

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.183 OF 2014

Shantaram Shankar Datar.] ... Petitioner

Versus

The State of Maharashtra and Ors.] ... Respondents

Mr. A. A. Garge for Petitioner.
Mr. A. B. Vagyani, GP for State.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.
DATE :- JANUARY 20, 2017

P. C. :-

1. The petitioner is before this Court espousing the cause of general public contending that being the founder President of 'Marathi Bhasha Saurakshan and Vikas Sanstha', he has come across several deficits so far as translation of legal material including central legislations into Marathi language. According to the petitioner, since language of the State being Marathi which also includes High Court, there is need of translation of Central Legislation and other legal documents into Marathi. According to him, the Government of Maharashtra, as per policy decision to encourage use of Marathi in government business and also in legislative working, created

Directorate of Languages way back in 1961 to develop Marathi language as official language for legislative working within a year or two and thereafter the Government of Maharashtra gradually switched over to the official working language of the Government from English to Marathi. It was declared as official language already. According to him, all Civil and Criminal Courts in the State subordinate to High Court are also using their language as Marathi language with effect from 1998.

2. In the above circumstances, the Acts, particularly the Central Government Acts which are used by the Courts, if not available in Marathi in Mumbai, apart from the general public being put to disadvantage, if the stakeholders who are in-charge of the Courts and Tribunals would be in difficulty to understand the Acts and the legislation. Therefore, he is before this Court seeking the following reliefs contending that responsibility / duty of the State is to establish a proper establishment which is in-charge of translation of required documents into Marathi language.

“a. the Respondent No.1 be directed to exercise its statutory duties casted / enshrined on it by the Constitution of the India and the various laws to create full proof machinery to make available and continue to make available the translation of all Central and State Laws (if any) from English to Marathi with their amendments as Authoritative Texts to the public at large.

- b. *pending the hearing and final disposal :*
- (i) *The Respondent No.1 be directed to provide adequate machinery with sufficient office premises, with adequate staff having knowledge in the field including the translators with all the required infrastructure to make available the translation of all Central and also State Laws (if any) from English to Marathi with their Amendments as Authoritative Text to the public at large expeditiously and continuously.*
 - (ii) *The Respondent No.1 be directed to restrain Respondent No.5 and 7 and other private Law-book Publishers to restrain from translating Central Laws and State Laws (if any) at their own from English to Marathi and to publish and circulate the same in public by way of sale or otherwise.*
 - (iii) *The Respondent No.1 be directed to decide the representations made by the Petitioner from time to time and particularly the representation dated 15/5/2014.*
- c. *Ad interim reliefs in terms of prayer clause (d)*
- d. *Liberty to add, and/or amend this Petition.*
- e. *Costs of this Petition may be awarded.*
- f. *For such further and other relief which are necessary to grant.”*

3. The affidavit in reply indicate that the steps are already taken right from 1965 onwards. As on today, we note that 580 State Acts are in Marathi language apart from 349 Central Acts being translated into Marathi, out of which 166 Central Acts are published as an Authoritative Text. The above are on the website. What we notice is that the Directorate of Languages, which is also known as Translation Bureau functioning under Law and Judiciary Department, is to be equipped with better infrastructure since the above number of translations will not suffice the need of the day. As on today, the Directorate of Languages seems to have only two Translators working under them. There is a request for 33 additional Translators for the Directorate of Languages which is kept in the cold storage. With the above infrastructure, it would not be humanly possible for translating the State Acts, leave apart Central Acts. Apart from translation, there has to be authentication of the translation which is most rigorous than translation. If wrong translation is done, the understanding of the enactments would lead to difficulties, inconvenience and totally purposeless. Therefore, it is not just 33 posts which are to be filled up, the posts are to be filled up by knowledgeable persons who are really experts in the field and are authoritative in the work to be done by them. Apparently, in the State of Kerala, a Commission itself is established for such work and the petitioner seeks such move on the part of the respondent - State. One can take a judicial note of the fact that in Mumbai, for that matter in the State of Maharashtra, many persons from neighbouring States are settled and have made Maharashtra as their home. They are settlers for more that 30-40

years. However, Marathi being the State language, even if the settlers are from outside, they adopted Marathi language as their mother-tongue. In that view of the matter, for everyone who requires understanding of such Central Acts or the documents, need of the hour requires acceleration in the mechanism already in existence as indicated in the above reply. We hope that the need of the hour would be understood by the respondent authorities and implement the same as expeditiously as possible after securing information from other States which have already established such Commission.

4. With these observations, the PIL is disposed of.

5. Since there are several amendments and several new legislations brought every year, the need is all the more serious since there had to be continuous functional exercise on behalf of the establishment.

6. Since the petitioner is an activist in the subject matter whose suggestions seems to have been taken note of by the respondent authorities may also seek suggestions and assistance, if required from the petitioner.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)