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1. Asst. Professor of English, and PhD Scholar, BNN College, University of Mumbai.
2. Professor & Head, PG Department of English, & Vice Principal, B. N. N. College, Bhiwandi, Thane, Maharashtra, India

Page No: 126-132



Do You Speak the Tongue that India's Legal System Understands? A Study on the Role of English Proficiency in India's Legal System: Impact on Lawyers, Clients, and Judicial Efficiency

Shivam Bhanushali¹ and Dr. Sudhir Nikam²

Abstract

This research confronts the stark reality that English, far from being just a language, acts as a gatekeeper in India's legal system. It studies the role of English proficiency with respect to lawyers and clients across various levels of the Indian judicial system, while also examining its broader implications on justice delivery and the functioning of democracy in India. It primarily investigates two groups that suffer under this linguistic dominance: (1) law students and lawyers from vernacular educational backgrounds, and (2) clients who cannot navigate the English-driven legal process. However, it also examines its broader implications on justice delivery and the functioning of democracy in India. With over 4.7 crore pending cases in Indian courts (Pti), delayed justice often erodes public faith in the system. The study also addresses how these delays, compounded by linguistic obstacles, contribute to the perception of judicial inefficiency and undermine democratic values. For lawyers, English proficiency is often a make-or-break factor for career advancement, courtroom performance, and professional credibility. Those who lack fluency in English struggle to compete, regardless of their legal acumen. This creates a two-tiered system where English-speaking lawyers are privileged over their vernacular peers.

For clients, the consequences are even more troubling. Non-English-speaking individuals find themselves lost in a system that communicates, records, and argues in English. Legal documents, court proceedings, and lawyer-client interactions become hurdles rather than steps toward justice. The question at the core of this study is clear: Is English more than just a medium of communication in India's legal profession? Does being a non-English speaker deny individuals access to the privileges enjoyed by those who are fluent in the language? This research will examine the lived experiences of both lawyers and clients who face these linguistic barriers. The study aims to expose the hidden role of language in creating privilege and will propose actionable steps to make legal proceedings more accessible to all, regardless of language.

Keywords: English Proficiency, Legal System Lawyers, Clients

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Do You Speak the Tongue that India's Legal System Understands?
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Literature Review

Language barriers in legal systems present significant challenges, particularly in multilingual jurisdictions where legal authority is often conferred on specific languages, leading to inequalities in access to justice and legal information (Leung; Kibbee). In the United States, approximately one-fifth of the population does not speak English as their first language, yet language discrimination remains unprotected under U.S. law, exacerbating issues of fairness and democracy (Kibbee). This disparity is reflective of broader global issues, where legal systems built around dominant languages complicate access to justice for non-native speakers. As Peruginelli notes, the complexity of legal terminology across languages often leads to misinterpretations, making it difficult for non-native speakers to navigate legal systems (Peruginelli). These barriers extend beyond law into other fields, such as healthcare, where language misinterpretations have severe consequences for patients (Ramirez). Both legal and healthcare systems require systemic changes, including the provision of interpreters and enhanced language training for professionals (Ramirez; Peruginelli).

In India, vernacular lawyers play a crucial role, often acting as intermediaries between formal legal systems and local communities. However, vernacular lawyers have historically been viewed with skepticism, accused of contributing to excessive litigation among the peasantry for personal gain (Morrison). Despite this, they embody the complexities of vernacular rights cultures, emphasizing localized understandings of justice, particularly in subaltern movements (Madhok; "Vernacular rights cultures"). The dichotomy between elite lawyers, often referred to as 'Grand Advocates,' and vernacular practitioners reflects a deeper legal diglossia, where formal and vernacular discourses coexist, impacting the administration of justice in diverse cultural contexts (Galanter and Robinson; Lubin and Lubin). As Galanter and Robinson highlight, elite lawyers dominate high-profile cases, whereas vernacular practitioners handle grassroots legal needs, often for marginalized communities.

The concept of vernacularisation, as explored by Michelutti, emphasizes that democratic and legal practices in India are deeply embedded in local idioms and community dynamics, particularly among marginalized groups like the Yadavs (Michelutti). Legal frameworks such as Lok Adalat and Nyay Panchayats reflect this vernacularisation, operating within culturally specific contexts to provide accessible justice (Mukhopadhyay). These institutions highlight how vernacular knowledge can challenge dominant legal narratives, offering diverse expressions of justice that reflect local beliefs ("Vernacular Knowledge: Contesting Authority, Expressing Beliefs"). Vernacular lawyers are essential in bridging these gaps, facilitating more inclusive justice for marginalized communities (Orsini).

Access to justice for non-English speakers in India is particularly hindered by linguistic barriers, as the legal system predominantly operates in English—a language comfortable for only about 10% of the population (Mahapatra et al.). The dominance of English marginalizes non-English speakers, making the legal language incomprehensible for many and limiting their understanding of rights and access to legal recourse ("Language of Justice in India: Needs a revitalisation from complexity to simplicity"). Legal aid initiatives aimed at empowering marginalized communities play a key role in addressing these disparities, as they seek to enhance access to justice through translation and legal education (Chahal; Vawda). The establishment of the Legal Information Institute of India has also made strides toward providing legal resources in multiple languages, although significant challenges remain in ensuring comprehensive and user-friendly access (Greenleaf et al.).

The dominance of English in India's legal system has marginalized regional languages, creating a linguistic barrier that complicates the understanding of legal processes for the

common man ("Language of Justice in India: Needs a revitalisation from complexity to simplicity"). This barrier is particularly pronounced for minority and tribal communities, where education in a non-native language leads to high dropout rates and poor engagement with the legal system (MacKenzie). Mother tongue-based multilingual education has been shown to improve educational outcomes and facilitate better engagement with legal frameworks (Panda and Mohanty). Integrating vernacular languages into legal education not only preserves cultural identities but aligns with constitutional protections for linguistic minorities (Sridhar). A comprehensive approach to legal education that incorporates vernacular languages is critical for fostering a more inclusive legal framework in India (Kapur).

The necessity of English In the Indian judicial system significantly impacts access to justice and the overall functioning of legal proceedings. English remains the dominant language in higher judiciary contexts, creating barriers for the approximately 90% of the population that is not proficient in it, which complicates their ability to engage with legal texts and proceedings (Mahapatra et al., 2023). This reliance on English, a remnant of colonial influence, has led to calls for the translation of legal documents into various Indian languages to enhance accessibility ("The Medium of Language is English in Indian judiciary: issues and challenges", 2023) (Getman, 1969). Furthermore, the predominance of English has fostered a perception of elitism within the legal profession, potentially alienating non-English speakers and undermining the judiciary's role as a unifying force in a linguistically diverse society (Panwar & Mahajan, 2022) (Getman, 1969). Consequently, while English facilitates communication among legal professionals, it simultaneously poses challenges to equitable access to justice for the broader population (Derrett, 1967).

Research Methodology, Sampling, and Ethical Considerations

This study follows a qualitative research methodology, using in-depth interviews to collect data. Sample size includes 12 experts from the fields of law and linguistics. They were selected using purposive sampling method based on their relevance to the research topic.

Due to privacy reasons, the names and identities of participants have not been disclosed. The data was analyzed thematically to draw key insights related to English proficiency and access to justice in the Indian legal system.

Findings

Based on a thematic analysis of the data from the interviews, the findings in the following key areas are outlined below:

1. The Role of English in India's Legal System
2. Challenges Faced by Vernacular Lawyers
3. Impact on Clients
4. Impact on the Indian Judicial System

The Role of English in India's Legal System

English, a remnant of British colonial rule, continues to dominate India's legal and educational systems, especially at higher levels. Despite the country's linguistic diversity, English remains the primary language in courts, legal education, and official documentation. While regional languages are used in lower (Taluka/Tehsil) courts, English takes over from the district (Sessions) Court level upwards, especially in High Courts and the Supreme Court. This dominance of English creates an invisible barrier for legal professionals and clients who are not fluent in the language, making English proficiency a prerequisite for success in the legal field.

Challenges Faced by Vernacular Lawyers

Lawyers from vernacular educational backgrounds face multiple, intertwined challenges in an English-dominated legal profession. Key barriers include:

1. Limited Educational Opportunities: Vernacular law students often have restricted access to top-tier legal education. Nation's leading law schools, those with better resources, reputation,

and networking opportunities—primarily operate in English. which offer better career prospects and resources. Legal materials, including textbooks, judgments, and academic papers, are predominantly in English, further disadvantaging vernacular students in terms of both knowledge and preparedness.

2. Courtroom Language Barriers: In lower courts, lawyers may use regional languages, but in district courts, High Courts, and the Supreme Court, English is the primary language of proceedings. Lawyers from vernacular backgrounds struggle to present cases, argue legal points, and engage with judges in these settings, as English becomes compulsory.

3. Professional Credibility and Social Perceptions: In India, English is not only seen as a means of communication but as a marker of social status and professional excellence. Clients from urban or elite backgrounds often equate English proficiency with legal competence, dismissing vernacular lawyers regardless of their expertise. This societal bias restricts access to high-profile, better-paying cases, as many clients refuse to hire lawyers who are not fluent in English.

4. Difficulty with Legal Terminology: Legal language is complex, and its technical terminology becomes a significant hurdle for vernacular lawyers. Translating these terms into regional languages often results in inaccuracies, making it difficult to argue nuanced legal points. Without proficiency in English, lawyers may find themselves excluded from intricate cases or unable to draft legal documents effectively.

5. Drafting Legal Documents: The drafting of affidavits, contracts, and legal petitions is overwhelmingly done in English. For vernacular lawyers, this process can be laborious and fraught with errors, requiring external help that diminishes their independence and professional standing.

6. Career Advancement Constraints: Career growth in India's legal profession often hinges on fluency in English. Vernacular lawyers are systematically excluded from prestigious law firms, top legal chambers, and corporate legal departments. Without English proficiency, they are confined to regional or smaller cases, limiting their potential and keeping them out of the higher echelons of the legal system.

Lawyers not proficient in English may also face other troubles such as Limited Networking Opportunities, judicial bias, technological exclusion, difficulty in client retention, and limitations in practice areas.

Impact on Clients

For non-English-speaking clients, navigating the legal system becomes an even more daunting task. The language barrier isolates them from the very processes designed to deliver justice. Key issues faced by such clients include:

1. Difficulty Understanding Legal Proceedings: From district courts upwards, where English is the primary language, non-English-speaking clients struggle to comprehend the proceedings. They rely entirely on their lawyers for translation, often missing crucial nuances of their cases, which can impact the outcome.

2. Limited Access to Legal Documents: Contracts, judgments, and other critical legal documents are mostly written in English. Clients who are not fluent in the language may be unaware of what they are signing, leaving them vulnerable to exploitation. This issue is particularly acute among rural and less-educated clients, who have little to no familiarity with legal English.

3. Disparity in Legal Representation: Many clients, especially from urban, affluent backgrounds, specifically seek English-speaking lawyers, reinforcing the idea that only these lawyers are competent. This bias marginalizes vernacular lawyers and limits non-English-speaking clients' access to skilled legal representation.

4. Statistics on Demographics: Approximately 10% of India's population speaks English, but only about 2-3% are fluent (Ploscaru). This leaves a significant majority of the population—primarily rural, lower-income, and less-educated individuals—unable to fully engage with the

legal system. Many of these individuals are unfamiliar with urban complexities, let alone legal proceedings in English. They are often the most marginalized in terms of access to justice, relying entirely on lawyers or intermediaries to navigate a system they cannot understand.

5. **Exploitation and Vulnerability:** Non-English-speaking clients are frequently at risk of being deceived or exploited by unscrupulous lawyers. Without the ability to verify legal documents or proceedings, they can be misled into signing agreements against their own interests. Their inability to fully understand the legal process renders them powerless in an already complicated system.

6. **Cultural and Psychological Barriers:** Clients from rural or vernacular backgrounds may feel intimidated by English-speaking lawyers or the formal legal system. The cultural distance created by language can discourage these clients from fully engaging with their cases or asking critical questions, making them passive participants in their own legal battles. This psychological intimidation can prevent clients from voicing their needs or doubts effectively.

7. **Challenges Navigating Legal Complexity:** Even basic legal procedures can be overwhelming for clients unfamiliar with the urban and modern world. Non-English-speaking individuals, often from rural or disadvantaged backgrounds, struggle to understand their legal rights, responsibilities, and the steps needed to achieve justice. This makes them reliant on lawyers, many of whom may not prioritize their interests.

They may also face challenges in accessing legal aid (even the free or low-cost legal aid services, which are often aimed at marginalized populations — since the forms and procedures are often in English), legal illiteracy (lack of knowledge about their rights, the court's processes, or how to seek legal help — since much of the legal awareness content is distributed in English or urban-centric contexts) issues, financial exploitation, and ultimately a fear of legal institutions (making them more likely to avoid the legal system altogether or settle for unfair outcomes to avoid navigating a system they don't trust or understand).

Impact on the Indian Judicial System:

India's judicial system is burdened by a massive backlog of cases, with over 4.7 crore pending cases in courts across the country as of 2024. The phrase "**Justice delayed is justice denied**" is particularly relevant in India, where the delays are often exacerbated by the complexities of language. For vernacular-speaking clients and lawyers, the need to navigate an English-dominated system adds layers of difficulty, slowing down the already congested courts. These delays contribute to a loss of public confidence in the justice system and, more broadly, in democratic institutions. The perception of judicial inefficiency, fuelled by linguistic and procedural hurdles, leads to a weakening of faith in the rule of law and governance. A system that cannot deliver timely justice risks alienating large sections of the population, particularly those from non-English-speaking backgrounds.

Conclusion

Lawyers from vernacular backgrounds are systematically excluded from higher levels of the profession, while non-English-speaking clients are marginalized within the justice system. With a judicial backlog of over 4.7 crore cases, the delays caused by language barriers undermine the fundamental tenet of "Justice delayed is justice denied." The erosion of public trust in the legal system, particularly among non-English-speaking populations, threatens the fabric of democracy, where access to justice is a key pillar. When justice is delayed or denied due to language barriers, it can lead to dissatisfaction and helplessness among citizens, which may fuel disruptive tendencies such as crimes, riots, and social unrest. This poses a significant threat to national stability and development. By reducing these barriers, the study aims to contribute to a more equitable legal system, which, in turn, will enhance social order and foster national growth.

This study also emphasizes the importance of linguistic education for judges as a practical solution, particularly in a multilingual nation like India. Judges should ideally be proficient in

at least three languages to ensure that they can effectively communicate with lawyers and clients from various linguistic backgrounds. Compared to educating the vast population of lawyers or the common folk, educating judges is a more feasible and impactful approach to addressing linguistic barriers.

Recommendations

The study suggests steps be taken to:

- Promote multilingualism in legal education
- Expand legal translation and interpretation services
- Develop user-friendly legal resources in multiple languages
- Encourage the use of vernacular languages in lower courts
- Implement English language proficiency support programs
- Provide linguistic education for judges
- Increase legal aid initiatives and awareness in multiple languages
- Reform legal documentation processes to include vernacular languages.

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