IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 28 of 2019

The Council of Tribal Languages & Literature Societies, Manipur through its President Shri Ragongning Gangmei aged about 60 years, S/o Jangamang Gangmei, a resient of Neikanlong, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

... *Petitioner*

-Versus-

1. The State of Manipur through the Commissioner (Education (S)), Government of Manipur, Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

2. The Director of Education (S), Government of Manipur, Directorate of Education (S), Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

3. The Director of Language Planning and Implementation, Government of Manipur, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

... Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:	Mr. M. Rakesh, Advocate
For the respondents	:	Mr. N. Kumarjit, Advocate General
Date of hearing & order	:	**31.08.2020**

O R D E R

[A.B., J.]

[1] Heard Mr. M. Rakesh, learned counsel appearing for the petitioner and Mr. N. Kumarjit, learned Advocate General appearing for the respondents.

[2] The present PIL has been filed by a registered society which was formed for the purpose of providing a common platform to voice the issues concerning tribal language in order to safeguard and promote the tribal language education and cultures in the State of Manipur.

[3] It is the case of the petitioner that out 35 (thirty five) tribal communities, the Manipur Government has approved 18 (eighteen) tribal languages for introduction into school education system. After the approval of the tribal language for introduction into the education system, the tribal languages were left uncared for without allocating necessary funds.

[4] It is submitted by Mr. M. Rakesh, learned counsel appearing for the petitioner that school textbooks and other basic facilities needed for tribal language are not being provided to them by the respondents and that the respondents have not appointed any teacher for teaching the tribal languages in the State of Manipur.

The petitioner, further, stated that there is no separate Department for the tribal languages/linguistic minorities in the State of Manipur and nothing has been done by the Government for development of tribal language.

[5] It is alleged by the petitioner that considering the need for evolving a State policy to safeguard and promote the tribal languages of the State, the Hill Areas Committee, Manipur Legislative Assembly adopted the draft bill of “Manipur State Policy of Tribal Languages” on 16.11.2010. Thereafter, on

18.11.2020 the draft bill was forwarded to the State Government for taking necessary action. However, it is stated by the petitioner that no positive action was taken by the respondents to introduce the bill.

It is also stated by the petitioner that several representations had been submitted to the authorities of the Government, including past and present Chief Ministers of Manipur; Director (S.P. – N.E.), Planning Commission, Government of India; Hon'ble Home Minister, Government of India; Chairman, the 14th Finance Commission, Government of India; the Hon'ble Minister (Education), Manipur; the Chief Secretary, Government of Manipur; Commissioner (Education), Government of Manipur, etc. requesting, inter alia, to formulate and introduce a "Manipur State Policy of Tribal Language" and to allocate adequate funds for development of tribal language and strengthening all tribal literature societies in Manipur.

However, it is submitted by the petitioner that those representations have not brought any positive results.

[6] It is submitted by the petitioner that the respondents have failed to adhere to their constitutional obligations to provide facilities for instructions in the primary stage of education to the tribal students/linguistic minorities of Manipur as guaranteed under Article 350-A of the Constitution of India and the Right to Free and Compulsory Education Act, 2009.

It is also submitted by the petitioner that the respondents have failed to provide school textbooks to the tribal students/linguistic minorities of Manipur and also failed to appoint qualified language teachers for teaching the tribal languages in clear violation of provisions of the Right to Free and Compulsory Education Act, 2009.

[7] It is, lastly, submitted by the petitioner that the respondents have failed to formulate the State Policy to safeguard and promote the tribal language and as a result, the rights of tribal students/linguistic minorities guaranteed under Article 19(1), 21, 21-A, 29, 30, 46, 350-A of the Constitution of India and the Right to Free and Compulsory Education Act, 2009 have been violated.

In the above premises, the present PIL has been filed seeking the following reliefs :

> *"(i) To admit this writ petition and issue Rule Nisi;*
> *(ii) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the respondents to provide adequate facilities for instructions in mother tongue at the primary stage of education as guaranteed under Article 350A of the Constitution of India and the Right to Free and Compulsory Education Act, 2009;*
> *(iii) To issue writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the respondents to allocate adequate funds for development and printing Primary School textbooks in tribal languages of Manipur and also allocate funds for administrative grant to the respective literature societies concerned to the tune of a minimum sum of Rs. 5 Crores per annum for the 18 approved tribal languages education ;*
> *(iv) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the respondents to formulate and introduce a 'Manipur State Policy of Tribal Language' in order to safeguard and promote the tribal language;*
> *(v) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction, direction thereby, directing the respondents to create a separate department for the tribal language/linguistic minorities thereby, establishing a tribal language academy cum directorate to directly deal with the academic issues and needs of the tribal languages in Manipur;*
> *(vi) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the respondents to construct an office building of tribal language academy cum directorate of tribal language/linguistic minorities at a suitable location preferably at Imphal to accommodate the literature societies of the tribal languages;*
> *(vii) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction thereby, directing the respondents to appoint adequate manpower such as, nodal officers, for tribal languages/linguistic minorities, language officers, translators, language teachers and other staffs for the tribal languages/linguistic minorities in the State of Manipur;*
> *(viii) To issue other / further order / writ / directions, which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case. "*

[8] It is submitted by Mr. N. Kumarjit, learned Advocate General appearing for the respondents that 18 (eighteen) tribal languages/dialects had been recognised by the Government for introducing the dialects as language

subjects in the school education upto Class – VIII on the fulfilment of the following eligibility criteria for recognition of the tribal dialects :

> *"(a) The population of the tribal seeking recognition of its languages/dialects will be not less than 10,000 (ten thousand).*
>
> *(b) Availability of adequate supplementary reading materials such as newspapers, pamphlets and weekly magazines etc.*
>
> *(c) Availability of textbook writers in the language/dialect."*

[9] It is also submitted on behalf of the respondents that Board of Secondary Education Manipur (BOSEM) and Council of Higher Secondary Education Manipur (COHSEM) have introduced several tribal languages from amongst the 18 (eighteen) tribal dialects/languages recognised by the Government as MIL subjects for Class IX – X and XI – XII with certain criteria / terms and conditions.

It is submitted on behalf of the respondents that recognition of a tribal dialect/language by the Government under certain criteria is a provision to introduce the tribal dialect/language as a language subject in the schools from Class – I to VIII. The respondents stated that there is no financial liability on the part of the Education (S) Department to prepare curriculum/syllabus and production of textbooks concerned and that there is no statutory provision framed in that regard.

It is also stated that the Director of Language Planning and Implementation, Government of Manipur had been carrying out the following works to frame and safeguard the tribal language in Manipur :

> *"(a) For the 18 Major Tribal Languages :*
>
> *(i) Distribution of Annual Financial Assistance to 18 Recognised Tribal Languages (Rs. 6,00,000/-).*
>
> *(ii) Preparation and production of comprehensive Grammars, Teaching and Learning materials for various purposes (non-textbooks).*

(b) For Safeguard of Minority / Unrecognised Tribal Languages :

(i) Distribution and conservation work for the Minority/Unrecognised Tribal Languages."

[10] It is submitted by the respondents that the Directorate of Language Planning and Implementation, Government of Manipur has no responsibility to provide school textbooks to the students and that, the financial assistance provided to the recognised 18 (eighteen) Tribal languages by the Directorate of Language Planning and Implementation, Government of Manipur is not a onetime basis, but, it goes on yearly basis.

It is, further, submitted that the petitioner might have received other financial assistance from the Department of Tribal Research Institute, Manipur under the Department of Tribal Affairs and Hills, Government of Manipur.

[11] It has been submitted by the respondents that the Department of Education (S), Government of Manipur had appointed Language Graduate Teacher including tribal language/dialects in the year 2011, 2014, 2016 and 2018 for imparting Tribal Language/Dialects and that, steps for appointment of 42 (forty two) Lecturers on contract basis for imparting Tribal Language/Dialects is also under process.

The respondents further submitted that proposals of the Director, Language Planning and Implementation, Manipur for creation of 28 (twenty eight) posts including 10 (ten) posts of Tribal Language Assistant is under consideration by the Government.

[12] It has been submitted on behalf of the respondents that there are altogether 6 (six) Autonomous District Councils under the Tribal Affairs and Hills, Government of Manipur and the ADC school teachers appointed under the

Tribal Affairs and Hills are usually appointed from their own District having knowledge of local language/dialect of the aid area.

It is also submitted that while recruiting / appointing teachers of hill areas, preference has been given to the teachers to choose the place of posting where their local language/dialects are spoken and that, the Directorate of Language Planning and Implementation, Manipur is also taking some programmes of Revitalisation and Documentation for minority languages in Manipur.

[13] The respondents also submitted that the proposal of the Director of Language Planning and Implementation, Manipur for additional fund for new schemes under Development Expenditure including improvement of Tribal Dialects amounting to Rs. 650.80 lakhs for Budget Estimate, 2019 – 2020 in respect of Directorate of Language Planning and Implementation, Manipur had been forwarded to Finance and Planning Department for allocating the said fund for implementing new scheme under the Development Expenditure. However, the said fund is yet to be allocated.

It has been submitted on behalf of the respondents that the Government is under active process for safeguarding and promoting the tribal languages by way of taking up the needful steps with the Department of Language Planning and Implementation, Manipur. However, due to involvement of long term plan and huge financial involvement, it will take time to redress the grievances of all tribal communities for development of their respective languages in a modern technology.

[14] In view of the submission made on behalf of the respondents, we are of the considered view that the respondents are taking up appropriate steps to redress the grievances of the tribal communities for development of their

respective languages and there is no requirement of keeping this PIL pending. Accordingly, the present PIL is closed.

However, in view of the issues and grievances raised by the petitioner in the present PIL, we are of the view that it will be appropriate to direct the respondents to consider the representations submitted by the petitioner for promoting and introducing the “Manipur State Policy of Tribal Language” to redress the grievances raised by the petitioner in the present PIL.

[15] We also make it clear that it is open to the petitioner to approach this Court again, in the event of failure on the part of the respondents to redress the grievances raised by the petitioner in the present PIL.

PIL stands closed as above.

JUDGE **CHIEF JUSTICE**

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Yumkham Rother

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