
(2014) 09 MAD CK 0412
In the Madras High Court
Case No : W.P. (MD) No. 11016 of 2014

S. Rajamanickam

APPELLANT

Vs

The Cabinet Secretary

RESPONDENT

Date of Decision : 12-09-2014

Acts Referred:

Constitution of India, 1950 — Article 226, 343, 344, 345, 346

Citation : (2014) 5 LW 273

Hon'ble Judges : R. Mahadevan, J; M. Jaichandren, J

Bench : Division Bench

Judgement

M. Jaichandren, J.—Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondents. This Writ Petition has been filed, as a Public Interest Litigation, praying that this Court may be pleased to issue a Writ of Declaration, declaring all the Languages found in Schedule VIII of the Constitution of India, as National and Official Languages of the Union of India and to pass such further orders, as this Court may deem fit and proper in the circumstances of the case.

2. The petitioner has stated that there are 22 Languages shown in Schedule VIII of the Constitution of India. Articles 343 to 351 of the Constitution of India relate to the Language Policy to be followed by the Union of India. However, due to the two language formula adopted by the Union of India, for the purpose of Official Communications, enormous delay has been caused, with regard to the communications relating to Non-Hindi Speaking States. Further, if English, which is said to be a link language, is given up, it would add to the confusion, with regard to the communications between the Centre and the States.

3. It has been further stated that people belonging to several States in India have been agitating over the issue, for a long time. In fact, the declaration of the languages shown in Schedule VIII of the Constitution of India, as Official Languages of the Union of India, would improve the Industrial, Cultural and Scientific advancement of the Nation as a whole. In this regard, the petitioner

had submitted a representation, dated 11.06.2014, to the first respondent. The first respondent had not acted upon the said representation, till date.

4. It has also been stated that, if Hindi is made as the Language for all Official Communications, the People belonging to the Non-Hindi speaking States would be seriously prejudiced.

5. It has also been submitted that, the Letter issued by Home Ministry, dated 27.05.2014, relating to the stand of the Union of India, made in its order, dated 10.03.2014, had triggered wide spread outrage in the Non-Hindi Speaking States, including the State of Tamil Nadu. Therefore, making Hindi, as the language for Official Communications, as per the recent orders issued by the Government of India, would cause serious unrest amongst the People living in Non-Hindi Speaking States and it would cause severe hardship to the State Governments. Therefore, this Court may be pleased to grant the relief, as prayed for by the petitioner, in the present Writ Petition.

6. The learned counsel appearing on behalf of the petitioner had relied on the following decisions in support of his contentions:-

(i) Union of India (UOI) and Others Vs. Murasoli Maran,

(ii) Mannalal Khetan and Others Vs. Kedar Nath Khetan and Others, .

(iii) Madhu Limaye Vs. Sub-Divisional Magistrate, Monghyr and Others, .

(iv) Madhu Limaye Vs. Sub-Divisional Magistrate, Monghyr and Others, .

(v) Dr. Vijay Laxmi Sadho Vs. Jagdish, .

(vi) Gouri Shankar Chatterjee and Others Vs. Texmaco Limited and Others, .

(vii) Santosh Kumar and others etc., Vs. The Secretary, Ministry of Human Resources Development and another, .

(viii) Darshan Singh and others Vs. Gurdev Singh, .

7. Mr. G.R. Swaminathan, the learned Additional Solicitor General of India, appearing on behalf of the first respondent, had submitted that the Writ Petition filed by the petitioner is not maintainable, as it relates to a policy decision to be taken by the Union of India. Therefore, in normal circumstances, this Court would not be inclined to issue directions, with regard to matters, wherein policy decisions have to be taken by the Government's concerned. In the present case, the decision to declare the Languages shown in Schedule VIII of the Constitution of India, as National and Official Languages, is a policy decision to be taken by the Union of India, by following the democratic process relating to certain Parliamentary procedures, in accordance with the provisions of the Constitution of India. In such circumstances, it would not be open to the petitioner to seek the relief, as prayed for by him in the present Writ Petition. Therefore, the Writ Petition may be dismissed, as not maintainable. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a

perusal of the records available, and on considering the decisions cited supra, we are of the considered view that the relief prayed for by the petitioner, in the present Writ Petition, relates to a policy decision to be taken by the Union of India. Normally, this Court would not be inclined to interfere with the policy decisions to be taken by the Government's concerned. As such, we are constrained to hold that the Writ Petition, filed by the petitioner, before this Court, under Article 226 of the Constitution of India is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs.