

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.17296 of 2019 (O&M)
DECIDED ON : 17.12.2019

NISA EDUCATION

...Petitioner

versus

UNION OF INDIA AND ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Somesh Gupta, Advocate
Sr. Panel Counsel for respondent No.1-UOI.

GIRISH AGNIHOTRI, J. (ORAL)

Present writ petition has been filed by petitioner-Nisa Education, New Delhi, inter alia, with a prayer to direct the respondents to consider the representation made by the petitioner association on 10.06.2019 and to further direct the respondents to circulate the draft of National Education Policy, 2019 in vernacular languages as mentioned in schedule VIII of the Constitution of India, so that the larger community of India is able to understand the same.

Notice of motion in this case was issued on 01.07.2019. Short reply dated 15.07.2019 has been filed by respondent No.1, the contents of which are reproduced as under:-

“2. That in this regard it is submitted that under Article 343 of the Constitution of India, Hindi is the official language of Union of India and as per Section 3 of the Official Languages Act, 1963, English has been continued as

language for official purposes of the Union of India and for use in Parliament.

Article 343 of the Constitution of India: Official Language of the Union-

(1) The Official language of the Union shall be Hindi in Devanagari script.

The form of numerals to be used for the official purposes of the Union shall be international form of Indian numerals.

(2) Notwithstanding anything in Clause(1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement.

Provided that the President may, during the said period, by order authorize the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years, of-

(a) the English language, or

(b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

Further, the languages mentioned in Schedule VIII of the Constitution of India are for the purpose of Article 344 Sub Clause-I and 351 of the Constitution of India. Further, under Article 350 every person is entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be, which indicates that the languages used in the Union are Hindi and English.

Hence, Union of India is not under obligation to provide Education Policy, 2019 in the languages mentioned in VIII Schedule of the Constitution of India or in any other vernacular/regional languages.

Reliance is placed upon judgment of Division

Bench of Allahabad High Court in W.P. No.15066/2000(PIL) dated 10.09.2002 titled as U.P. Urdu Development Organization and Others Vs. Government of India & Others.

And also upon Manual regarding the use of official language Hindi brought out by Department of Official Language, Ministry of Home Affairs as well as Official Languages Act, 1963 and Official Language (used for official purposes of the Union) Rules, 1976.

3. *That in view of the foregoing submissions, there appears to be no obligation upon respondent-Union of India, to publish entire draft National Education Policy 2019 in all languages listed in Schedule VIII of the Constitution. However, it has been decided to publish summary of the draft National Education Policy 2019 in all 22 languages of schedule VIII. Summary of the draft National Education Policy 2019 has been published in 12 of these languages and in English and are available on the website of Ministry of Human Resource Development at “<https://mhrd.gov.in/relevant-documents>”. Translation of the summary document is in process for the remaining 10 languages of Schedule VIII viz. “(1) Kashmiri, (2) Konkani, (3) Manipuri, (4) Marathi, (5) Nepali, (6) Punjabi (7) Bodo, (8) Santhali, (9) Maithili and (10) Dogri; which will be soon available on MHRD's website at the abovesaid weblink.”*

It needs to be noticed that the respondents itself has taken a decision to publish summary of the draft National Education Policy 2019 in all 22 languages of Schedule VIII. Summary of the draft National Education Policy 2019 has been published in 12 of these languages and in English and are available on the website of Ministry of Human Resource Development at “<https://mhrd.gov.in/relevant-documents>”. Translation of the summary document is in process for the remaining 10 languages of Schedule VIII, viz. “(1) Kashmiri, (2) Konkani, (3) Manipuri, (4) Marathi, (5) Nepali, (6) Punjabi (7) Bodo, (8) Santhali, (9) Maithili and (10) Dogri; which will be

soon available of MHRD's website at the above said weblink.

In view of the aforesaid, the present writ petition is disposed of with the directions that the respondents may take effective steps to do the needful expeditiously preferably within 6 months.

It is observed that the respondent-Union of India shall strictly adhere to the stand as aforesaid.

Needless to mention that the petitioner if deem appropriate may make any representation to the concerned authority.

No further orders are called for.

(GIRISH AGNIHOTRI)
JUDGE

December 17, 2019
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO