

(2002) 09 AHC CK 0050

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition (P.I.L.) No. 15066 of 2000

U.P. Urdu Development Organisation and Another

APPELLANT

Vs

Government of India and Others

RESPONDENT

Date of Decision : 10-09-2002

Acts Referred:

Uttar Pradesh Official Language Act, 1951 — Section 3, 3(4), 4, 8

Citation : (2002) 5 AWC 3779 : (2003) 1 UPLBEC 40

Hon'ble Judges : S.K. Sen, C.J;R.K. Agrawal, J

Bench : Division Bench

Advocate : M.S. Haque, Ravinder Singh and Party in Person, for the Appellant;
S.N. Srivastava, Subodh Shrivastava and S.C., for the Respondent

Final Decision : Dismissed

Judgement

R.K. Agrawal, J.—This writ petition has been filed by U.P. Urdu Development Organization through its Hony. General Secretary Dr. Parwaj Ulum and Dr. Parwaz Ulum in his individual capacity under Article 226 of the Constitution of India, seeking the following reliefs :

"(i) to issue a writ, order or direction in the nature of writ of mandamus commanding the respondents to provide Money Order Form and other Forms in trilingual i.e., Hindi, Urdu and English simultaneously meant for the use of Public in Uttar Pradesh as per the "ORDER REGARDING THE OFFICIAL LANGUAGE POLICY", Chapter II, Order 2.20(A);

(ii) issue a writ, order or direction in the nature of writ of mandamus commanding the respondents to provide a common facility for public of Uttar Pradesh so that Registered Letters, Speed Post Letters and Parcels addressed in Urdu Language be received by the post offices trough out the Uttar Pradesh in compliance of Central Government Official Language Policy;

(iii) to issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to provide a common facility to entertain

grievances/complaints/representations in Urdu Language in compliance of Article 350 of the Constitution of India, 1950;

(iv) to issue a writ, order or direction in the nature of mandamus commanding the respondents to make at least one appointment of Urdu Educated Person/Urdu Translator in each and every post Offices of Uttar Pradesh so that Central Government Official Language Policy "(THE ORDER REGARDING THE OFFICIAL LANGUAGE POLICY), Chapter 2, Order 2.20(A) and Article 350 of the Constitution of India be fully complied with;

(v) to issue any other writ, order or direction in any of the nature which this Hon"ble Court may deem fit and proper in the circumstances of the case;

(vi) to award the cost of the petition to the petitioners against the respondents."

2. We have Dr. Parwaz Ulum, petitioner No. 2 in person on behalf of petitioner No. 1 also and Shri Subodh Kumar learned Standing Counsel for the respondents.

3. According to the petitioners, there is no adequate facility for Urdu speaking public in the various Post Offices in the State of U.P. to receive letter/complaint/registered letter addressed in Urdu because of non-availability of Urdu educated Employee/Urdu Translator, despite the fact that Urdu has been declared the second official language in the State. The petitioners raised their grievance to different post offices located in Allahabad City, wherein there was general suggestions for providing an adequate facility for public in its Post Offices for entertaining work in Urdu. The petitioners also made similar representation to the various authorities of the State as also of the Central Government but all their efforts did not bear any fruit. According to the petitioners, the Department of Official Language, Ministry of Home Affairs, Government of India has issued Manual regarding the use of official language Hindi. Chapter 2 of the Manual deals with Official Language Policy. Paragraph 2.20(A) deals with the printing of Money Order Forms and others Forms meant for the use of public in regional languages. It provides for printing of forms in Hindi, English and regional language if it is different from Hindu. Thus, according to the petitioners, Urdu being the second official language in the State of U.P., Money Order Forms, Telegram Forms, Accounts Opening Forms, Withdrawal Forms and other postal forms for use of public, should be printed in Hindi. English and Urdu simultaneously. The petitioners also relied upon the Uttar Pradesh Official Language (Amendment) Act, 1989 by which Section 3 of the U.P. Official Language Act, 1951 was amended and new Section 3 was inserted by which Urdu language was declared to be second official language and also the notification dated 7.10.1989 issued by the State Government declaring the purpose for which the Urdu is to be used as second official language. The petitioners also relied upon the Government Order dated 16.3.1989 issued by the State Government by which all the Department of the State Government were directed to do the work in Urdu and also for the purpose notified in the Notification dated 7.10.1989. The reliance is also placed on the provisions of Sub-

section (4) of Section 3 read with Section 8 of the Official Language Act, 1963 for the proposition that the Central Government has been authorized to make rules for carrying out the purpose of the Act and, therefore, Forms ought to have been made in Urdu Language also and accepted in the Government Offices.

4. Shri Subodh Kumar learned Standing Counsel, however, submitted that Urdu has been declared second official language in the State of U.P. for such purposes as may be notified by the State Government and the State Government by notification dated 7.10.1989 had notified only 7 purposes for which Urdu is to be treated as second official language in the State. Thus, he submitted that the Urdu has not been declared full-fledged second official language in the State of U.P. It is also not a regional language and, therefore, there is no obligation upon the respondents to print the forms in Urdu also:

5. After hearing the rival submissions as mentioned above, we find that the Urdu has not been declared the second official language in the State of U.P. for all purposes. Section 3 of the U.P. Official Language Act, 1951 which was inserted by the U.P. Official Language (Amendment) Act, 1989, provided for use of Urdu language as second official language for such purposes as may be notified by the State Government from time to time. By Notification No. 4171/XXI-89-1-1980, dated 7.10.1989, the Governor had notified only the following 7 purposes for which Urdu language shall be used as second official language :

1. entertaining petitions and applications in Urdu and replies thereof in Urdu;
2. receiving documents written in Urdu by the Registration Office;
3. publication of important Government Rules, Regulations and Notifications in Urdu also;
4. issuing Government Orders and circulars of public importance in Urdu also;
5. publication of important Government advertisements in Urdu also;
6. publication of Urdu translation also of the Gazette;
7. exhibition of important sign posts in Urdu.

6. The U.P. Official Language Act, 1951 as amended by the U.P. Official Language (Amendment) Act, 1989 does not make Urdu as second official language for all purposes in the State of U.P. By virtue of Notification dated 7.10.1989 Urdu language is to be used for specified purposes only. From perusal of the aforesaid purposes as mentioned above, notified by the Government of U.P. for which Urdu language is to be used, it is clear that it does not cover forms which are to be used by the postal authorities of the Central Government. Thus, it is not correct to say that Urdu has been declared as second official language in the State of U.P. for all purposes and the respondents ought to print and receive the forms in Urdu language also and further to appoint Urdu known person for such purposes, in their offices. So far as Paragraph 2.20 (A) of Chapter 2 of the Manual regarding the use of official language Hindi brought out by the Department of

Official Language Ministry of Home Affairs, Government of India, is concerned, it only provides for printing of Money Orders Forms and other Forms meant for the use of public in regional languages. Paragraph 2.20 (A) is reproduced below :

"2.20(A) Printing of Money Order forms and other forms meant for the use of Public in regional languages.--(i) Where it is possible without unduly increasing the size of the forms, such forms should be printed in Hindi, English and the regional language if it is different from Hindi. In such matters the question of extra expenditure should not be an important consideration.

(ii) If any section in these forms are required to be filled in within a Central Government office or are required for audit offices, such sections need not be translated into regional languages and should be printed in Hindi/English only.

(iii) Longer forms, for example, the income tax and customs forms, should be printed separately in Hindi-English and the regional language. In these forms also the exception mentioned in (ii) above should apply."

7. From reading of the aforesaid Paragraph, it is clear that where the Regional language is different from Hindi, the forms should be printed in regional language also. The petitioners have failed to establish that the Urdu is regional language of the State of U.P.

8. The petitioners also referred to the provision of Articles 345 and 347 of the Constitution of India and submitted that Urdu should be deemed to be the regional language in the State of U.P. and it has been declared second official language in the State of U.P.

9. The submission is misconceived in as much as Article 345 of the Constitution empowers the legislature of the State to adopt by law any one or more of the languages for use in the State to be used for or any of the official purposes of that State. It is not in dispute that the Urdu language has been declared as the second official language in the State of U.P. for such purpose as may be notified. By the notification referred to above, which specifies only seven purposes for which Urdu language is to be used. Thus, it cannot be said that for all purposes Urdu language has been declared as second official language or is to be treated as regional language in the State of U.P.

10. The reliance placed by the petitioners on the money order form published in regional languages viz., in Gujarat (Gujrati), Maharashtra (Marathi), Andhra Pradesh (Telgu), Tamil Nadu (Tamil), Kerala (Malayalam), West Bengal (Bengali) and Punjab (Gurmukh/Punjabi) is of no assistance to the petitioners as in these States the languages mentioned in the bracket are the regional languages of the respective States whereas in the State of U.P. Urdu has not been declared or treated as a regional language at all.

11. The reference made to Sub-section (4) of Section 3 read with Rule 8 of the Official Languages Act, 1963, is also misplaced. Sub-section (4) of Section 3 of the Official Language Act, 1963 reads as follows :

"(4) Without prejudice to the provisions of Sub-section (1) or Sub-section (2) or Sub-section (3) the Central Government, may, by rules made u/s 8, provide for the language/languages to be used for the official purpose of the Union including the working of any Ministry, Department. Section or Office and in making such rules, due consideration shall be given to the quick and efficient disposal of the official business and the interests of the general public and in particular, the rules so made shall ensure that person serving in connection with the affairs of the Union and having proficiency either in Hindi or in the English language may function effectively and that they are not placed at a disadvantage on the ground that they do not have proficiency in both the language".

12. Section 8 empowers the Central Government to make rules for carrying out purposes of the Act. From the conjoint reading of Sub-section (4) of Section 3 of the Official Languages Act, 1963 and Section 8, it does not follow that the Central Government is under obligation under law to direct the printing and receiving of forms and carry out the work in Urdu in its offices in the State of U.P.

13. In view of the foregoing discussions, we do not find any merit in this petition and it is dismissed.