

Chapter - 7

Compliance of Section 3(3) of the Official Languages Act, 1963

7.1 The Official Language Policy of the Union has been delineated under Article 120 (Part 5), Article 210 (Part 6), Articles 343, 344 and from Article 348 to 357 of the Constitution. In part 17 (Article 343 to 351) of the Constitution, the Official Language of the Union & States have been prescribed. It is notable that while debating on the subject of Hindi as the Official Language, the Constituent Assembly also mentioned that for effecting smooth linguistic change-over some more time was required; and for this purpose permitted the use of English for fifteen years from the date of promulgation of the Constitution.

7.2 The duration of 15 years for change-over was fixed after prolonged discussion so that during the interval arrangements & preparations necessary for linguistic change-over could be made & change-over smoothly effected. The founders of the Constitution were aware of the fact that a complete change-over in all regions was not feasible for atleast 15 years from the implementation of the Constitution i.e. upto the year 1965. However, the Constituent Assembly was also aware that the gradual use of Hindi along with English should be permitted during the period of 15 years, for effecting smooth change-over. Presumably, for this reason, the necessary action & decisions were left to the discretion of the Government. Keeping this objective in mind, the provision of Article 343(2) empowers the President to permit the use of Hindi along with English for any of the Official purposes of the Union during the above period and Article 343 (3) empowers Parliament to extend the period for continued use of English language for such purposes as mentioned by law after the last date or the year 1965.

7.3 Section – 3 of the Official Languages Act, 1963 passed by the Parliament provides for the continued use of English alongwith Hindi even after 1965.

“(3) Notwithstanding anything contained in sub-section (1) both Hindi and the English languages shall be used for –

- (i) Resolutions, general orders, rules, notifications, administrative or other reports or press communiqués issued or made by the Central Government or by a Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company;
- (ii) Administrative and other reports and official papers laid before a House or the Houses of Parliament;
- (iii) Contracts and agreements executed, and licenses, permits, notices and forms of tender issued, by or on behalf of the Central Government or any Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company.”

7.4 The Committee of Parliament on Official Language was constituted as per the provisions of Section 4 (1) of Official Languages Act, 1963. This Committee was entrusted with the duty of reviewing the progressive use of Hindi in Central Government offices. The Committee has since its inception, inspected various offices of Central/State governments spread throughout the country. Alongwith other matters, the Committee, in its Official Language inspections has stressed the need of compliance of section 3(3).

7.5 The inspections carried out by the Committee between 01.01.2002 to 31.03.2005 of various ministries/departments, public sector undertakings/banks, corporations etc. reveal the following picture of compliance of section 3(3) :-

S.No.	<u>Name of Ministry</u>	Compliance of Section 3(3) (%)
1.	Ministry of External Affairs	100
2.	Ministry of Law & Justice	100
3.	Ministry of Petroleum and Natural Gas	100
4.	Ministry of Personnel, Public Grievances and Pensions	100
5.	Ministry of Planning	100
6.	Ministry of Tourism	100
7.	Ministry of Non Conventional Energy Sources	100
8.	Department of Space	100
9.	Ministry of Steel	100
10.	Ministry of Statistics and Programme Implementation	100
11.	Ministry of Small scale Industries, Agro and Rural Industries	100
12.	Ministry of Environment and Forests	100
13.	Ministry of Information and Broadcasting	100
14.	Ministry of Coal and Mines	98
15.	Ministry of Consumer Affairs & Public Distribution	98
16.	Ministry of Health & Family Welfare	97
17.	Ministry of Heavy Industries & Public Enterprises	97
18.	Ministry of Commerce & Industry	97
19.	Ministry of Railways	96
20.	Ministry of Civil Aviation	96
21.	Ministry of Shipping, Road Transport & Highways	95
22.	Ministry of Defence	94
23.	Ministry of Chemicals & Fertilizers	94
24.	Ministry of Home Affairs	93
25.	Ministry of Textiles	93
26.	Ministry of Communications & Information Technology	93
27.	Ministry of Finance	92
28.	Ministry of Youth Affairs and Sports	92
29.	Ministry of Power	91
30.	Ministry of Culture	91
31.	Ministry of Social Justice & Empowerment	90
32.	Ministry of Urban Development & Poverty Alleviation	87
33.	Ministry of Agriculture	87
34.	Comptroller and Auditor General of India	86
35.	Ministry of Rural Development	85
36.	Ministry of Water Resources	85
37.	Ministry of Labour	85
38.	Ministry of Human Resources Development	81
39.	Department of Atomic Energy	81
40.	Ministry of Tribal Affairs	80
41.	Ministry of Science and Technology	77
42.	Department of Ocean Development	73
43.	Ministry of Company Affairs	63

7.6 Since the Committee reviews the progressive use of Hindi, the data (percentage of compliance) of section 3(3) given in the above table also includes the number of documents under section 3(3) issued only in Hindi.

7.7 Although compliance of section 3(3) should be cent percent but the data in the above table shows that section 3(3) is being violated by various Central Government offices. As per rule 6 of the Official Languages rules, the officers signing the documents under article 3(3) should be held responsible for its compliance or violation. But as per the information gathered by the Committee, no disciplinary action has been initiated against any officer in the perspective of the government's policy of promoting Hindi by encouragement. But, the Committee views seriously the statutory violation particularly the use of English at the cost of Hindi.

7.8 The situation in Ministries like Science and Technology (Council for Scientific and Industrial Research) and Company Affairs is very disappointing. Compliance of section 3(3) is even less than 70% in these ministries.

7.9 On the basis of information received through its questionnaires, the Committee concluded that the maximum violation of section 3(3) has taken place in respect of the following category of documents :-

- (i) General Orders (87855)
- (ii) Permits (23595)
- (iii) Contracts (15202)

The detailed item-wise list is given hereunder :-

Sl.No.	Documents	Only in English	Only in Hindi
1.	General Orders	44572	43283
2.	Notifications	962	130
3.	Press Communiqués/Releases	385	2187
4.	Contracts	14062	1140
5.	Agreements	1515	128
6.	Licences *	2241	507
7.	Permits	23428	167
8.	Notice and forms of Tenders	1837	564
9.	Resolutions	08	05
10.	Rules	20	06
11.	Officials paper laid before a House or both the Houses of the Parliament (other than Reports)	51	09
12.	Administrative and other Reports laid before a House or both the Houses of the Parliament	08	01

13.	Administrative or other Reports (other than those laid before a House or both the Houses of the Parliament)	203	1644
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* Apart from the above, Insurance Regulatory and Development Authority, Hyderabad has issued 142344 licenses in English only.

7.10 While most of the offices issuing documents only in Hindi are situated in region “A”, the offices issuing them only in English are from region “C”.

7.11 A comparative analysis of the compliance of section 3(3) in region “A”, “B” and “C” between the periods dated 01.01.1997 to 31.12.2001 (period covered in the seventh part of the Committee report) and the present review period is, as follows :-

Region	01.01.1997 to 31.12.2001	01.01.2002 to 31.03.2005
“A”	86%	Appox. 74%
“B”	67%	Appox. 78%
“C”	60%	Appox. 93%

Thus, there has been progress in the use of Hindi in region “B” and “C”. The use of English has gone down in region “A” as a result of use of Hindi only.

7.12 The officers generally gave the following reasons to the Committee for non-compliance of section 3(3) :-

1. Non-availability of Hindi Newspapers in the concerned region/city.
2. Non-availability of Hindi Officer/employee.
3. Use of only English in agreements and resolutions with foreign countries/organizations.
4. Hindi being the Official Language of some of the states, hence issuing documents under section 3(3) in Hindi only is being viewed as compliance.

7.13 In view of the foregoing, it is quite clear that compliance of section 3(3) is not satisfactory even after 40 years of issuance of the Act. The Committee recommends the following measures to be taken to ensure the compliance of section 3(3) :

1. To ensure the compliance of Section 3 (3) of the Official Languages Act, 1963, the monitoring system should be strengthened and check-points at the level of a Senior Officer should be laid down.
2. The Secretaries of Ministries/Depts. where the compliance of Section 3(3) is below 90%, should personally take up the matter with the Head of the Offices concerned. (List of the offices is attached at Annexure.)
3. The mandatory compliance of Section 3(3) of the Official Languages Act, 1963 must be emphasized during the Hindi workshops organized by the offices. Additionally, there should be a detailed discussion on “General Orders” so as to acquaint the participants with documents covered by this item.

4. The Committee had recommended in the fourth part of its report that in Region “A” all documents, except those being placed before Parliament, should be issued only in Hindi. Keeping in view the present position in region “A”, the Committee reiterates its recommendation that excluding the aforementioned documents, the compulsion of the use of English for all the documents under Section 3(3) of Official Languages Act, 1963 should be dispensed with in Region “A”. The Ministry of Home Affairs should take the initiative and talk to the States where Hindi has not been adopted as the Official Language. These States should be persuaded to grant Hindi the status of the Official Language alongwith their own State’s Official Language.

Annexure**List of Offices violating Section 3(3) (Reference para-5)**

SL.N o.	Name of Ministry	Name of Office	% of compl- iance
1	Deptt.of Atomic Energy	1. Bhaba Atomic Research Centre, Trombay, Mumbai 2. Madras Atomic Power Station, Tamilnadu 3. Directorate of Purchase & Store, Deptt. of Atomic Energy, Mumbai	82 05 64
2.	Ministry of Rural Development	Council of Development of People's Action & Rural Technology (Capart), Delhi	69
3.	Ministry of Tribal Affairs	National Scheduled Tribes Finance & Development Corp., Delhi	80
4.	Ministry of Human Resource Development	1. Kendriya Vidyalaya, CRPF, Mount Abu (Rajasthan) 2. Bhartiya Bhasha Sansthan, Mysore 3. Kendriya Vidyalaya Sanghthan, (HQM), New Delhi 4. Kandriya Vidyalaya Sanghthan, Mumbai 5. Indira Gandhi Nationl Open University, Delhi 6. I.I.T., Delhi	87 13 03 69 18 82
5.	Ministry of Company Affairs	Company Registrar, Pune	25
6.	Ministry of Water Resources	1. Central Ground Water Board, Jammu 2. Central Ground Water Board, Kolkata	27 21
7.	Deptt. of Ocean Development	1. National Instt. of Marine Tech., Chennai 2. National Centre for Antarctic & Ocean Research	35 55
8.	Ministry of Science and Technology	1. National Instt. of Scientific Communication & Information Resources, Delhi 2. Central Fuel Research Instt. Dhanbad 3. Central Road Research Instt. Delhi 4. Central Salt & Marine Chemical Research Instt., Bhavnagar 5. Central Mechanical Engg. Research Instt. Durgapur 6. Indian Instt. of Chemical Tech. Hyderabad 7. Vigyan Prasar, New Delhi	10 15 52 02 57 58 50

9.	Ministry of Agriculture	1. Indian Instt. of Veg. Research, Varanasi 2. National Research Centre on Camel, Bikaner 3. Indian Lakh Research Instt., Ranchi 4. Central Instt. of Research for Cotton Tech., Mumbai 5. Central Temperate Horticulture Instt., Srinagar 6. Sugarcane Breeding Instt., Coimbatore 7. Research Centre of I.C.A.R., Goa 8. Dte. of Wheat Development, Ghaziabad 9. National Horticulture Board, Gurgaon 10. National Plant Quarantine Station, Delhi 11. Central Agmark Laboratory, Nagpur 12. Regional Bio-fertilizer Development Centre, Manipur	34 10 65 89 33 07 12 05 73 67 05 08
10.	Ministry of Labour	1. Employees State Insurance Corporation, Basaidarapur, Delhi 2. Welfare Asstt. Commissioner, Goa 3. O/o the Chief Labour Commissioner (Central), Delhi	52 20 83
11.	Comptroller and Auditor General of India	Office of the Accountant General (Audit)-I, Bihar and Jharkhand, Patna	01
12.	Ministry of Urban Development and Poverty Alleviation	1. CPWD, Central Division-II, Dehradun 2. Mussoorie Central Sub Division-I, CPWD, Mussoorie 3. O/o the Executive Engineer, Madurai Central Division-II, CPWD, Madurai 4. Directorate of Horticulture (South) DDA, Vikas Minar, New Delhi 5. CPWD, Andaman Central Division, Port Blair 6. Chief Engg.(NEZ)CPWD, Shillong 7. N.B.C.C.Ltd., New Delhi	55 7 67 62 60 61 85