

## Official Language Policy: Constitutional Provision.

On 14th September, 1949 Hindi Was accepted as Official Language of the Union by the Constitutional Assembly to include in the Constitution of India which was promulgated on 26 th January, 1950. We celebrate Hindi Day (Hindi Divas) on 14 th September, every year. Provisions regarding Official Language are contained in Article 120 (1), 210(1) and 343 to 351 of the constitution.

**Article 120** :- Business in Parliament shall be transacted in Hindi or in English

**Article 210** :- Business in the Legislature of a State shall be transacted in the Official Language or Languages of the State or in Hindi or in English.

**Article 343(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 the international form of Indian numerals.

**Article 343(2) -** For a period of 15 years from the commencement of this constitution, the English Language shall continue to be used for all official purposes of the Union for which it was being used immediately before such commencement.

**Article 343(3) -** Parliament may by law provide for the use of the English language after 14-15 years for such purposes as may be specified in the law.

**Article 344** - The president shall constitute a commission after five years from the commencement of the constitution and thereafter ten years from such commencement.

The duty of the commission shall be to make recommendations to the president as to:-

- (a) the progressive use of the Hindi Language for the Official purposes of the Union.
- (b) restrictions on the use of English Language for all or any of the Official purposes of the Union.
- (1) the official language for communication between Union and State or between One State and another.

There shall be a constitutional committee consisting of thirty members of whom twenty shall be from Lok Sabha and ten from Rajya Sabha. It shall be the duty of the Parliamentary Committee to examine the recommendations of the commission so constituted.

**Article 345 -** The Legislature of States by law can adopt one or more languages as Official Language or Languages of the State.

**Article 346 -** Official Language for communication between one state & the Union.

**Article 347 -** Provides for special provision relating to language spoken by a Section of the population of a state.

- Article 348** - deals with languages to be used in the Supreme Court and in the High Courts and Acts, bills etc. The authoritative of bills Act, ordinances, orders regulations and bye-laws issued under the constitution shall be in English language.
- Article 349** - No bill to be introduced for amendment of the language unless president gives sanction after considering the recommendation of the commission and the committee constituted for the purpose.
- Article 350** - deals with language to be used in representation for redressal of grievances.
- Article 351** - deals with Directive for development of Hindi language to promote the spread of the Hindi language to develop it so that it may serve as a medium of expression for the composite culture of India to secure its enrichment by assimilating without interfering with its the genius forms, style and expressions used in Hindustani and in the other languages of India.

**(VIII) Eight Schedule Languages**

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|--------------|--------------|---------------|
| 1. Assamese  | 2. Oriya     | 3. Urdu       |
| 4. Kannada   | 5. Kashmiri  | 6. Gujarati   |
| 7. Tamil     | 8. Telugu    | 9. Punjabi    |
| 10. Bengali  | 11. Marathi  | 12. Malayalam |
| 13. Sanskrit | 14. Sindhi   | 15. Hindi     |
| 16. Manipuri | 17. Konkani  | 18. Nepali    |
| 19. Bodo     | 20. Maithili | 21. Dogri     |
| 22. Santhali |              |               |

## THE OFFICIAL LANGUAGE ACT 1963 AMENDED IN 1967.

Section 3 (1) deals with the continuation of English language in addition to Hindi for Official purposes of the union and for use in parliament.

Section 3(2) deal with the provision of Hindi or English language used for the purpose of communication between Ministry or Department or Office of Central Government and any corporation or company owned or controlled by Central Govt. Translation of such communication in Hindi or English shall be provided till such date as the staff concerned, Ministry, Department, Office or Corporation or Company have acquired working knowledge of Hindi.

Section 3(3) deals with the provision of both Hindi & English languages shall be used for Resolutions, General Orders, Rules, Notifications, Administrative or other reports or press communique, Contracts and agreements executed and licenses, permits, notices and forms of tender issued by the offices.

Section 3 states that the Central Government may by notification in the official gazette make rules for carrying cut the purpose of this Act.

**Resolution 1968**-- Intensive & Comprehensive Programme should be prepared and implemented by the government of India for accelerating the spread and development of Hindi in collaboration with the State Government.

## SALIENT FEATURES OF OFFICIAL LANGUAGES RULES 1976

In exercise of the powers conferred by section 8 of the Official Language Act, 1963, the Central Government has made the following rules. With a view to implement the Official Language Policy, regions namely "A B C" have been constituted in the country.

**A region-** Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan and Uttar Pradesh and Delhi & Andaman Nicobar.(Uttranchal, Jharkhand & Chattisgarh.)

**B region-** Gujarat, Maharashtra, Punjab & Union Territory of Chandigarh, Dadar & Nagar Haveli and Daman & Dieu

**C region-** States and Union Territories other than those referred to in A& B regions.

Rule 1 deals with the title and Rule 2 regarding the definitions of words such as Act "Employee", Notified office, Proficiency etc., used in the rules.

3. Communications to states etc., other than Central Government offices. Communications from Central Government Offices to states and Union territories in A&B region be normally in Hindi. For states, Union territories in the region "C" shall be in English (Office includes individual also).

4. Communication between Central Government offices situated in "A" shall be in Hindi and for offices situated in "B" & "C" may be in Hindi and English or in such proportion determined from time to time.
5. Replies to communications received in Hindi - Replies to communications in Hindi shall be in Hindi.
6. Use of both Hindi and English for all documents referred in Section 3(3) of 1963 Act and it shall be responsibility of the persons signing such documents to ensure that such documents are made executed or issued both in Hindi and in English.
7. Applications, Representations- Employee may submit an application, appeal or representation in Hindi or in English.
8. Noting-- An employee may record a note or minute on a file in Hindi or in English without being himself required to furnish a translation there of in the other language.
9. Proficiency in Hindi--Matriculation or any equivalent or higher examination with Hindi as the medium of instruction or Hindi as an elective subject in degree.
10. Working knowledge of Hindi- Metric with Hindi as one of the subject i.e., 1st language or pragra pass or declaring himself having working knowledge in Hindi.
11. All Manuals, codes, other procedural literature Article of Stationary, Forms & Headings of registers, all name plates, sign boards letter heads and other items of Stationery written, printed or inscribed for use shall be in Hindi & English.
12. Responsibility for compliance--
  - (1) to ensure implementation of the provision of the Act.
  - (2) to devise suitable and effective check points.
  - (3) to issue of Directions from time to time.

## **GIST of THE OFFICIAL LANGUAGES ACT, 1963 (AS AMENDED, 1967)**

As per decision taken by the Parliamentary Committee on Official Languages and acceptance by the Parliament, it was clear that the usage of English will continue even after 26 Jan, 1965 as "Associate-Official Language". An act was passed in parliament to implement the bilingual policy, which is called Official Languages Act, 1963.

### **1. Short title and Commencement -**

This Act may be called the Official Languages Act, 1963. This will apply from 26.01.1965.

### **2. Definition -**

"Hindi" means Hindi in Devanagari Script.

**3. Continuation of English Language for official purposes of the Union and for use in Parliament -** the expiration of the period of fifteen years from the commencement of the Constitution, the usage of English language will be continued in addition to Hindi. As per section 3(3), following documents have been invariably issued in Hindi-English Bilingual form.

**(I) RESOLUTIONS, GENERAL ORDERS, RULES, NOTIFICATIONS, ADMINISTRATIVE OR OTHER REPORTS OR PRESS COMMUNIQUE.**

**(II) ADMINISTRATIVE AND OTHER REPORTS AND OFFICIAL PAPERS LAID BEFORE A HOUSE OR THE HOUSES OF PARLIAMENT;**

**(III) CONTRACTS AND AGREEMENTS, LICENCES, PERMITS, NOTICES AND FORMS OF TENDER.**

### **4. Committee on Official Language -**

After the expiration of ten years from the date on which section 3 comes into force, there shall be constituted a Parliamentary Committee on Official language. The Committee shall consist of thirty members, of whom twenty shall be members of the LOK-SABHA and ten shall be members of the RAJYA-SABHA, to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of the single transferable vote.

### **5. Authorised Hindi translation of Central Acts, etc. -**

The authoritative text in the English language of all Bills to be introduced or amendments thereto to be moved in either House of Parliament shall be accompanied by a translation of the same in Hindi authorised in such manner as may be prescribed by rules made under this Act.

### **6. Authorised Hindi translation of State Acts in certain cases -**

The translation in Hindi of any such Act or Ordinance shall be deemed to be the authoritative text thereof in the Hindi language.

### **7. Optional use of Hindi or other Official language in judgements etc. of High Courts -**

Any judgement, decree or order passed or made by the High Court for that State and where any judgement, decree or order is passed or made in any such language (other than the English language), it shall be accompanied by a translation of the same in the English language issued under the authority of the High Court.

### **8. Power to make rules -**

The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Official Languages Rule – 1976 were framed on the basis of this Section by the Parliament.

### **9. Certain provisions not to apply to Jammu and Kashmir -**

The provisions of section 6 and section 7 shall not apply to the State of Jammu and Kashmir.

## Gist of The Official Languages RULES, 1976 (As Amended, 1987)

### 1. Short title, extent and commencement -

These rules may be called the Official Languages (Use for Official Purposes of the Union) Rules, 1976 and they shall extend to the whole of India, except the State of Tamilnadu.

### 2. Definitions – In these rules, unless the context otherwise requires :-

"Region A" means the States of Bihar, Jharkhand, Haryana, Himachal Pradesh, Madhya Pradesh, Chattisgarh, Rajasthan, Uttar Pradesh, Uttaranchal and the Union Territories of Delhi and Andaman and Nicobar Islands.

"Region B" means the States of Gujarat, Maharashtra and Punjab and the Union Territory of Chandigarh.

"Region C" means the States and the Union Territories other than those mentioned in Region-"A" and Region "B" above. Region "C" means non Hindi Speaking States.

### 3. and 4 : Communications to states etc. other than Central Government offices, Communications between Central Government Offices communications.

Please refer Annual Programme.

### 5. Replies to communications received in Hindi – Letters received in Hindi, must be replied into Hindi only by the Central Government Office.

Replies to communications in Hindi shall be in Hindi.

### 6. Use of both Hindi and English – Both Hindi and English shall be used for all documents referred to in sub-Section (3) of section 3 of the Act and it shall be the responsibility of the persons signing such documents to ensure that such documents are made, executed or issued both in Hindi and in English.

### 7. Applications, Representations etc. –

An Employee may submit an application, appeal or representation in Hindi or in English. Where an employee desires any order or notice relating to service matters (including disciplinary proceedings) required to be served on him to be in Hindi, it shall be given to him in that language without undue delay.

### 8. Noting in Central Government offices - An employee may record a note or minute on a file in Hindi or in English without being himself required to furnish a translation thereof in the other language.

(2) No Central Government employee possessing a working knowledge of Hindi may ask for an English translation of any document in Hindi except in the case of documents of legal or technical nature.

(3) If any question arises as to whether a particular document is of a legal or technical nature, it shall be decided by the Head of the Department or office.

(4) The Central Government may, by order specify the notified offices where in Hindi alone shall be used for noting, drafting and for such other official purposes as may be specified in the orders by employees who possess proficiency in Hindi.

### 9. Proficiency in Hindi-

#### An employee shall be deemed to possess proficiency in Hindi if :-

He has passed the Matriculation or any equivalent or higher examination with Hindi as the medium of examination; or he has taken Hindi as an elective subject in the degree examination or any other examination equivalent to or higher than the degree examination.

### 10. Working knowledge of Hindi-

An employee shall be deemed to have acquired a working knowledge in Hindi –

if he has passed – the Matriculation or an equivalent or higher examination with Hindi as one of the subjects whether 2<sup>nd</sup> or 3<sup>rd</sup> language; or the Pragya examination conducted under the Hindi teaching Scheme of the Central Government or when so specified by that Government in respect of any particular category of posts, any lower examination under that Scheme.

### 11. Manuals, Codes, other procedural literature, articles of Stationery, etc. -

All Manuals, codes and other procedural literature relating to Central Government offices shall be printed and published both in Hindi and English in diglot form. The forms and headings of registers used in any Central Government office shall be in Hindi and in English. All name-plates, sign-boards, letter-heads and inscriptions on envelopes and other items of Stationery written, printed or inscribed for use in any Central Government Office, shall be in Hindi and in English or trilingual form as the case may be.

### 12. Responsibility for compliance-

It shall be the responsibility of the administrative head of each Central Government office to ensure implementation of the provision of the Act, devise suitable and effective check points and to issue of Directions from time to time