

(2019) 05 DEL CK 0486

In the Delhi High Court

Case No : Civil Writ Petition No. 5899 Of 2019

D. K. Chopra

APPELLANT

Vs

Registrar General Delhi High Court

RESPONDENT

Date of Decision : 27-05-2019

Acts Referred:

Constitution Of India, 1950 — Article 19, 348, 348(1)(a)

Citation : (2019) 05 DEL CK 0486

Hon'ble Judges : G.S.Sistani, J;Jyoti Singh, J

Bench : Division Bench

Advocate : Amit Bansal, Aman Rewaria

Final Decision : Dismissed

Judgement

G.S. Sistani, J

1. The present petition has been filed seeking a declaration that the Delhi High Court Rules be declared ultra vires the Delhi Official Languages Act, 2003 to the extent they allow only "English" as the language in which the pleadings can be filed in the High Court, as well as seeking a direction to amend the Delhi High Court Rules permitting the pleadings/petitions in Hindi by adding the words "or Hindi in Devnagri Script" after the word "English" wherever language of the Court is mentioned as "English". A further direction is sought to the respondent to immediately allow the petition of the petitioner to be accepted in Hindi language and be placed before this Court.

2. The petitioner is a senior citizen, who has filed a Writ Petition (Criminal) titled D.K.Chopra v. Delhi Police and Ors., in the Registry of this Court. The petition has been drafted in Hindi language and his claim is that the Registry of this Court is refusing to accept the petition on the ground that Hindi is not the Official Language of this Court.

3. The petitioner, who appears in person, submits that after preparing the petition in Hindi, he has been running from pillar to post to have his petition

cleared from the objections and to be placed before this Court for hearing. He submits, that when he filed the petition, initially, it was not accepted and he had to mention the matter before Hon'ble the Chief Justice and although, the Registry has now accepted the filing of the petition, but the same has been placed under objections and even the exemption application is not being entertained. He further submits that the Official Language of Delhi is Hindi and even in the Supreme Court, he was permitted to be heard in Hindi Language.

4. The petitioner further argues that the Official Language of the NCT of Delhi is Hindi as per the Delhi Government's Official Languages Act, 2000 and the Central Government's Official Languages Act, 1963. Therefore, according to him, the Delhi High Court Rules in Volume-V, Chapter-1, which prescribe that all pleadings have to be in English language, is violative of the Official Languages Act, 2003 as well as the freedom of speech and expression, as guaranteed under Article 19 of the Constitution of India. He further submits that under the Eighth Schedule to the Constitution of India, there are 22 Official Languages and "English" is not mentioned in the said list.

5. Per contra, learned counsel for the respondent, who appears on advance copy, has drawn our attention to Article 348 of the Constitution of India. Relying on the said provision of the Constitution of India, the counsel submits that Article 348 of the Constitution of India mandates that the language in the High Court would be "English". More particularly, reliance is placed on Article 348(1)(a) of the Constitution of India. He contends that a reading of the Article 348 leaves no manner of doubt that the Delhi High Court Rules have been framed in accordance with the said Constitutional provision and are thus, valid. Since there is a mandate that all proceedings in the High Court have to be in "English Language", the petitioner cannot be permitted to file a petition in Hindi.

6. For the sake of easy reference, we quote Article 348 of the Constitution of India as under: -

"Article 348 in The Constitution of India 1949

348. Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides

(a) all proceedings in the Supreme Court and in every High Court,

(b) the authoritative texts

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulations and bye laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language

(2) Notwithstanding anything in sub clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State: Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court

(3) Notwithstanding anything in sub clause (b) of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye law referred to in paragraph (iii) of that sub clause, a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article."

7. Having gone through the provisions of Article 348 of the Constitution of India, as above, we find substance in the contention of the learned counsel for the respondent. The Delhi High Court Rules, to the extent they require the pleadings to be filed in English language, whenever any petitions are filed before this Court, are in consonance with the Constitutional provision. The contention of the petitioner that he should be permitted to file his pleadings in Hindi language or that the Delhi High Court Rules are violative of Delhi Official Languages Act, 2003, has no merit and has to be rejected. We do not find any substance in the argument that the Delhi High Court Rules are ultra vires the Constitution of India or the Delhi Official Languages Act, 2003. On the contrary, the Delhi High Court Rules have been framed in furtherance of the provisions of the Article 348 of the Constitution of India.

8. In view of the constitutional mandate, we are unable to entertain the prayer in the present writ petition. Accordingly, the writ petition is dismissed.