

Role of the Regional Languages in Courts of Sikkim in Access to Justice

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Abstract

Justice Dhananjaya Y. Chandrachud, in his address at the third convocation of Ram Manohar Lohia National Law University, last year July, emphasized “the need for law students to be well-versed in regional languages and sensitive to local legal issues to enhance access to justice”. This observation holds particular significance for multilingual states such as Sikkim, where diverse linguistic communities and geographical isolation shape the everyday functioning of the judicial system.

Sikkim is divided into Six districts—Gangtok, Namchi, Gyalshing, Mangan, Pakyong and Soreng—each housing a district court supported by subordinate courts. These courts conduct a substantial portion of their proceedings in regional languages such as Nepali, Bhutia, and Lepcha. This reflects the linguistic realities of the population, particularly as many litigants, victims, and accused persons come from remote rural areas and are often unfamiliar with English or Hindi. Allowing oral submissions, pleadings, and witness testimonies in regional languages ensures clarity, encourages participation by ordinary citizens, and strengthens the fairness of the judicial process.

However, linguistic accessibility becomes limited at the level of the High Court. Article 348(1)(a) of the Constitution mandates English as the primary language for proceedings in all High Courts and the Supreme Court. Article 348(2) allows the optional use of Hindi or other official state languages in High Court proceedings with the prior consent of the President, yet all judgments, decrees, and orders must still be delivered in English. The Official Languages Act, 1963 reinforces this framework. Under Section 7, the Governor, with Presidential approval, may authorise High Court judgments in a state language only if accompanied by an official English translation, thereby maintaining the primacy of English in higher judicial forums.

For Sikkim, where Nepali is the dominant language of daily communication, these provisions creates a structural divide between subordinate courts that operate comfortably in regional languages and the High Court that remains English-centric. Although the Civil Procedure Code (Section 137) and BNSS (Section 307) empower state governments to prescribe regional languages for district and subordinate courts significantly improving accessibility the High Court’s linguistic rigidity continues to hinder full comprehension for many litigants. To address this gap, Sikkim has appointed language translators to facilitate understanding and support the increasing use of regional languages within the judicial process.

Introduction

India’s immense linguistic diversity spanning hundreds of languages, dialects, religions, and cultural identities creates significant challenges in establishing a common language for judicial proceedings. The People’s Linguistic Survey of India records 780 languages and 86 scripts, with nearly 250 already

extinct and many more endangered, underscoring the importance of preserving linguistic identity within the legal system. In a democratic society, litigants expect their concerns to be expressed clearly and effectively in a language they understand, ensuring both accurate communication of ideas and comprehension of legal processes. Historically, the language of Indian courts has shifted with changing rulers: Persian dominated during Islamic rule, later giving rise to Urdu, a blend of Persian and Sanskrit. With the arrival of the British in the 1600s, English gradually replaced Persian, eventually becoming the primary language of judicial and administrative work due to its association with modern education and scientific advancement. Although English itself is a composite language influenced by Latin, Greek, and French, its widespread use brought both accessibility and challenges. After independence, efforts to make Hindi the official court language sparked resistance from non-Hindi-speaking states, complicated further by numerous Hindi dialects and the need to accommodate other regional languages. These historical transitions continue to shape India's ongoing debate over linguistic inclusion and accessibility in its judicial system.¹

The role of regional languages in Sikkim's courts is central to ensuring meaningful access to justice in a state marked by deep linguistic diversity. Sikkim officially recognizes Nepali, Bhutia, and Lepcha as major languages, alongside several other community languages.

This multilingual environment makes courtroom language a critical factor in legal accessibility. While Section 137 of the CPC allows states to prescribe the language of subordinate courts, the continued use of English in higher courts often creates a distance between ordinary litigants and the justice system.

Most litigants in Sikkim first encounter the legal system in district courts, where proceedings may take place in English or in local languages based on the needs of the parties. However, when cases move to the High Court of Sikkim, English becomes the exclusive language of proceedings under Article 348 of the Constitution.

This abrupt shift creates a significant linguistic barrier for rural, indigenous, and less-educated citizens, many of whom are not proficient in English. Scholars consistently note that language barriers can become one of the most exclusionary obstacles in accessing justice in multilingual societies. When litigants cannot fully understand pleadings or judicial reasoning, their ability to effectively assert their rights is compromised.

Allowing Sikkim's regional languages especially Nepali, the most widely spoken to be used more frequently in courtrooms can act as an important means of empowerment. Oral submissions, witness examination, affidavits, and essential procedural communication in regional languages reduce dependence on translators and enhance direct participation.

This is particularly important for communities such as the Bhutia-Lepcha populations and migrant workers with limited English skills.

Sikkim's multilingual reality also demands structured linguistic accommodation. Frameworks like De Varennes's "sliding-scale approach" suggest that language rights should reflect demographic realities. Strengthening interpreter services, translating essential documents, and expanding the procedural use of regional languages would address current barriers.

¹ Dr. Kusum Chauhan, "*Language of Justice in India: Needs a revitalization from complexity to simplicity*", 2022, Internal Journal of Advanced Academic Studies, vol. 4, Issue 4, Part A, Pp 50-57.

Ultimately, incorporating regional languages into Sikkim's courts is not merely a linguistic reform but a constitutional and socio-legal necessity. It enhances transparency, fairness, and inclusion—ensuring that justice remains accessible to all citizens, regardless of language.²

Importance of Regional Language in Court Proceeding:

Access to justice is fundamentally linked to a litigant's ability to understand and participate in legal proceedings. In India, however, the higher judiciary continues to operate primarily in English, as mandated by Article 348 of the Constitution. Although a few states in India like Uttar Pradesh, Bihar, Rajasthan, and Madhya Pradesh have received permission to use Hindi in their High Courts, the vast majority, including Sikkim, must still conduct proceedings exclusively in English.

For a multilingual and geographically distinct state like Sikkim, this creates a significant barrier. The Constitution, through Articles 19 and 21, recognises a litigant's right to be heard, understood, and to meaningfully engage with legal processes.

This right is partly realised in subordinate courts, where the CPC and BNSS allow proceedings, evidence, and statements to be recorded in regional languages. At the grassroots level in Sikkim, this ensures that Nepali, Bhutia, Lepcha, and other indigenous language speakers can participate effectively. However, when cases reach the High Court, the compulsory switch to English disrupts this accessibility. Many residents of Sikkim, especially from rural and indigenous communities, have limited familiarity with English. These results in linguistic disadvantages, dependence on lawyers for translation, reduced comprehension of arguments, and weaker participation in matters directly affecting them.

While English does provide uniformity across India's judicial system and facilitates the transfer of judges between states, it simultaneously creates distance between the justice system and ordinary citizens in Sikkim. The absence of regional languages in High Court proceedings diminishes transparency and makes the process less citizen-friendly.

Thus, the role of regional languages becomes central to strengthening access to justice in Sikkim. Allowing their use at least for oral submissions, affidavits, or litigant statements would uphold constitutional guarantees, reduce linguistic barriers, and create a more inclusive judicial environment. Ensuring that litigants can understand and express themselves in their own language enhances fairness, legitimacy, and trust in the justice system of a multilingual state like Sikkim.³

Constitution on the current Issue:

Sikkim is a multilingual state where Nepali, Bhutia, Lepcha and several other languages shape social and cultural life. In such a setting, the use of English as the sole language of the High Court mandated by Article 348 of the Constitution creates a barrier between citizens and the justice system. Although subordinate courts across India, including Sikkim, may function in regional languages as permitted under the CPC and BNSS, a litigant faces a linguistic rupture the moment a matter reaches the High Court, where English becomes compulsory.

Access to justice under Articles 19 and 21 includes the right to understand and participate in courtroom proceedings. This becomes especially significant in Sikkim, a state with diverse linguistic groups and limited English proficiency among many litigants.

² Rohan Mehrotra, "*Language As A Barrier To Access To Justice: An Analyses In Terms Of A Multi-Lingual State*", ISSN: 2278-6864 (UGC Care Journal) Vol-47, Issue-01, January-March: 2024 Education and Society, p 367

³ <https://www.drishtias.com/daily-news-analysis/language-of-courts-in-india>, assessed on 12th Oct'2025

The language barrier restricts a citizen's ability to follow arguments, understand orders, or independently assess the legal consequences of a case. This concern is echoed in scholarship noting that complex legal English laden with archaic expressions and foreign terminology makes even basic legal processes incomprehensible to ordinary people.

While English provides uniformity across the higher judiciary and supports seamless transfer of judges across states, it simultaneously distances High Court processes from the linguistic realities of Sikkim. The absence of regional languages in higher-level proceedings undermines transparency and increases dependence on lawyers or translators. This is contrary to the constitutional principle that justice must not only be delivered but also understood.

Recent national debates, supported by the Law Commission and judicial observations, highlight the need to make legal processes linguistically accessible. They emphasize that communication of justice is as important as its determination and that regional languages should not be marginalized when they reflect the lived experience of the litigant.

For Sikkim, enabling the use of regional languages at least for oral submissions, litigant statements, or translated versions of judgments would directly enhance access to justice. It would reduce procedural alienation, empower litigants, and align the judicial process with the linguistic identity of its people. Strengthening the role of regional languages in Sikkim's courts thus becomes an essential step in making justice more participatory, inclusive, and constitutionally meaningful.⁴

Judiciary's Comment on use of regional language in Courts: Chief Justice of India D.Y. Chandrachud's observations strongly reinforce the argument that regional languages are indispensable for ensuring meaningful access to justice, particularly in linguistically diverse states such as Sikkim. He highlighted that when legal education and courtroom procedures function almost entirely in English, ordinary citizens struggle to understand their rights, welfare schemes, and the legal processes that affect them. This concern is especially relevant in Sikkim, where Nepali, Bhutia, Lepcha and other indigenous languages dominate daily communication, yet the High Court continues to operate exclusively in English as mandated by Article 348 of the Constitution.

The CJ noted that law students trained only in English often find it difficult to explain basic legal concepts in regional languages. This gap hampers the effectiveness of legal aid, especially in rural and semi-urban settings. His example—where a student unfamiliar with terms like *khasra* and *khatauni* cannot assist a villager applies similarly to Sikkim, where unique land records, traditional tenure systems and customary practices require a familiarity with local terminology. Without language alignment, even well-trained lawyers may be unable to communicate effectively with the people they serve. Justice Chandrachud also emphasized that litigants in higher courts frequently cannot understand the arguments being made in their own cases because proceedings are entirely in English. For Sikkim, where many litigants come from remote areas with limited exposure to English, this linguistic divide directly undermines their constitutional right to meaningfully participate in legal proceedings an essential component of access to justice under Article 21.

He therefore stressed the importance of simplifying legal language, integrating regional languages into legal education, and translating court judgments into local languages. For Sikkim, such reforms would narrow the gap between the judiciary and the community, enabling citizens to understand, navigate, and

⁴ Dr. Kusum Chauhan, "*Language of Justice in India: Needs a revitalization from complexity to simplicity*", 2022, Internal Journal of Advanced Academic Studies, Pp 50-57, 2022

engage with the justice system more effectively. The CJI's insights affirm that genuine access to justice in multilingual states like Sikkim is impossible without linguistic accessibility.⁵

Current Scenario: Regional Languages in High Courts

Across India, there is a growing demand to use regional languages in High Court proceedings so that justice becomes more accessible to ordinary citizens. However, only four High Courts Rajasthan, Madhya Pradesh, Uttar Pradesh, and Bihar currently have permission to use Hindi, with Bihar being the last to receive such authorization in 1972. For all other High Courts, including the Sikkim High Court, English remains the mandated language under Article 348 of the Constitution.

Although the Constitution guarantees that every litigant has the fundamental right to understand, participate in, and present their case (Articles 19 and 21⁶), this right becomes difficult to realize when the proceedings take place in a language unfamiliar to them. In subordinate courts, litigants may speak in a language they understand, but this protection does not extend meaningfully into High Court proceedings.

In the context of Sikkim, a state with significant linguistic diversity Nepali, Bhutia, Lepcha, Limbu, and other indigenous languages—the exclusive use of English in the High Court creates a clear barrier. Despite constitutional guarantees of the “Right to Justice” under Article 21, most litigants in Sikkim cannot directly comprehend High Court arguments, pleadings, or judgments.

Thus, while the national movement for regional languages seeks to democratize the legal system, the **Sikkim High Court** continues to operate solely in English, limiting linguistic accessibility for local communities and widening the gap between the justice system and the people it serves.⁷

To address this gap, in the High Court of Sikkim, they have appointed language translators to facilitate understanding and support the increasing use of regional languages within the judicial process and providing translated copy of the judgment if required for the access of justice.

- Total number of language translators in High Court
- Bhutia:01
- Lepcha:01
- Nepali:01
- General 2 nos, typist cum translator⁸.

Provisions under CPC and BNSS : Section 137 of the Code of Civil Procedure (CPC) 1908, is central to understanding how language shapes access to justice, especially in linguistically diverse regions like Sikkim. The section permits states to determine the language of subordinate courts, allowing proceedings, evidence, and court records to be conducted in the regional languages spoken by local communities. This flexibility recognizes India's linguistic diversity and aims to ensure that litigants can understand and participate meaningfully in legal processes.

The historical evolution of India's legal language from colonial English to gradual vernacular inclusion highlights the need to democratize justice. While subordinate courts in various states can use regional

⁵ <https://timesofindia.indiatimes.com/india/teaching-law-in-regional-languages-can-improve-access-to-legal-system-cji/articleshow/111712584>

⁶ Constitution of India

⁷ Use of Regional Languages in High Courts remains limited, <https://www.civildaily.com/news/use-of-regional-languages-in-high-courts-remains-limited/>, visited 21st Nov'2025

⁸ Information taken from respected Registrar's Office, High Court of Sikkim, 20th Nov'2025, Gangtok, East Sikkim.

languages, the higher judiciary continues to function predominantly in English. This creates a critical gap for states like Sikkim, where Nepali, Bhutia, Lepcha, Limbu, and other languages are widely spoken, but proceedings in the High Court remain exclusively in English under Article 348 of the Constitution.

The Official Languages Act, 1963 reinforces this framework, as under Section 7, of the Official Languages Act, 1963 the Governor, with Presidential approval, may authorise High Court judgments in a state language, only if accompanied by an official English translation, thereby maintaining the primacy of English in higher judicial forums.

Later, onwards Official Language Act, of 1967 was amended by Indira Gandhi's government which made Hindi and English the official language of the country.

Already mentioned above under Section 137 of the Code of Civil Procedure, the language of the district courts shall be similar to the language of the act. The state government has the power to declare any regional language as an alternative for the proceedings of the court. However, judgments, orders, and decree may be passed by the magistrate in English. The recording of the evidence shall be done in the prevailing language of the state.

In case of a pleader being unacquainted with English, a translation into the language of the court shall be supplied to him on his request and the court shall bear such costs.

So, in case of lower courts in Sikkim, documents like *Bhai Banda Pathra, Chuttanama Pathra, Lekha Pari Kagaz, Milap Pathra and Rajinama* are few examples of old documents placed in Nepali language before the lower courts in Sikkim and translated by the advocates for the court's convenience.

Most of the Judges of the Lower Courts in Sikkim are well versed with Hindi and Nepali, so they mostly can read it themselves for the benefit of the litigants and accept these documents as legal.

Recently in the case of *Dhanraj Gurung v. Sikkim University*, 2025, SCC online Sikkim105, Sikkim High Court directed State to protect the linguistic, integrity and sanctity of Nepali Language⁹ in the state of Sikkim.

This linguistic shift between subordinate courts and the High Court directly affects access to justice. Litigants who are comfortable expressing themselves in regional languages often lose the ability to understand arguments, documents, or judgments once their case moves upward. Linguistic barriers also impact marginalized and rural communities disproportionately, limiting their participation and comprehension of complex legal procedures.

Judicial precedents consistently affirm that access to justice requires clear communication, translation support, and linguistic inclusivity. Interpretation services, translated documents, and regional-language legal information are essential but unevenly implemented across states, often leaving litigants dependent on lawyers for basic understanding.

To be well equipped use of Artificial Intelligence has been initiated in the Courts of India and recently AI has been deployed to bridge this gap through large-scale judgment translation.

Under the e-Courts Mission Mode Project, the Supreme Court has launched:

- SUVAS (Supreme Court Vidhik Anuvaad Software)
- e-SCR (electronic Supreme Court Reports). These initiatives promote AI-assisted translation of judgments into regional languages.¹⁰

⁹ *Dhanraj Gurung v. Sikkim University*, 2025, SCC Sikkim, 105

¹⁰ From Digitisation to Intelligence: How AI is Enhancing Access to Justice in India, Technology as an enabler of Justice not a substitute for Judgment, <https://www.pib.gov.in/PressRelease>, accessed on 22nd Feb'2026

In collaboration with the National Informatics Centre (NIC), the Supreme Court of India is using an AI tool called SUVAS (Supreme Court Vidhik Anuvaad Software) to translate its judgments from English into 18 Indian languages.

These translated judgments are uploaded on the e-SCR portal, making them easier for people across the country to read and understand. Special AI Translation Committees in the Supreme Court and High Courts check the quality and accuracy of these translations. AI only helps in translation, final review is done under the judicial system to ensure correctness and protect constitutional values.

Conclusion & Suggestions: For Sikkim, the socio-legal implications are significant: language is deeply tied to cultural identity, and the absence of regional languages at higher judicial levels can create feelings of exclusion and mistrust. Strengthening regional language use through translation of judgments, interpretation support, regional-language legal education, and greater linguistic sensitivity would bring the justice system closer to local communities.

Thus, enhancing the role of regional languages in Sikkim's courts is essential to achieving genuine, equitable access to justice.¹¹

Strengthening regional language, by use through translation of judgments, interpretation support for regional-language through legal education, and greater linguistic sensitivity would bring the justice system closer to local communities. Thus, enhancing the role of regional languages in Sikkim's courts, especially the High Court is essential to achieving genuine, equitable access to justice.

JOURNALS, ONLINE RESOURCES AND STATUTES:

1. Chauhan, Kusum Dr, "*Language of Justice in India: Needs a revitalization from complexity to simplicity*", 2022, Internal Journal of Advanced Academic Studies, 2022, Vol. 4, Issue 4, Part A
2. Mehrotra, Rohan, "*Language As A Barrier To Access To Justice: An Analyses In Terms Of A Multi-Lingual State*", ISSN: 2278-6864 (UGC Care Journal) Vol-47, Issue-01, January-March: 2024 Education and Society.
3. Singh Rocky Soibam, "*Use of Regional Languages in High Courts remains limited*" ,<https://www.civildaily.com/news/use-of-regional-languages-in-high-courts-remains-limited> & www.thehindu.com
4. "*Language of the courts in India*", <https://www.drishtias.com/daily-news-analysis/language-of-courts-in-india>,
5. "*Beyond words, Role languages in access to Justice in subornate Court, Sec 137*", <https://www.ilms.academy/blog/beyond-words-role-language-access-justice-subordinate-courts-137> , published on May 14, 2024.
6. "*Teaching Law in-Regional Languages Can Improve-Access To Legal System*" -CJI, <https://timesofindia.indiatimes.com/india/>
7. From Digitisation to Intelligence: How AI is Enhancing Access to Justice in India, Technology as an enabler of Justice not a substitute for Judgment, <https://www.pib.gov.in/PressRelease>
8. Constitution of India
9. Indian Official Language Act, 1963.
10. Civil Procedure Code, 1908,
11. Bharitiya Suraksha Sanhita , 2023

¹¹ <https://www.ilms.academy/blog/beyond-words-role-language-access-justice-subordinate-courts-137> , published on May 14, 2024, accessed on 22nd Nov'2025