WHAT'S IN A NAME? ARTICLE 348 AND THE HINDI TITLES OF INDIA'S NEW CRIMINAL CODES

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ABSTRACT

This short article examines whether Parliament's decision to enact India's three landmark criminal codes with short titles composed of Hindi and Sanskrit-derived terms violates Article 348 of the Constitution of India. This article critiques the court's doctrinal reasoning while affirming its outcome, analysing the Kerala High Court decision in PV Jeevesh v Union of India (2024), which held that statutory titles fall outside the "authoritative text" required to be in English under Article 348(1)(b). Applying classical and contemporary canons of statutory interpretation, this paper shows an internal tension in the judgment: section 1(1) of each code expressly enacts its short title as part of the statutory text, making the claim that titles are "not text" jurisprudentially fragile. Instead, this article argues that the decision is far more securely grounded in two alternative pillars: the proper noun character of statutory names transliterated into the Roman script, and a purposive reading of Article 348 designed to secure interpretive uniformity of substantive provisions rather than linguistic purity of nomenclature. Additionally, the paper challenges the court's unnecessary dictum framing citizens as a "homogeneous group", separating constitutional legality from policy desirability, and presenting four concrete administrative recommendations to resolve linguistic accessibility without constitutional amendment.

Keywords: Article 348, Statutory interpretation, Criminal Law Reform, Nomenclature of Statutes, Legal Method.

INTRODUCTION

On 1 July 2024, India's criminal justice system underwent its most significant structural overhaul in over a century. Three comprehensive legislative enactments replaced the

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foundational statutes of British-era Indian jurisprudence: *the Bharatiya Nyaya Sanhita 2023* (replacing the Indian Penal Code 1860), the *Bharatiya Nagarik Suraksha Sanhita 2023* (replacing the Code of Criminal Procedure 1973), and the *Bharatiya Sakshya Adhiniyam 2023* (replacing the Indian Evidence Act 1872).[1] While public debate predominantly centred on substantive alterations ranging from the criminalisation of terrorism and organised crime to the procedural timelines for investigation and trials, a distinct constitutional challenge emerged regarding the formal nomenclature of the laws: can Parliament enact a federal statute whose title consists entirely of Hindi and Sanskrit words written in the Roman script?

This question carries deeper structural implications for Indian constitutionalism than may initially appear. *Article 348(1)(b)(ii)* of the Constitution mandates that the 'authoritative texts' of all Acts passed by Parliament shall be in the English language until Parliament by law otherwise provides.[2] The new codes, while drafted and enacted in English in their substantive sections, bear primary titles derived from Hindi and Sanskrit vocabulary transliterated into Roman characters. In *PV Jeevesh v Union of India*, the Division Bench of the Kerala High Court dismissed a constitutional challenge against these titles, ruling that statutory nomenclature does not constitute part of the "authoritative text" contemplated by *Article 348*.[3]

This article does not evaluate whether Hindi-derived titles are politically prudent or socially desirable in a multilingual federal republic. Linguistic identity in Indian public life remains a sensitive and contested terrain. Instead, this paper scrutinises a narrower legal question: is the Kerala High Court's doctrinal reasoning that a statute's short title falls outside Article 348's "authoritative text" sound as a matter of constitutional interpretation and legal method? I argue that while the court reached a defensible result, its internal reasoning rests on a fragile conceptual distinction between statutory "text" and statutory "nomenclature". The short title is explicitly enacted by Parliament in *section 1* of each Act, making it text in the formal and parliamentary sense. The sturdier foundation for the judgment lies in two distinct arguments: first, the proper noun character of statutory names transliterated into English and second, a purposive interpretation of *Article 348* aimed at ensuring interpretive uniformity across superior courts rather than dictating statutory nomenclature.

[1] Bharatiya Nyaya Sanhita 2023; Bharatiya Nagarik Suraksha Sanhita 2023; Bharatiya Sakshya Adhiniyam 2023. For the official commencement date of 1 July 2024, see Ministry of Home Affairs Notification No SO 850(E) (23 February 2024); see also PV Jeevesh v Union of India 2024:KER:63693 [2].
[2] Constitution of India, art 348(1)(b)(ii).
[3] PV Jeevesh v Union of India 2024:KER:63693 (Ker HC, 19 August 2024) [3], [7].

THE LITIGATION LANDSCAPE: P.V. JEEVESH AND BEYOND

The legal controversy crystallised in *PV Jeevesh v Union of India*, where an advocate practising before the Kerala High Court filed a public interest writ petition under Article 226 of the Constitution.[4] The petitioner sought a *writ of mandamus* directing the Union of India to rename the three criminal codes in English, alongside declarations that the Hindi and Sanskrit titles were *ultra vires Article 348* and beyond Parliament's legislative competence.[5] The petitioner further alleged an infringement of fundamental rights under *Article 19(1)(a)* and *Article 14*, contending that non-Hindi-speaking advocates and citizens, particularly in South India, faced severe cognitive, linguistic, and practical impediments in pronouncing, comprehending, and citing these titles.[6]

On 19 August 2024, a Division Bench comprising Acting *Chief Justice A. Muhamed Mustaque* and *Justice S. Manu* dismissed the petition.[7] The core ratio of the judgment rests on four sequential propositions:

Text as Operative Content: The term "text" in *Article 348(1)(b)* refers exclusively to the substantive body or content of the law. The adjective "authoritative" qualifies the linguistic form that this content must assume in superior judicial proceedings.[8]

Nomenclature vs. Text: A short title or "nomenclature" is distinct from the statutory "text" governed by *Article 348*, even though the court paradoxically acknowledged that a title is "often used to understand the text and is treated as integral to the text."[9]

Historical Purpose: *Article 348* traces its lineage to *sections 214(5) and 227* of the *Government of India Act 1935*, designed primarily to maintain "uniformity in the interpretation of statutory provisions and the text of legislation" across India's unified judiciary.[10]

Absence of Fundamental Right: Citizens possess no fundamental right to have the title of a federal statute drafted in a language familiar to them. Furthermore, *Article 351* contains a

[4] ibid [1].
[5] ibid.
[6] ibid [5]–[6].
[7] ibid [1], [7].
[8] ibid [3].
[9] ibid.
[10] Government of India Act 1935, ss 214(5), 227; PV Jeevesh (n 3) [4].

constitutional directive to promote the spread and development of Hindi, reinforcing Parliament's discretion in using Hindi-derived words.[11]

Concluding that the petitioner lacked a justiciable right and that no public interest was engaged, the court dismissed the challenge.[12] A parallel challenge was brought before the Madras High Court in *B. Ramkumar Adityan v Union of India*, where a Division Bench issued notice to the Central Government but explicitly refused to grant an interim stay against the implementation of the three laws.[13]

DECONSTRUCTING "AUTHORITATIVE TEXT": IS A SHORT TITLE REALLY OUTSIDE THE STATUTE?

The Doctrinal Contradiction in Judicial Reasoning: The most vulnerable aspect of the Kerala High Court's ruling in *PV Jeevesh* lies in its internal conceptual contradiction. In *paragraph 3*, the court observes that nomenclature "is not the text" under Article 348, yet simultaneously concedes that a short title "is treated as integral to the text."[14] Jurisprudentially, an element cannot be simultaneously "integral to" a legal text and "outside" that same text. This contradiction can only be reconciled through a strained binary: defining "integral" loosely as "an interpretive aid" while defining "text" narrowly as "the operative legal rules." While such a narrow construction is grammatically possible, the court failed to provide statutory or textual justification for severing short titles from the statutory corpus.

The Mechanics of Statutory Enactment: The claim that a short title is not part of the statutory text crumbles when examining how Indian legislation is structured and passed. A statutory title is not an administrative label appended to an Act post-enactment by a publisher or executive body. It is formally enacted by Parliament itself.

Section 1(1) of the Bharatiya Nyaya Sanhita 2023 provides: "This Act may be called the Bharatiya Nyaya Sanhita, 2023."[15] Section 1(1) of the Bharatiya Nagarik Suraksha Sanhita 2023 and Section 1(1) of the Bharatiya Sakshya Adhiniyam 2023 contain identical provisions.[16]

[11] Constitution of India, art 351; PV Jeevesh (n 3) [6].
[12] PV Jeevesh (n 3) [7].
[13] B Ramkumar Adityan v Union of India WP (MD) No 13812 of 2024 (Madras HC, 24 June 2024).
[14] PV Jeevesh (n 3) [3].
[15] Bharatiya Nyaya Sanhita 2023, s 1(1).
[16] Bharatiya Nagarik Suraksha Sanhita 2023, s 1(1); Bharatiya Sakshya Adhiniyam 2023, s 1(1).

Parliament debates, amends, and votes upon Section 1 in the same legislative procedure as every substantive section containing criminal offences or rules of evidence.

Article 348(1)(b)(ii) explicitly mandates English for the "authoritative texts of all Acts passed by Parliament."[17] Because Section 1 is an enacted provision within an Act passed by Parliament, its contents inescapably form part of the enacted text. On a literal textual reading, Section 1 is written in English: the sentence architecture, grammar, and functional syntax are English, while the subject of the clause, the title, is an Indian language phrase expressed in Roman script. The real analytical issue is therefore not whether the title is "text," but whether the Constitution prohibits the use of non-English proper nouns within an English statutory sentence.

ANALYSIS DIMENSION	STATUTORY & CONSTITUTIONAL REALITY
Grammatical Structure	Sentence Syntax: English ("This Act may be called the...") | Subject: Transliterated Hindi/Sanskrit expression in Roman script.
Parliamentary & Legal Status	Formally voted on, passed, and enacted under Section 1(1) of each Act. Indisputably forms part of the 'Act passed by Parliament' under Article 348(1)(b).

Short Titles in the Canons of Statutory Interpretation: Indian jurisprudence has long recognised statutory titles as legitimate, enacted components of legislation. In *Aswini Kumar Ghose v Arabinda Bose*, the Supreme Court of India established that the title of a statute is an important part of the Act and may be referred to for ascertaining its general scope and throwing light on its construction.[18] Similarly, in *Poppatlal Shah v State of Madras*, the Supreme Court

[17] Constitution of India, art 348(1)(b)(ii).
[18] Aswini Kumar Ghose v Arabinda Bose AIR 1952 SC 369, (1952) SCR 1112 [32].

affirmed that the title and preamble are key internal aids to statutory construction when ambiguity arises in operative clauses.[19]

Distinguished commentator Justice G.P. Singh notes that while short titles are primarily designed for identification rather than detailed exposition, they remain enacted parts of the statute, possessing greater interpretive weight than headings, marginal notes, or punctuation.[20] By declaring short titles to be non-text, the Kerala High Court unnecessarily discarded established canons of statutory construction. A more coherent formulation would have acknowledged that short titles form part of the enacted statutory text, but that *Article 348* governs the language of legislative meaning rather than the etymological origin of statutory identifiers.

PROPER NOUNS AND TRANSLATION: LINGUISTIC MECHANICS IN LEGISLATIVE DRAFTING

The Proper Noun Argument: The strongest textual justification for upholding the new title, which the Kerala High Court mentioned only tangentially, is the proper noun thesis. The court noted that the titles are "described in English, but the words are not from the English language."[21] Expressed in linguistic terms, the short titles function as proper nouns transliterated into the Roman script. Proper nouns across global legal systems are routinely preserved in their native linguistic form rather than translated. In Indian legal practice, institutions and statutes frequently incorporate Hindi or Sanskrit terms within English legal texts without violating *Article 348*. Standard legal usage employs Lok Sabha rather than "House of the People," and Rajya Sabha rather than "Council of States."

Furthermore, statutory precedent reveals a long-standing parliamentary practice of embedding Indian-language expressions into short titles of Central Acts drafted in English:

- The Panchayats (Extension to the Scheduled Areas) Act 1996 (incorporating Indian-language nomenclature).[22]
- The Lokpal and Lokayuktas Act 2013 (incorporating Indian-language nomenclature).[23]

[19] Poppatlal Shah v State of Madras AIR 1953 SC 274, (1953) SCR 677 [7].
[20] GP Singh, Principles of Statutory Interpretation (15th edn, LexisNexis 2021) 142–145.
[21] PV Jeevesh (n 3) [2].
[22] Panchayats (Extension to the Scheduled Areas) Act 1996, s 1.
[23] Lokpal and Lokayuktas Act 2013, s 1(1).

- The Rajghat Samadhi Act 1951 (incorporating Indian-language nomenclature).[24]

On this view, "Bharatiya Nyaya Sanhita" is a proper noun assigned by Parliament to a specific legal instrument. The fact that the name is expressed in Roman characters satisfies the formal requirement of English textual presentation under *Article 348*.

Quantitative vs Qualitative Differences: A rigorous legal analysis must address the counterargument regarding scale. Critics observe that in statutes like the *Lokpal and Lokayuktas Act 2013*, isolated non-English terms were embedded within a broader English phrase. In contrast, *Bharatiya Nagarik Suraksha Sanhita* consists entirely of non-English terms.

CATEGORY	TITLE STRUCTURE & LEGAL DYNAMICS
Historical Precedent (e.g., Lokpal Act 2013)	[English Words] + [Indian Term] + [English Words]. Hybrid structure embedding individual terms.
New Criminal Codes (e.g., BNS 2023)	[Fully Transliterated Indian Nomenclature] in Roman Script. Difference of DEGREE, not of CONSTITUTIONAL KIND.

This distinction is quantitative rather than qualitative. If Parliament possesses the constitutional power to introduce a single non-English proper noun into a statutory title under *Article 348*, the expansion of that title to consist entirely of transliterated proper nouns represents a difference of degree, not of constitutional authority. The proper noun argument holds, provided one accepts that Parliament has the discretion to assign statutory names drawn from any of India's official languages, provided they are rendered in the script used for authoritative English texts.

PURPOSIVE CONSTITUTIONALISM: WHY ARTICLE 348 EXISTS

Historical Context and the Mischief Rule: The Kerala High Court's most durable proposition is its reliance on the historical purpose of *Article 348*.[25] Applying the mischief rule of statutory

[24] Rajghat Samadhi Act 1951, s 1.
[25] PV Jeevesh (n 3) [4].

interpretation (*Heydon's Case*), a constitutional provision must be construed in light of the historical defect it was designed to remedy.[26]

Article 348 was adapted from *sections 214(5) and 227* of the *Government of India Act 1935*.[27] During the Constituent Assembly Debates, the framers recognised that in a nation with diverse linguistic regions, superior courts (the Supreme Court and High Courts) required a unified, unambiguous, and common legislative medium to prevent judicial fragmentation.[28] The mandate for English authoritative texts was enacted not to promote English cultural dominance, but to ensure that a judge in Kerala, a practitioner in West Bengal, and a bench in Delhi would interpret identical legal provisions with total linguistic parity.

This constitutional purpose is not engaged by a statutory short title. No court needs to adjudicate or interpret the semantic meaning of the words "Bharatiya Nagarik Suraksha Sanhita" in order to apply procedural rules governing bail, arrest, or search warrants under the Act. The rights, duties, and procedural liabilities of citizens are governed entirely by the substantive sections of the codes, which are enacted in full English text. Because statutory nomenclature generates no binding legal rules, it falls outside the mischief that *Article 348* was drafted to prevent.

Interplay with Article 351 and the Official Languages Act: A holistic reading of *Part XVII of the Constitution* reinforces this purposive construction. *Article 348(1)* opens with the conditional clause: “Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides...”[29] Parliament holds broad constitutional authority to regulate statutory language.

Under *Section 5(1) of the Official Languages Act 1963*, a Hindi translation of a Central Act published in the Official Gazette under the authority of the President is deemed to be the authoritative text in Hindi.[30] Furthermore, Article 351 contains an explicit constitutional directive to promote the spread and development of Hindi so that it may serve as a medium of expression for the composite culture of India.[31] When *Article 348* is read alongside Article 351,

[26] Heydon's Case (1584) 3 Co Rep 7a; see also Bengal Immunity Co Ltd v State of Bihar AIR 1955 SC 661 [22].
[27] Government of India Act 1935, ss 214(5), 227.
[28] Constituent Assembly Debates, vol IX (12 September 1949) speech by Dr BR Ambedkar on official language and judicial texts.
[29] Constitution of India, art 348(1).
[30] Official Languages Act 1963, s 5(1).
[31] Constitution of India, art 351.

and the *Official Languages Act 1963*, Parliament's choice of title emerges as a valid exercise of statutory nomenclature rather than a constitutional violation.

CONSTITUTIONAL DIVERSITY VS THE 'HOMOGENEOUS CITIZEN'

Critique of the Court's "Homogeneity" Dictum: Despite reaching the correct result, paragraph 6 of the PV Jeevesh judgment contains a problematic obiter dictum that warrants critique. The High Court asserted that fundamental rights are "group rights" and that "the Constitution can only view citizens as a homogeneous group."[32]

This statement is constitutionally overbroad and conflicts with the pluralistic structure of *Part III and Part XVII of the Constitution*. The Constitution explicitly rejects linguistic homogeneity:

- **Article 29(1):** Guarantees that any section of citizens residing in India having a distinct language, script, or culture has the right to conserve the same.[33]
- **Article 350:** Grants every person the right to submit a representation for the redress of any grievance to any officer of the Union or State in any of the languages used in the Union or State.[34]

These provisions demonstrate that the Indian Constitution recognises linguistic diversity as a foundational constitutional value rather than treating citizens as an undifferentiated, homogeneous mass.

Fundamental Rights and the Accessibility Barrier: The petitioner's claim under *Article 19(1)(a)* alleged that non-Hindi-speaking lawyers and litigants faced severe communication hurdles due to unfamiliar statutory titles.[35] The court correctly rejected this argument, as unfamiliar nomenclature does not restrict any citizen's freedom of speech, expression, or legal representation. The substantive provisions of the law remain accessible in English and regional translations. However, rejecting the constitutional claim does not eliminate the real practical friction caused by the new titles. Legal certainty requires that statutes be easily identifiable and searchable by judges, lawyers, police officers, and citizens across all states. For practitioners in non-Hindi-speaking regions, acronyms like BNS, BNSS, and BSA initially created

[32] PV Jeevesh (n 3) [6].
[33] Constitution of India, art 29(1).
[34] Constitution of India, art 350.
[35] PV Jeevesh (n 3) [5].

procedural confusion in court pleadings, legal databases, and registry filings. This friction represents a genuine administrative challenge, even if it does not amount to an unconstitutional injury.

SEPARATING LEGALITY FROM DESIRABILITY

The controversy surrounding the criminal codes illustrates a recurring challenge in Indian constitutional litigation: the conversion of policy disagreements into constitutional claims. A rigorous legal methodology requires maintaining a strict analytical distinction between three separate inquiries:

ANALYTICAL DIMENSION	CORE QUESTION	CONSTITUTIONAL / LEGAL CONCLUSION
Constitutional Legality	Is the title ultra vires Article 348?	VALID under proper-noun canon & purposive construction.
Fundamental Rights	Does it violate Article 19(1)(a) or 14?	NO VIOLATION (No actionable restriction on speech/equality).
Policy Desirability	Is non-English nomenclature prudent?	POLICY DEBATE belonging to Parliament and the public.

The Kerala High Court recognised this distinction by holding that the petitioner possessed no justiciable legal right.[36] While critics argue that dismissing the petition as lacking public interest was unnecessarily blunt, the court's refusal to substitute its own linguistic preference for that of Parliament aligns with judicial restraint. Political disputes over federalism and language must be debated in legislative forums and public discourse rather than resolved through writ jurisdiction.

[36] ibid [7].

CONCLUSION

The Kerala High Court in *PV Jeevesh v Union of India* reached a defensible outcome, but its stated ratio that a statutory short title is not part of the "text" of an Act is doctrinally fragile. Because *Section 1* of each criminal code enacts its short title as part of the statute passed by Parliament, short titles are formally text. The sturdier constitutional foundations for upholding the titles are twofold: (1) the proper noun canon, wherein transliterated terms written in Roman script function as statutory proper nouns within an English sentence structure; and (2) purposive construction, as Article 348 is designed to guarantee uniform judicial interpretation of substantive legal rules, a function unaffected by statutory nomenclature.

Two methodological conclusions follow. First, constitutional courts should avoid sweeping obiter dicta such as characterising citizens as a "homogeneous group" when narrow statutory grounds fully resolve the dispute. Second, legal analysis must maintain a clear boundary between constitutional validity and policy wisdom. While concerns regarding linguistic accessibility in non-Hindi-speaking states are legitimate, they demand administrative solutions rather than judicial invalidation.

POLICY RECOMMENDATIONS

To address practical accessibility barriers without requiring constitutional amendments or legislative changes to Article 348, the following four measures should be adopted:

Dual Statutory Cross-Referencing in Official Publications: The Ministry of Law and Justice should issue an executive notification ensuring that all official Gazettes, legislative portals (such as India Code), and judicial filing systems display stable English descriptive subtitles alongside the Hindi titles (e.g., Bharatiya Nyaya Sanhita 2023 [Indian Penal Code]) to assist filing registries and legal research.

Preservation of English Long Titles and Preambles: Parliament should preserve the practice of enacting comprehensive English long titles for all future legislation (e.g. "An Act to consolidate and amend the provisions relating to criminal procedure"). Because long titles explicitly define statutory scope in English, they ensure that Article 348's mandate is satisfied in the substantive preamble of the Act.

Adoption of Narrow Judicial Ratios in Pending Challenges: High Courts evaluating parallel challenges should base their judgments strictly on the purposive scope of Article 348 and the proper-noun doctrine, explicitly disavowing the claim that short titles are "non-text" or that citizens constitute a "homogeneous group."

Standardised Statutory Concordances: Law commissions, state bar councils, and legal technology publishers should maintain freely accessible concordance tables mapping the provisions of the repealed 1860, 1973, and 1872 codes to the BNS, BNSS, and BSA to minimise procedural delays for practitioners and litigants across India.