

Nageshwar Tigadi, the master,
Rajiv Gandhi University of Health Sciences, Bangalore,
Karnataka state, the Republic of India

THEORETICAL AND LEGAL ASPECTS OF AN OFFICIAL LANGUAGE IN THE REPUBLIC OF INDIA

An official language is one of attributes of an independent country. Constitutions as many legislative documents in almost of every sovereign state in the world contain articles about their official languages. Articles 343-351 of Part XVII of the Constitution of India (passed on 26th of November, 1949 and is fully applicable since 26th of January, 1950) regulate the mentioned question. Also, the Constitution determines languages that have official status in India.

According to Article 343 of the Constitution Hindi in Devanagari script must be the official language of the Republic. The English language was to be used for all the official purposes for a period of fifteen years from the commencement of the Constitution [1]. However, nowadays both of the languages are used as languages of the Republic of India (the Union), for example, in judicial and legislative sphere, in communication between the Central and State Governments. It is possible to say that India follows bilingual way of official proceedings. Such a situation is the result of historical conditions. When after fifteen years given by the Constitution to replace English languages this language was still used on official level, and some parts of India gave resistance of violation character as a reaction to make Hindi as the solve official language in the country, in 1963 the Parliament enacted the Official Language Act and legalized the possibility to use English after 1965 [2].

At the same time, as India is federal country where states have their own cultural particularities, including languages, there is a concept of regional languages. Article 345 of the Constitution establishes that 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. It was provided that, until the Legislature of the State otherwise provided by law, the English language continues to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution [1].

The long list of languages that are officially used in India is the part of the Constitution. According to the Eighth Schedule there are following languages: Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, Urdu.

There are 22 major languages in India, written in 13 different scripts, with

over 720 dialects. The official Indian languages are Hindi (with approximately 420 million speakers) and English, which is also widely spoken. In addition, several states in India have their own official languages, which are usually only spoken particular areas. Among them are Bengali (83 million speakers), Telugu (spoken by 74 million people) and Marathi (72 million speakers). However, standard Hindi, which is based on a colloquial dialect around Delhi, is taught at all schools in India [3].

According to Article 346 of the Constitution the language for the time being authorized for use in the Union for official purposes is the official language for communication between one State and another State and between a State and the Union. It was provided that if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication. In accordance with Article 347 of the mentioned legislative document on a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognized by that State, direct that such language shall also be officially recognized throughout that State or any part thereof for such purpose as he may specify [1].

Article 350 of Chapter IV of the Constitution describes that every person is entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be. Also, the same chapter contains the article about facilities for instruction in mother-tongue at primary stage, according to which it must be the endeavor of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities. The Constitution created the Special Officer for linguistic minorities that must be appointed by the President, and has the duty to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President must cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned [1].

As it is possible to admit that India is many speaking country, and on the legal level all conditions for real protection and development of languages that have official status in the Republic are created. However, according to Article 351 of the Indian Constitution there is the directive for development of the Hindi language. It means that there is 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.

Literature

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Nisan Yuce, the student,
Faculty of Law, Dokuz Eylul University,
Izmir, the Republic of Turkey

THEORETICAL ASPECT OF INDIVIDUAL APPLICATION TO THE CONSTITUTIONAL COURT IN TURKEY

Individual application can be described as an extraordinary recourse to judiciary, a right given to the people whose fundamental rights and freedoms have been infringed by public authorities. The right to make an individual application, which has found a field of application in many countries in the world, has been legalized in Turkey with a referendum for an amendment of the constitution in 12th September, 2010 and has come into effect in 23rd September 2012. Therefore, individual application is a very recent establishment in Turkish law.

According to the amended provision to Article 148 of the Constitution, «Everyone may apply to the Constitutional Court on the grounds that one of the fundamental rights and freedoms within the scope of the European Convention on Human Rights which are guaranteed by the Constitution has been violated by public authorities. In order to make an application, ordinary legal remedies must be exhausted» [1]. When this adjustment in the Constitution and the provisions of the relevant law are considered together, each conclusion that is made should be perused separately.

First of all, only the ones whose current and personal right is directly affected can apply to the Constitutional Court. The applicant can be a real person, or a legal entity of private law. But the legal entities of private law may only apply to the court about the rights that belong to the legal personality, and a public corporate body cannot be an applicant. The real person may be a