

**Bill No. XLVI of 2016**

THE HIGH COURTS (USE OF OFFICIAL LANGUAGES) BILL, 2016

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*to provide for the use of official language in the proceedings of High Courts and for matters connected therewith and incidental thereto.*

BE it enacted by the Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the High Courts (Use of Official Languages) Act, 2016.  
(2) It shall extend to the whole of India except the State of Jammu and Kashmir.  
5 (3) It shall come into force on such date as the Central Government may, by notification in the official Gazettee appoint.
2. In this Act, unless the context is otherwise requires,—
- (a) “appointed day” means the date as may be notified by the appropriate Government for the purposes of this Act;  
10 (b) “appropriate Government” means,—

Short title,  
extent and  
commence-  
ment.

Definitions.

(i) in relation to the High Court for a State, the respective State Government;  
and

(ii) in relation to other High Courts the Central Government;

(c) “documents” means documents 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;

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

(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 High Court.

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Right of the party to prefer official language in conduct of proceedings.

3. (1) From the appointed day any party to the proceedings before a High Court shall have the right to prefer the official language in conduct of such proceedings in that High Court.

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

Conduct of proceedings in High Court.

4. (1) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the High Court shall conduct proceedings before it in the official language.

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(2) The High Court may lay down by rules the procedure for conduct of proceedings in the official language:

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

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Measures by appropriate Government.

5. The appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court from the appointed day.

*Explanation.* — For the purpose of this section, requisite infrastrucutre 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.

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#### STATEMENT OF OBJECTS AND REASONS

Article 348 of the Constitution of India envisages law by Parliament that may prescribe a language other than English for the proceedings of the High Courts. The right to fair hearing cannot be done until the litigant understands the language of the hearing. There is a legal maxim that justice should not only be done but the same should also appear to have been done.

Hence, this Bill.

BHUPENDER YADAV

## FINANCIAL MEMORANDUM

Clause 5 provides that the appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure to the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court 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 to be involved.

RAJYA SABHA

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*(Shri Bhupender Yadav, M.P.)*