizo	English
16.	Odisha	Odia	English
17.	Punjab	Punjabi	English
18.	Rajasthan	Hindi	English
19.	Sikkim	English, Nepali, Bhutia, Lepcha	Limbu, Sunuwar, Tamang, Bhujel, Newari, Rai, Gurung, Mangar, Sherpa
20.	Tamil Nadu	Tamil	English
21.	Telangana	Telugu	Urdu, English
22.	Tripura	Bengali, Kokborok	English

23.	Uttar Pradesh	Hindi	Urdu
24.	Uttarakhand	Hindi	Sanskrit
25.	West Bengal	Bengali	Urdu, Hindi, Odia, Punjabi, Santhali, Nepali, Kurukh, Kamtapuri, Rajbanshi, Kurmali, Telugu, English
26.	Andaman and Nicobar Islands	Hindi	English
27.	Dadra and Nagar Haveli and Daman and Diu	Hindi, English	Gujarati
28.	Delhi	Hindi	Urdu, Punjabi, English
29.	Jammu and Kashmir	Kashmiri, Dogri, Hindi, Urdu, English	
30.	Ladakh	Hindi	English
31.	Puducherry	Tamil	Telugu, Malayalam, English

27. The prejudice against Urdu stems from the misconception that Urdu is alien to India. This opinion, we are afraid, is incorrect as Urdu, like Marathi and Hindi, is an Indo-Aryan language. It is a language which was born in this land. Urdu developed and flourished in India due to the need for people belonging to different cultural milieus who wanted to exchange ideas and communicate amongst themselves. Over the centuries, it attained ever greater refinement and became the language of choice for many acclaimed poets.

28. The debate surrounding languages is not new. In fact, it started even before independence, and the need for greater use of Indian languages was also recognized during the independence movement. It was accepted by a large number of Indians that the language which is a product of amalgamation of various Indian languages such as Hindi, Urdu and Punjabi, is what is known as 'Hindustani', which a large mass of this country speaks. In its Cocanada (Kakinada) Session of 1923, the Indian National Congress recognized amendments to its Constitution to the effect that the Congress would use Hindustani, English or provincial languages in its proceedings. The relevant portion of the resolution reads as follows:

> *"**Article XXXIII***
> *The proceedings of the Congress shall be conducted, as far as possible, in Hindustani, English or the language of the province may also be used."*[3]

29. In the same Session, it was recognized that the lack of cooperation between different communities due to mutual suspicion about each other's aims and intentions is one of the obstacles to attainment of Swaraj in India. To overcome these

[3] A.M ZAIDI, THE ENCYCLOPAEDIA OF INDIAN NATIONAL CONGRESS-VOL-8: 1921-1924: INDIA AT THE CROSS-ROADS at p. 635.

difficulties, different communities, through their representatives, signed the Indian National Pact resolving that Swaraj is the aim of all the communities. This Pact recognized Hindustani as the national language of India. The relevant portion of the said Pact reads as under:

> *"(3) Hindustani shall be the national language of India. It shall be permissible to write it in either script, Urdu or Deonagari."*[4]

30. The Congress Constitution of 1934 contained a provision which said that all proceedings of the Congress shall be in Hindustani and much like the present Indian Constitution, the Congress Constitution also carved out a proviso which provided for the use of English or any provincial language, in case a speaker is unable to speak in Hindustani or the Congress President permits him/her to do so. Article XVII of this Congress Constitution thus came to read as under:

> *"**Article XVII LANGUAGE***
>
> *(a) The proceedings of the Congress, the All-India Congress Committee and the Working Committee shall ordinarily be conducted in Hindustani; the English language or any provincial language may be used if the speaker is unable to speak in Hindustani or whenever permitted by the President.*

[4] THE INDIAN NATIONAL PACT, CLAUSE 3.

> *(b) The proceedings of the Provincial Congress Committees shall ordinarily be conducted in the language of the province concerned. Hindustani may also be used."*[5]

31. This resolve is also reflected in an essay authored by the first Prime Minister of the country, Jawaharlal Nehru, where he wrote as follows:

> *"Language is alleged to divide India into innumerable compartments; we are told by the census that there are 222 languages or dialects in India. I suppose the census of the United States mentions a very large number of languages; the German census, I think, mentions over sixty. But most of these languages are spoken by small groups of people, or are dialects. In India, the absence of mass education has fostered the growth of dialects. As a matter of fact, India is a singularly unified area so far as languages are concerned. Altogether in the vast area of India, there are a dozen languages and these are closely allied to each other. They fall into two groups— the Indo-Aryan languages of the north and center and west, and the Dravidian languages of the east and south. The Indo-Aryan languages derived from Sanskrit and anyone who knows one of them finds it easy to learn another. The Dravidian languages are different, but each one of them contains fifty per cent, or more words from the Sanskrit.* ***The dominant language in India is: Hindustani (Hindi or Urdu) which is already spoken by a huge block of a hundred and twenty million people and is partly understood by scores of millions of others. This language is bound to become***

[5] A.M ZAIDI, THE ENCYCLOPAEDIA OF INDIAN NATIONAL CONGRESS-VOL-10: 1930-1935: THE BATTLE FOR SWARAJ at p. 442.

> ***the all-India medium of communication, not displacing the great provincial languages, but as a compulsory second language.*** *With mass education on behalf of the state this will not be difficult. Already due to talkies and the radio, the range of Hindustani is spreading fast. The writer of this article has had occasion to address great mass audiences all over India and almost always, except in the south, he has used Hindustani and been understood. However numerous the difficult problems which India has to solve, the language problem clearly is not one of them. It already is well on the way to solution."*[6]
>
> (Emphasis provided)

Nehru acknowledged that Hindustani is bound to become the all-India medium of communication, since it is spoken by a large number of people in the country. At the same time, he recognized the importance of provincial languages by emphasizing that the intention was not to replace provincial languages with Hindustani. Thus, he put forward the idea of Hindustani as a compulsory second language.

32. Based on the developments recounted above, it is clear that the country was moving forward to accept Hindustani as its National language during our struggle for independence. Even the Constituent Assembly's Rules of Procedure laid down that

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[6] Jawaharlal Nehru, *The Unity of India*, Foreign Affairs, Volume 16, No. 2 (Jan. 1938), pp. 231-243.

the business of the Assembly would be transacted in Hindustani, or English. Again, a proviso similar to the one contained in our present Constitution[7] was incorporated, stating that in cases where a member is unable to express himself/herself in Hindustani or English, he/she may, with the permission of the President, speak in their mother tongue[8].

33. Why was it then that Hindustani was not recognized as an official language of the Union? It is now clear that the main reason behind this was the partition of the nation in 1947 and adoption of Urdu by Pakistan as its National language. The ultimate victim was Hindustani.

34. Granville Austin explains in detail the discussions on the language issue in India before the Constituent Assembly in particular, and in the country in general, before and after partition. It is Chapter 12 of his first book[9] which throws considerable light on this contentious and delicate national issue. It was a pragmatic hope nurtured by our national leaders in post-independent India and by the majority of the members of the Constituent Assembly that Hindustani had a

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[7] See Articles 120 and 210 of the Constitution of India

[8] GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, Oxford University Press (New Delhi; 2000) at p. 274.

[9] GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, Oxford University Press (New Delhi; 2000).

very bright prospect of becoming the national language. The early debates in the Constituent Assembly indicated a compromise on this issue between the hardliners from both sides i.e. between supporters of Sanskritized Hindi and proponents of liberal mixture of Urdu and Hindi known as 'Hindustani'. But then comes a strong rupture in the form of the partition of India, and amongst its several fallouts, one vital blow was given to Urdu and Hindustani both. This is what Granville Austin has to say here:

> *"…Partition killed Hindustani and endangered the position of English and the provincial languages in the Constitution. 'If there had been no Partition, Hindustani would without doubt have been the national language,' K. Santhanam believed, 'but the anger against the Muslims turned against Urdu. Assembly members 'felt that the Muslims having caused the division of the country, the whole issue of national language must be reviewed afresh', said an article in The Hindustan Times. Having seen the dream of unity shattered by Partition, by the 'treachery' of the Urdu (Hindustani) speakers, the Hindi extremists became even more firmly committed to Hindi and to achieving national unity through it. Speakers of the provincial languages must learn Hindi and the regional languages must take second place, the Hindi-wallahs believed. And as to*

> *English, it should go as Urdu had gone. Were not both un-Indian?"*[10]

35. Be that as it may, it is a fact now that Hindustani is not the official language under the Constitution. Under Article 343 of the Constitution, Hindi is the official language, while the use of English was made permissible for official purposes for a period of fifteen years. But this does not mean that Hindustan and Urdu have become extinct. This was never the intention of the framers of the Constitution. In a speech to the Constituent Assembly on the language issue, Jawaharlal Nehru emphasized that the official language i.e. Hindi shall be enriched by borrowing the vocabulary from Urdu. His exact words were:

> *"…We find that in a particular subject or type of subjects we speak better in Hindi than in Urdu and in another type of subjects Urdu suits us better; it suits the genius of that subject a little better. My point is that I was both these instruments which strengthen Hindi that is going to be developed as our official and National language of the country. Let us keep in touch with the people…"*[11]

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[10] GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, Oxford University Press (New Delhi; 2000) at pp. 277-278.
[11] Constituent Assembly Debates, Vol IX at p. 1415.

This spirit is embodied in Article 351 of the Constitution, which reads as follows:

> ***"351. Directive for development of the Hindi language***
> *It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages."*

36. Both Gandhi and Nehru were great proponents of Hindustani. Only a few months before his death Gandhi wrote:

> *"This Hindustani (Gandhi wrote) should be neither Sanskritized Hindi nor Persianised Urdu but a happy combination of both. It should also freely admit words wherever necessary from the different regional languages and also assimilate words from foreign languages, provided that they can mix well and easily with our national language. Thus our national language must develop into a rich and powerful instrument capable of expressing the whole gamut of human thoughts and feelings. To confine oneself exclusively to Hindi or Urdu would be a crime*

> *against intelligence and the spirit of patriotism."*[12]

37. Even today, the language used by the common people of the country is replete with words of the Urdu language, even if one is not aware of it. It would not be incorrect to say that one cannot have a day-to-day conversation in Hindi without using words of Urdu or words derived from Urdu. The word 'Hindi' itself comes from the Persian word 'Hindavi'! This exchange of vocabulary flows both ways because Urdu also has many words borrowed from other Indian languages, including Sanskrit.

38. Interestingly, Urdu words have a heavy influence on Court parlance, both in criminal and civil law. From *Adalat*[13] to *halafnama*[14] to *peshi*[15], the influence of Urdu is writ large in the language of the Indian Courts. For that matter, even though the official language of the Supreme Court and the High Courts as per Article 348 of the Constitution is English, yet many Urdu words continue to be used in this Court till date. These include *vakalatnama*, *dasti*, etc.

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[12] GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, Oxford University Press (New Delhi; 2000) at p. 272.
[13] *Adalat* means 'Court'.
[14] *Halafnama* means 'affidavit'.
[15] *Peshi* means 'appearance' or 'presence'.

39. Viewed from another perspective, the Urdu language has come to be adopted by many States and Union Territories in India as the second official language in exercise of powers conferred by Article 345 of the Constitution[16]. The States which have Urdu as one of the official languages are Andhra Pradesh, Bihar, Jharkhand, Telangana, Uttar Pradesh, and West Bengal, while the Union Territories which follow this practice are Delhi and Jammu and Kashmir.

40. Even from a Constitutional perspective, the use of language for official purposes is not according to any rigid formula. For example, Article 120 of the Constitution prescribes Hindi or English as the official language of Parliament, but the proviso to the said Article empowers the Presiding Officer of the House to allow a member to express themselves in their mother tongue, if they do not know Hindi or English. The same principle applies to State legislatures vide Article 210 of the Constitution.

41. It may also be of same interest to know that when we criticize Urdu, we are in a way also criticizing Hindi, as according to linguists and literary scholars, Urdu and Hindi are not two

[16] *Please refer to the previous paragraphs of this judgment.*

languages, but it is one language. True, Urdu is mainly written in Nastaliq[17] and Hindi in Devnagri; but then scripts do not make a language. What makes languages distinct is their syntax, their grammar and their phonology. Urdu and Hindi have broad similarities in all these counts. The noted Urdu scholar Gyan Chand Jain, in *Urdu, Hindi ya Hindustani* published in magazine *Hindustani Zaban (Jan-April 1974)*, writes:

> *"It is absolutely clear that Urdu and Hindi are not two separate languages. To call them two languages is to belie all principles of linguistics and to deceive oneself and others.…Even though Urdu literature and Hindi literature are two different and independent literatures, Urdu and Hindi are not two different languages…Enumerating Urdu and Hindi as two languages, in the Indian Constitution, is political expediency, not a linguistic reality"*[18]

Professor Gyan Chand Jain does take into consideration the fact that in our Constitution, Urdu and Hindi are mentioned as two different languages, but that the author says, "*is political expediency, not a linguistic reality*." According to Amrit Rai, "*…their recognition as two separate languages*

[17] Urdu written in Perso-Arabic script in calligraphic style is called '*Nastaliq'*.
[18] Our source for this extract is AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at p. 3.

under the Constitution need not deter linguists from questioning the scientific validity of their separation"[19].

42. The noted Hindi scholar Ram Vilas Sharma, who is a strong supporter of Hindi as a national language, in his book *Bharat ki Bhasha Samasya* writes:

> *"Hindi-Urdu are not two separate languages; they are basically one and the same. Their pronouns, verbs, and basic vocabulary are the same. There are no two other languages in the world whose pronouns and verbs are one hundred per cent the same. Russian and Ukrainian are much akin to each other but even they are not so closely alike."*[20]

43. Another outstanding Urdu scholar, and a leader of the Urdu movement, Abdul Haq, in his book *Qadim Urdu* says:

> *"It is a clear fact and needs no further adumbration that the language we speak and write and call by the name 'Urdu' today is derived from Hindi and constituted of Hindi"*[21]

44. If there are dissimilarities, there are plenty between Hindi and high Hindi, like there are between Urdu and high Urdu. But close similarities exist between Hindi and Urdu, when these

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[19] AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at p. 3.
[20] Our source for this extract is AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at p. 6.
[21] Our source for this extract is AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at p. 6.

are spoken day-to-day. We fall back again on Gyan Chand Jain, who writes:

> *"…It is a fact that the difference between average Urdu writing and average Hindi writing is not as great as the difference between average Urdu and difficult Urdu, or that between average Hindi and difficult Hindi. In the literature of every language, be it Urdu or Hindi or English, one finds different levels of language according to the stock of words used- on the one hand, the altogether simple language of everyday speech, and on the other a language difficult to comprehend, weighed down by words from the classical language or from an alien language…"*[22]

45. This is not an occasion to have an elaborate discussion on the rise and fall of Urdu, but this much can be stated that this fusion of the two languages Hindi and Urdu met a roadblock in the form of the puritans on both sides and Hindi became more Sanskritized and Urdu more Persian. A schism exploited by the colonial powers in dividing the two languages on religion. Hindi was now understood to be the language of Hindus and Urdu of the Muslims,[23] which is such a pitiable

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[22] Gyan Chand Jain, *Urdu Hindi ya Hindustani*, *Hindustani Zaban* (Jan-April, 1974). However, our source for the extract is AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at p. 4.

[23] *See* AMRIT RAI, A HOUSE DIVIDED: THE ORIGIN AND DEVELOPMENT OF HINDI/HINDAVI, Oxford University Press (1984) at pp. 8-13 and 285-289.

digression from reality; from unity in diversity; and the concept of universal brotherhood.

46. Coming to the present case, it must be stated that a Municipal Council is there to provide services to the local community of the area and cater to their immediate day-to-day needs. If people or a group of people, residing within the area covered by the Municipal Council are familiar with Urdu, then there should not be any objection if Urdu is used in addition to the official language i.e. Marathi, at least on the signboard of the Municipal Council. Language is a medium for exchange of ideas that brings people holding diverse views and beliefs closer and it should not become a cause of their division.

47. And these are the words of our former Chief Justice of India, M. N. Venkatachaliah, who makes a fervent plea for the preservation of Urdu, while speaking in a seminar in Delhi:

> *"The Urdu language has a special place in India. The Urdu language conjures up and inspires deeply emotive sentiments and thoughts from the sublimity of the mystic to the romantic and the earthy, of perfumes of camaraderie, of music and life's wistfulness and a whole range of human relationships. Its rich literature and lore is a treasure house of the noblest thoughts on life's mysteries. Urdu is not simply one of the languages of this country. It is a culture and civilisation in itself…But today this great culture needs*

urgent measures for its very survival…The richness of Urdu culture needs to be restored to its pristine glory."[24]

48. Our misconceptions, perhaps even our prejudices against a language have to be courageously and truthfully tested against the reality, which is this great diversity of our nation: Our strength can never be our weakness. Let us make friends with Urdu and every language. If Urdu was to speak for herself, she would say:

"urdu hai mirā naam maiñ 'Khusrav' kī pahelī
kyuuñ mujh ko banāte ho ta.assub kā nishāna
maiñ ne to kabhī ḳhud ko musalmāñ nahīñ maanā
dekhā thā kabhī maiñ ne bhī ḳhushiyoñ kā zamāna
apne hī vatan meñ huuñ magar aaj akelī
urdu hai mirā naam maiñ 'Khusrav' kī pahelī"[25]

Urdu is my name, I am the riddle of 'Khusrav'
Do not hold me for your prejudices
I never considered myself a Muslim
I too have seen happier times
I feel like an outsider in my homeland today
Urdu is my name, I am the riddle of 'Khusrav'

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[24] *See* Danial Latifi, *Urdu in UP*, Economic and Political Weekly, Vol. 36, No.7 (Feb 17-23, 2001), pp. 533-535 at p. 535.
[25] Extract from a *Nazm* by poet Iqbal Ashhar

49. The display of an additional language cannot, by itself, be said to be in violation of the provisions of the 2022 Act. The High Court while reaching the above findings had considered the relevant provisions of law. We completely agree with the reasoning given by the High Court that there is no prohibition on the use of Urdu under the 2022 Act or in any provision of law. The entire case of the appellant to our mind is based on a misconception of law. We see no reason therefore to interfere in the present case. These appeals are liable to be dismissed, and are hereby dismissed.

50. Pending application(s), if any, stand(s) disposed of.

.....J.
(SUDHANSHU DHULIA)

.....J.
(K. VINOD CHANDRAN)

New Delhi
April 15, 2025