

No.I/20012/4/92-O.L.(Policy-1)
Government of India
Ministry of Home Affairs
Department of Official Language

Lok Nayak Bhavan, Khan Market,
New Delhi-110 003. Date:- 24 November, 1998.

R E S O L U T I O N

The Committee of Parliament on Official Language was constituted under Section 4(1) of the Official Languages Act, 1963. The Committee submitted fifth part of its Report, relating to language(s) of the legislation and languages to be used in various courts and tribunals to the President . In accordance with Section 4(3) of the Official Languages Act, 1963, the Report was laid on the table of Lok Sabha and on the table of Rajya Sabha. Copies of the Report were sent to all the Ministries/Departments of Government of India and to all States /Union Territories. After considering the views expressed by the State/Union Territory Governments and various Ministries/Departments/Institutions besides the Supreme Court of India and the legal position and practical possibilities, decision has been taken to accept some recommendations of the Committee in their original form, some in principle, some partially, while some have been found acceptable and some others have not been accepted. Accordingly, the undersigned is directed to convey the Orders of the President made under Section 4(4) of the Official Languages Act, 1963 on the recommendations made in the Report of the Committee, as follows:-

(1) Strengthening of the Department of Official Language and monitoring the implementation of the Official Language Policy.

Recommendation No.1

Action should be taken urgently by reorganising the Department of Official Language of the Ministry of Home Affairs and giving it the status of a full-fledged Ministry in order to make it more strong and competent.

“It may not be pragmatic to give the Department of Official Language the status of a full-fledged Ministry in view of the work allocated to it at present.”

Recommendation No.2

A Division should be set up in the Department of Official Language immediately for monitoring the follow-up action and ensuring implementation of the Presidential Orders on the recommendations of this Committee.

“ This recommendation of the Committee has been accepted in principle. The Department of Official Language shall formulate and take up the proposal with the Department of Expenditure for strengthening of its implementation set-up including the Regional Implementation Offices and ensure action thereon.”

Recommendation No.3

In other Ministries/Departments and in their related offices, undertakings, institutions etc. also, action to create posts required for monitoring, implementation and translation arrangements for compliance of official language policy and to implement orders of the President on the recommendations of this Committee, and, action for making appointments on these posts should be taken without delay.

“This recommendation of the Committee has been accepted. The Department of Official Language shall request all the Ministries/Departments to take necessary action.”

Recommendation No.4

In accordance with the recommendations made in para 41.21 of Part-IV of the Report of this Committee, the Committee should monitor the compliance of the Presidential Orders made on the recommendations of the Committee until the Department of Official Language is given the status of a full-fledged Ministry.

“The Department of Official Language may monitor the compliance of the Presidential Orders made on the recommendations of

the Committee. For this purpose, the Department should be suitably strengthened.”

Recommendation No.5

Stringent action may be taken against those officers who in spite of being proficient in Hindi are violating Presidential Orders.

“The Department of Official Language may issue directions to all the Ministries/Departments that they should motivate and encourage their senior officers, especially Deputy Secretaries and officers of equivalent rank and other officers senior to them to do their work in the Official Language Hindi.”

2. The Language of the original draft of Bills etc. to be introduced in Parliament.

Recommendation No.6

The original drafting of Bills to be introduced in either House of Parliament or Notifications, Orders, Rules, Resolutions, Regulations or Bye-laws issued under the Constitution or any Central Act, should be in Hindi. Hindi text introduced in either House of Parliament should be the original text and English version of the text should be prepared as authenticated text till the English language continues to be used in the Supreme Court. Section 5(2) of the Official Languages Act, 1963 should be amended accordingly.

“This recommendation has been accepted in principle. As a first step towards achieving this target, the Legislative Department should make arrangements for imparting training to the legal experts/draftsmen for drafting legal documents in Hindi.”

Recommendation No.7

Similarly, original drafting of Bills etc. should be done in Hindi in the Hindi speaking States and their translation in English should continue to be made. While both the versions should be introduced in State Legislative simultaneously, the Hindi version should be considered as the authoritative text.

“This recommendation has been accepted in principle. Therefore, it may be forwarded to all the State Governments located in Region ‘A’, for further consideration and action.”

Recommendation No.8

As regards the non-Hindi speaking States, original drafting of Bills etc. should be done in the Official Language of the State and its translation should be done in Hindi and English both. A minor amendment to this effect may be carried out in Section 6 of the Official Languages Act, 1963.

“This recommendation has been accepted in principle. It may be forwarded to State Governments of Regions “B” and “C” for further consideration and action.”

Recommendation No.9

Hindi is the Official Language of the Union and for making legislative drafting of the non-Hindi speaking States originally in the official language of the State or in Hindi, the Union Government should provide assistance for Hindi translation of the Acts of State Governments or grant financial assistance to non-Hindi speaking States for this purpose.

“ For preparing Hindi version of legislative draft, the State Governments located in non-Hindi speaking regions may consider formulating training programmes for their employees and the Legislative Department of the Central Government may formulate a project to provide financial assistance for such training.”

Recommendation No.10

Legislative Department of the Government of India should make adequate arrangements for imparting training to its draftsmen to enable them to draft Bills etc. originally in Hindi. For this purpose, it is necessary that a separate Department is set up for doing legal work in Hindi. In order to attract efficient and experienced persons, the draftsmen of Hindi and other Indian languages should be inducted in the Indian Legal Service as a separate body.

“ This recommendation is accepted to the extent that Legislative Department of the Government of India should make arrangements for imparting training to legal experts/draftsmen for drafting legal material originally in Hindi.”

3. Compliance of Official Language Policy of the Union by Lok Sabha and Rajya Sabha Secretariats.

Recommendation No.11

The position regarding action on administrative matters relating to service conditions of the employees of the Lok Sabha and Rajya Sabha Secretariats is similar to that of any Central Government Office. Therefore, these Secretariats should also prepare their annual programmes for progressive use of Hindi in their day-to-day work on the pattern of annual programme issued by the Department of Official Language, Government of India and should set up their own mechanism for monitoring the implementation thereof.

“This recommendation of the Committee has been found acceptable. The Speaker of the Lok Sabha and the Chairman of the Rajya Sabha are requested to consider this recommendation for implementation.”

4. Compliance of official Language Policy in the Office of the Registrar General, Supreme Court.

Recommendation No.12

Office of the Registrar General, Supreme Court should comply with the provisions regarding Official Language Policy of the Union of India in its administrative work. Basic infrastructure for doing work in Hindi should be set up and officers and employees should be given incentives for this purpose.

“The recommendation has been found worthy of acceptance. Ministry of Law, Justice and Company Affairs may in consultation with the Supreme Court, consider preparing a feasible work-plan for introducing an Official Language Policy in a phased manner in the

internal administrative working of the Supreme Court and may consider implementing the same.”

5. Use of language in judgements of the Supreme Court.

Recommendation No.13

The use of Hindi simultaneously with English should be authorised in the Supreme Court. Every judgement should be made available in both the languages. The judgement can be delivered by the Supreme Court in Hindi or English. This may be done in such a manner that a judgement, if delivered in Hindi, should be translated in English and if the judgement is delivered in English, the same should be translated in Hindi.

“This recommendation has been found worthy of acceptance. In the context of this recommendation, Ministry of Law, Justice and Company Affairs may, in consultation with the Supreme Court, assess the additional arrangements and resources and financial outlays, necessary for accepting the recommendation. In tandem, a long term action plan may be prepared and considered for implementation.”

6. Use of Hindi in the administrative work by the Judges of the Supreme Court/High Courts.

Recommendation No.14

A scheme should be initiated to encourage judges and other officers of the Supreme Court and various High Courts for use of Hindi in their administrative and judicial work. Seminars, workshops, refresher courses, training programmes etc. should be organised for this purpose.

“This recommendation is accepted to the extent that the recommendation may be forwarded to concerned State Governments for necessary consideration and action in the context of the High Courts located in Region ‘A’. In the context of other High Courts and the Supreme Court, the concerned State Government and the Ministry of Law, Justice and Company Affairs should consider taking action in this regard at an appropriate time.”

Recommendation No.15

An institution or organisation should be set up to impart training for the use of Hindi language in the field of law namely, legislation, judicial functioning and teaching of law to the officers of judiciary, lawyers and law teachers.

“This recommendation is accepted in principle. The Legislative Department of Government of India may take appropriate initiative in this regard.”

7. Use of languages in the judgements/proceedings of High Courts.

Recommendation No.16

The official language of the concerned State or Hindi should be used in the judgements, decrees and orders of High Courts. But arrangements should also be made so that the authoritative translation of each judgement is made available in both the languages. As long as English continues to be in vogue, arrangements for providing their authoritative translation in English may be made. However, the proceedings of the High Courts may be conducted in the official language of the States or in Hindi or in English.

“For the purpose of this recommendation, the present policy to act within the frame-work of the available provisions of the Constitution and the Official Languages Act, 1963, is adequate.”

Recommendation No.17

For providing authoritative Hindi translation of judgements delivered in the Official Language of the concerned State, the Union Government may provide special financial assistance to the concerned State Governments of non-Hindi speaking States.

“For making available authenticated Hindi translation of judgements delivered in the State Official Languages of non-Hindi speaking States, the concerned State Governments may themselves take action in this behalf by optimally utilizing their own financial resources.”

8. Compliance of the Official Language Policy in the Quasi-Judicial Organisations, Administrative Tribunals etc. of the Union.

Recommendation No.18

The quasi-judicial organisations, administrative tribunals etc. of the Union are the organs of the Central Government and are under the control of Central Government. Therefore, like other Central Government Offices, they should also do their official work in accordance with the Official Languages Act, 1963 and the rules framed thereunder. Some of the rules of the quasi-judicial bodies or all the Acts and Rules relating to them should be amended immediately and a provision should be made therein for the use of Hindi, the Official Language of the Union.

“This recommendation has been found worthy of acceptance. Every Ministry/Department should always make the necessary provisions required for ensuring compliance of Official Language Policy of the Union at the time of establishing new quasi-judicial establishments/bodies, administrative authorities etc. within its jurisdiction. Every Ministry/Department of the Government should also take steps for having the necessary provisions in keeping with the official language policy in the quasi-judicial bodies etc., existing under their control.”

9. Education of Law through Hindi medium.

Recommendation No.19

All the Universities and other Institutions in the field of law should make arrangements for imparting education in law at graduate and post-graduate levels in Hindi in the whole country. Even at present, education in law is being imparted in Hindi in many Universities which needs to be extended.

“On this recommendation, the Department of Education may take necessary action in a phased manner.”

Recommendation No.20

The task of translating legal classics, available in other languages, into Hindi, may be accelerated.

“This recommendation of the Committee has been accepted. The Department of legal Affairs should take necessary steps in this regard.”

Recommendation No.21

It is also necessary that all the reportable judgements of the Supreme Court should be published in the journal of Department of Law after getting them translated in Hindi. Likewise all the reportable judgements of various High Courts, should also be published in as large a number as possible after getting them translated into Hindi.

“This recommendation of the Committee has been accepted in principle. The Legislative Department may take steps necessary for initiating efforts in this regard.”

Recommendation No.22

A library should be set up in Delhi in which maximum number of latest books pertaining to law in various Indian Languages should be available.

“This recommendation has been found worthy of acceptance. The Ministry of Law, Justice and Company Affairs may prepare a time-bound plan for setting up the proposed library in consultation with the concerned organisations and take action thereon.”

(DEV SWARUP)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA