

(2017) 01 PAT CK 0093

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 14641 of 2015

Urdu Development Organisation

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 09-01-2017

Acts Referred:

Registration of Electors Rules, 1960 — Rule 4

Citation : (2017) 1 BBCJ 186 : (2017) 1 BLJud 234 : (2017) 4 PLJR 634

Hon'ble Judges : Mr. Hemant Gupta, ACJ. and Mr. Dinesh Kumar Singh, J.

Bench : Division Bench

Advocate : Mr. Ashutosh Singh, Advocate, for the Petitioner; Mr. Anujit Sinha, AC to PAAG-2, for the State; Mr. S.D. Sanjay, Sr. Advocate and Smt. Chaya Mishra, C.G.C, for the U.O.I; Mr. Amit Srivastava and Mr. Girish Pandey, Advocates, for the State Election Commission

Final Decision : Disposed Off

Judgement

Mr. Hemant Gupta, ACJ. (Oral) - The petitioner has sought a direction to the respondents to publish voters list in Urdu language which has been adopted as second language in the State of Bihar since 17th of April, 1981.

2. The petitioner relies upon the amendment made in the Bihar Rajbhasha Act, 1980 vide Bihar Rajbhasha (Amendment) Act, 1981 on 17.04.1981, whereby the Urdu language has been adopted as a second language in the fifteen districts of State of Bihar. Relying upon the said provision, the petitioner has sought that the voter list for conduct of elections to the parliament and to the State legislature is required to be published in Urdu language.

3. A perusal of the Rule (4) of the Registration of Electors Rules, 1960 shows that the voter list of each constituency is required to be prepared in such form and in such language or languages as the Election Commission may direct. In pursuance of such rule, the Election Commission of India published a notification on 17.07.1987 contemplating that voter lists of all assembly constituencies in the State of Bihar shall be published in Hindi. Therefore, the notification published on

17.07.1987 is in terms of Rule (4) empowering the Election Commission to specify the languages in which the voter list has to be published. The State Language Act is for the purpose of language of the State. The Elections to the parliament and to the State legislature are carried out by the Election Commission of India in terms of provisions of Representation of People Act, 1950. The Registration of Elector Rules, 1960 has been framed in terms of provisions of the Representation of People Act, 1950. Therefore, the publication of the notification of the Election Commission of India directing the voter list in the State of Bihar to be published in Hindi cannot be said to be illegal, merely because the State Language Act contemplates Urdu as a second language in fifteen districts.

4. The Representation of People Act, 1950 and the State Language Act are operated in different fields. The provisions of the local Act cannot be extended in respect of publication of voter list to be prepared under the provisions of Representation of People Act, 1950 and the rules framed there under.

5. However, this order will not bar the Election Commission of India to consider the publication of the Electoral roll in Urdu language on the representation of the petitioner, if it is satisfied that the publication of the voter list in such language serves the purpose of election.

6. The writ application is, thus, disposed of.