

Bill No. 75 of 2019

THE SUPREME COURT AND THE HIGH COURTS (USE OF OFFICIAL
LANGUAGES AND OTHER PROVISIONS) BILL, 2019

By

SHRI AJAY MISRA 'TANI', M.P.

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*to provide for the use of official language in the proceedings of the Supreme Court and
the High Courts and certain other provisions and for matters connected therewith.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court and the High Courts (Use of Official Languages and Other Provisions) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by a notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appointed day" means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) "appropriate Government" means—

(i) in relation to the Supreme Court and High Court of NCT of Delhi, the Central Government; and

(ii) in relation to the High Court of a State, the Government of that State;

(c) "document" means document as defined in section 3 of the Indian Evidence Act, 1872; 5
1 of 1872

(d) "High Court" means any Court as defined in clause (14) of article 366, or established under article 231 of the Constitution and includes its benches;

(e) "official language" means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State in which the High Court for that State is located; 10

(f) "party" includes any person authorized by the party to the matter or an advocate for the party;

(g) "proceedings" includes pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the Supreme Court or a High Court, as the case may be; and 15

(h) "Supreme Court" means the Supreme Court of India.

Right of the Party to prefer official language during the course of proceedings.

3. (1) From the appointed day, any party to the proceedings before the Supreme Court and a High Court shall have the right to prefer the official language in conduct of such proceedings in the Supreme Court or a High Court, as the case may be. 20

(2) The party to the proceedings shall make an application to the Supreme Court or a High Court for the conduct of the proceedings in the official language in such manner as may be laid down by the Supreme Court or a High Court, as the case may be, under section 4. 25

Conduct of proceedings in the Supreme Court and a High Court.

4. (1) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the Supreme Court or a High Court, as the case may be, shall conduct proceedings before it in the official language.

(2) The Supreme Court or a High Court, as the case may be, may lay down by rules the procedure for conduct of proceedings in the official language: 30

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

Measures by appropriate Government.

5. The appropriate Government shall,—

(a) bear the fees of advocates, as may be determined by it, from time to time, for such parties to the proceedings who are below poverty line; 35

(b) fix the maximum fees to be charged by senior advocates in the Supreme Court and the High Court;

(c) bear the expenses of translation of proceedings from other languages in English language; and

(d) ensure availability of requisite infrastructure in the Supreme Court and the concerned High Court within its jurisdiction for conduct of proceedings in the official language in the Supreme Court or a High Court, as the case may be, from the appointed day. 40

Explanation.—For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages. 45

STATEMENT OF OBJECTS AND REASONS

For effective working of democracy, different types of responsibilities have been assigned to Legislature, Executive and Judiciary. The responsibility of protection of honour, property and constitutional rights and their periodic review lies with the Judiciary. But common people face a lot of difficulties for obtaining justice from the Supreme Court and the High Courts due to hindrances *viz.* language, translation fees of language and ineffective performance of prosecution.

For easy delivery of justice to common people and for removing difficulties of financial expenses and other such issues, concerned parties should be given right to submit affidavit, debates and writs in Hindi or in other local languages. Also the expenses of translation from English language into other language in the Courts must be incurred by the Courts and the Government. Maximum limit of the fees charged by senior advocates must be fixed. Entire expenses regarding the proceedings and fees of advocates appearing in the cases and appeals in High Court and the Supreme Court on behalf of people living below poverty line should be incurred by the Government.

Hence this Bill.

NEW DELHI;

AJAY MISRA 'TANI'

June 10, 2019.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall take such measures as may be necessary including bearing of the fees of advocates for any party to the proceedings who are below poverty line, as may be determined by it and ensuring availability of requisite infrastructure to the Supreme Court or a High Court within its jurisdiction for conduct of proceedings in the official language in the Supreme Court or a High Court, as the case may be, from the appointed day. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

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(Shri Ajay Misra 'Teni', M.P.)