

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHAHDIGARH.

CWP No. 9462 of 2016

H.C. Arora, Advocate and Another.

.....Petitioner

Versus

State of Punjab and Others

...Respondent

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Chandigarh  
Dated: 28.3.2018

(Deepali Puri)  
Advocate  
Counsel for the Respondent No.4

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
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Reply on the behalf of respondent no. 4.

**PRELIMINARY SUBMISSION:-**

1. That it is most humbly submitted before this Hon'ble Court that vide instructions dated 9.5.1961 the introduction of Regional Languages at and below the District level were laid down as some of the District and Sessions Judges had expressed certain difficulties in implementing the decision dated 2.12.1960. Copy of the letter dated 9.5.1961 is appended herewith as **Annexure R-1**. As per the said letter the Govt. was also requested to make arrangement for coaching the officials in Hindi and Punjabi Short hand and to allot funds.

2. That earlier vide letter No. 13/19/04-5J(1)/4040 dated 21.12.2010 appended herewith as **Annexure R-2**, Punjab Government had requested this Court to intimate the number of posts of Judgment Writers, Stenographers and Translators, which would be required to be created for Judicial Officers in the State of Punjab, for implementation of Punjabi language in Subordinate Courts. Besides, financial implications involved in the matter were also sought for and the requisite information in this regard was sent to State Government vide this Court's letter No. 5497 E.II/VII.B.4 (Pb.) dated 08.02.2012. Copy of the letter dated 8.2.2012 is appended herewith as **Annexure R-3**.
  
3. That In response thereto, State Government vide letter no. 14/119/08-5J(1)/1564 dated 09.07.2012 (**Annexure R-4**) has intimated that the required staff is already available in the Subordinate Courts and Tribunals and as such, the matter cannot be sorted out by giving training to the staff working in Subordinate Courts as regards Court work in Punjabi language. Vide this Court's letter No. 27087.E.II/VII.B.4 (Pb.) dated 03.08.2012. Copy of letter dated 3.8.2012 is appended herewith as **Annexure R-5**. The Government's attention was invited towards this court's letter no. 29827 Genl..X.Z.2 dated 11.09.2009 with the request to take further necessary action in the light thereof. Copy of letter dated 11.9.2009 is appended herewith as **Annexure R-6**.

4. Thereafter, vide letter No. 14/119/2008-2J(1)/1289 dated 22.06.2015 Annexure R-7, Government of Punjab, Department of Home Affairs and Justice (Judicial-1 Branch) had informed this Court that the matter is under consideration with the Government of Punjab and whatsoever action is taken, the same will be intimated to this Court. But till date, no reply has been received from the quarter concerned, despite of issuing subsequent reminders.

#### PARA-WISE REPLY

1. That the contents of para no. 1 needs no reply, however, petitioner be to put strict proof regarding the same.
2. That the contents of para no. 2 is related to the petitioner and self-stated and not related to the answering-respondent, so needs no reply.
3. That the contents of para no. 3 is matter of record so needs no reply regarding the aforesaid paras.
4. That the contents of para no. 4 is matter of record so needs no reply.
5. That the contents of para no. 5 is matter of record so needs no reply.
6. That the contents of para no. 6 is matter of record so needs no reply.
7. That the contents of para no. 7 is matter of record so needs no reply.

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8. That the contents of para no. 8 is matter of record so needs no reply.
  9. That the contents of para no. 9 is matter of record so needs no reply.
  10. That the contents of para 10 is admitted to the extent that the provision contained in Section 3-A (1) were to be automatically enforced on expiry of 6 months from the date of issuance of the aforesaid notification and reply of the remaining para, is that letter dated 05.02.1991, issued by this Court, is still in force, as till date, no infrastructure, as asked from by this Court vide letter dated 11.09.2009, has been provided by the State Government of Punjab. However, vide this Court's letter No. 65 Spl. Genl./X.Z.2., dated 19.02.1994, all the District and Sessions Judges in the State of Punjab were informed that arguments be also allowed to be made in Punjabi if the Presiding Officer Knows the said language.

The Under Secretary, Home (H), Government of Punjab, Department of Home Affairs and Justice (Judicial-1 Branch), vide letter dated 22.06.2015 had informed this Court that the matter is under consideration with the Government and whatsoever action is taken, the same will be intimated to this Court. But till date, the same is pending consideration with the State Government of Punjab, inspite of issuance of reminders/letters dated 18.09.2015 and 16.05.2016 by this Court.

- 11. That the contents of para no.11 is replied as "Since till dated, no infrastructure, as asked for by this Court, has been provided by the State Government of Punjab, hence, 2008 amendment to Punjab Official Language Act, cannot be implemented".
- 12. That the contents of para no.12 is matter of record and related to the other state. As such needs no reply..
- 13. That the contents of para no. 13 is replied as there is no infrastructure as asked by this Hon'ble Court has been provided by the State Govt. till date so implementation of the Punjabi Language as an Official Language of the court cannot be physical and there is a big infrastructure is required to implementation of the Punjabi Language as a Official Language of the court as per the letter dated 08.02.2012, the answering-respondent requested to the State Government to create the following posts:-

For Punjab Superior Judicial Service

Judgment Writer Gr. I	127
Stenographer Gr.II	127
Translator	127

For Punjab Civil Service (Judicial Branch)

Judgment Writer Gr. I	366
Stenographer Gr.II	366
Translator	366

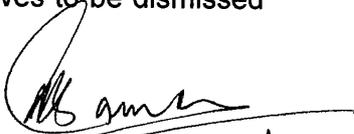
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So it is relevant to mention here that State Government is also involved in the present matter. As such, in the absence of infrastructure, which are to be provided by State Government, the answering respondent No.4 is unable to comply with the notification at Annexure P-1. However, it is incorrect to state that Litigants do not understand the English language. When the same Litigant approaches High Court & Supreme Court, where the official language is English, for redressal of his grievance, then he shall have problem with the same as the documents will have to be translated in English language.

14. That the contents of para 14 is related to question of law so needs no comments.
15. That the contents of para no. 15 to 18 needs no comments.

It is, therefore, respectfully prayer that the present CWP No. 9462 of 2016 may kindly be dismissed being the preliminary stage keeping in view of above mentioned facts, circumstances and rule positions on the subject. Hence the same deserves to be dismissed in the interest of natural justice.

Chandigarh  
20.03.2018

  
(Barinder Singh Ramaña),  
OSD(Vigilance), Punjab,  
Punjab and Haryana High Court.

Through

Deepali Puri  
Advocate

Counsel for Respondent No. 4

Verification:-

7

Verified that contents of paras 1 to 4 of the preliminary submission and paras 1 to 15 of the written statement on merits and Annexures attached thereto are true & correct as per my knowledge and as per information derived from official records and contents of the paras 1 to 4 of the preliminary objections are based on legal advice of the counsel. No part thereof is false and nothing material has been concealed therein.

Chandigarh  
28.02.2018



(Barinder Singh Ramana),  
OSD(Vigilance), Punjab,  
Punjab and Haryana High Court.

OSD  
Punjab and Haryana High Court  
Chandigarh

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHAHDIGARH.

CWP(PIL) No. 9462 of 2017

H.C. Arora, Advocate and Another.

.....Petitioners

Versus

State of Punjab and Others

...Respondents

Affidavit of Sh. Barinder Singh Ramana,  
OSD(Vigilance), Punjab, Punjab and  
Haryana High Court, Chandigarh.

I do hereby solemnly affirm & declare as under:-

1. That I am authorized and competent to file this affidavit before this Hon'ble Court.
2. That the documents attached with the reply by respondent no.4 is true typed copies/photocopies of the originals.
3. That the contents of paras 1 to 4 of the preliminary submission and paras 1 to 15 of the written statement on merits and Annexures attached thereto are true & correct as per my knowledge and as per information derived from official records and contents of the paras 1 to 4 of the preliminary objections are based on legal advice of the counsel. No part thereof is false and nothing material has been concealed therein.

I, the undersigned, being a duly qualified and practicing Advocate in the High Court for the States of Punjab and Haryana, Chandigarh, do hereby certify that the contents of the above affidavit are true and correct to my knowledge and belief and nothing has been kept concealed therein. No part of it is false.

Chandigarh  
8.02.2018

Verification:-

Verified that the contents of paras no.1 to 3 of the above said affidavit are true and correct to my knowledge and belief and nothing has been kept concealed therein. No part of it is false.

Chandigarh  
29.02.2018

(Barinder Singh Ramana),  
OSD(Vigilance),Punjab,  
Punjab and Haryana High Court.

(Barinder Singh Ramana),  
OSD(Vigilance),Punjab,  
Punjab and Haryana High Court.



ATTESTED AS IDENTIFIED

SHADIKHA TRIKHA  
NOTARY Chandigarh

28/3/18

**Annexure R-1**

No. 7419-Genl/XI.Z.2 dated 09.05.1961

From

Shri. P.P.R. Sawhny, B.A.(Hons) Canteb Bar-at-Law,  
Registrar, Punjab & Haryana High Court,  
Chandigarh.

To

All District and Sessions Judges in the Punjab.

Subject:- Introduction of regional languages at the below the  
District Level for official use.

Sir,

I am directed by the Hon'ble the Chief Justice and Judges to invite a reference to this Court's letter No. 75779-Genl./X.Z.2 dated the 2<sup>nd</sup> December, 1960 on the subject noted above.

2. Some of the District and Sessions Judges have expressed certain difficulties in implementing decision already taken by this Court in regard to the switch over to the regional languages from the beginning of the next year. The Hon'ble Judges have carefully considered the matter. It appears that most of the difficulties are imaginary and their Lordships have little doubt that in actual practice no difficulty will arise so long as the will to change is present. It should not take either much time or much effort to acquire necessary proficiency in the regional languages as the Presiding Officers and the Court officials have already been given sufficient notice in this respect. After taking into consideration various other points raised in this behalf their Lordships have further decided as follows:-

(1) Judgments should continue to be written in English at the option of the Presiding Officers. Other work, including the recording of evidence, should normally be in the regional language the only exception being in those cases where the first appeal lies to this Court and in such cases a double record be prepared. The Stenographers should learn Hindi and Punjabi shorthand and typewriting as quickly as practicable, and Presiding Officers should normally dictate evidence to the Stenographer or the typist. In case of a single record the dictation be in the regional language. In case of double record evidence in English can be dictated to the

Stenographer or the typist and the regional language record can be prepared by the Reader.

(2) As regard translation of documents, Zimnis and similar material, in the regional language, into English as is the practice in certain cases, it is unnecessary to have any translation into English, as this practice will only retard the pace of the switch over. The only exception to this may be, when and if a Judge specifically orders, a translation to be prepared.

(3) It has been suggested to this Court that officials may be granted leave in order to learn the regional languages. There is no objection to this provided the leave asked for is due to the official(s) and can be spared.

(4) Some of the objections raised are based on the mistaken notion that Hindi and Punjabi are entirely different languages and statements made by the witnesses coming from one region may not be understood in the other region by the Presiding Officer or the officials. A witness speaking Punjabi is as readily understood in the Hindi region as a Hindi-speaking witness in the Punjabi region. Both scripts, Punjabi(Gurmukhi) and Hindi(Devnagri) must be learnt.

3. With a view to ensure that the switch over is given effect from the 2<sup>nd</sup> January 1962, Government is being requested to make arrangements for coaching the officials in Hindi and Punjabi shorthand and to allot funds for the early purchase of typewriters.

4. I am to request that the aforesaid decisions be given wide publicity so that no one should remain in doubt regarding the implementation of the decision for a complete switch over from the 2<sup>nd</sup> January, 1961.

The receipt of this letter may be acknowledged.

Yours faithfully,

Sd/-  
P.P.R. Sawhny,  
Registrar.

True typed Copy

Advocate

1A

**Annexure R-2**  
No. 13/19/04-5Judl(1)/4040,  
Government of Punjab,  
Department of Home Affairs and Justice,  
(Judicial – 1)

From

The Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

Dated:- 21.12.2010. Chandigarh.

Subject: - Regarding implementation of Punjab in Courts.

Sir,

I am directed to refer to your letter No. 14/119/2008-2Judl(1)/4284, dated 05.12.2008 on the subject cited above and to invite you attention to provide the strength of Judgment-Writer, Stenographer and Translator required for Judicial Officers in Subordinates Court of Punjab and also intimate the financial implementations required for the same.

In this regard, it is requested to provide suggestions regarding the above said requirements.

Yours faithfully,

Sd/-  
Superintendent

True typed Copy

Advocate

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**Annexure R-3**

No. 5497 E.II/VII.B.4 (Pb.) dated 08.02.2012

From

Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

To

The Secretary to Govt. of Punjab,  
Department of Home Affairs & Justice,  
Judicial-I Branch,  
Chandigarh.

Subject:- Implementation of Punjabi Language in Subordinate  
Courts.

Sir,

I am directed to refer to your letter No. 13/19/04-05  
Judl.(1)/4040 dated 21.12.2010 on the subject noted above and to  
request you to create following posts:-

For Punjab Superior Judicial Service

Judgment Writer Gr. I	127
Stenographer Gr.II	127
Translator	127

For Punjab Civil Service (Judicial Branch)

Judgment Writer Gr. I	366
Stenographer Gr.II	366
Translator	366

It is also inform you that total financial implication for the  
above said posts comes to Rs. 24, 16, 76,000/- P.M. approximately.

Yours faithfully,

Sd/-  
Assistant Registrar E-II,  
for Registrar General.

True typed Copy

Advocate

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**Annexure R-4**

No.14/119/08-5Judl(1)/1564,  
Government of Punjab,  
Department of Home Affairs and Justice,  
(Judicial – 1)

To

The Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

Dated:- 09.07.2012. Chandigarh.

Subject: - Regarding implementation of Punjab Official Language  
(Amendment) Act, 2008.

Sir,

I am directed to refer to your letter No. 5497.E-II/VII.B(Pb.), dated 08.02.2012 on the subject cited above and to inform you the following provisions is available in Section 3A(1) sub-para – 2 under Punjab Official Language(Amendment) Act, 2008.

“The concerned Administrative Department of the State Government shall make arrangements to provide necessary information and training to the concerned staff, in order to ensure the use of Punjabi in all courts and tribunals referred to in sub section (I) with in a period of six months from the date of commencement of the Punjab Official Language (Amendment) Act, 2008.”

In view of the above, to ensure the implementation of Punjabi Language in Tribunals, training to concerned staff will be provided within six months from the date of commencement of the Punjab Official Language(Amendment) Act, 2008. The required staff is already available in the Subordinate Courts and Tribunals and as such, the matter cannot be sorted out by giving training to the staff working in Subordinate Courts as regards Court work in Punjabi language.

Yours faithfully,

Sd/-  
Under Secretary, Home

True typed Copy

Advocate

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**Annexure R-5**

No. 27087 E.II/VII.B.4 (Pb.)

From

Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

To

The Secretary to Govt. of Punjab,  
Department of Home Affairs & Justice,  
Judicial-I Branch,  
Chandigarh.

Chandigarh, dated the 03/08/2012

Subject:- Implementation of Punjabi Language in Subordinate  
Courts.

Sir,

I am directed to refer to your letter No. 14/119/08-5Judl.(1)/1564 dated 09.07.2012 on the subject noted above and to invite your attention towards this Court's letter No. 29827 Genl./X.Z.2 dated 11.09.2009 with the request to take further necessary action in the light thereof, under intimation to this office.

Yours faithfully,

Sd/-  
Assistant Registrar E-II,  
for Registrar General.

True typed Copy

Advocate

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**Annexure R-6**

No. 29827 Genl./X.Z.2 dated 11.09.2009

From

The Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

To

The Principal Secretary, Home to the Government of  
Punjab, Department of Home Affairs & Justice (Judicial-  
I Branch), Civil Secretariat, Punjab, Chandigarh.

Subject: - Regarding implementation of Punjab Official Language  
(Amendment) Act, 2008.

Sir,

I am directed to refer to your letter No. 14/119/2008-  
5Judl(1)/3699, dated 08.11.2010 on the subject cited above and to  
say that the aforesaid matter has been considered by this Court in  
depth and Hon'ble the Chief Justice and Judges have been pleased  
to order that the Punjab Official Language (Amendment) Act, 2008  
cannot be given effect in the Subordinate Courts in the State of  
Punjab, unless at least one Judgment-Writer, one Stenographer and  
one Translator in Gurumukhi language are provided to each Judicial  
Officer, in addition to the Ministerial Staff, who too should be well  
conversant in Gurumukhi language.

I am, therefore, to request you to take appropriate  
action in the matter accordingly, under intimation to this court.

Yours faithfully,

Sd/-  
Registrar (Admn.)  
For Registrar General.

No. 29828 Genl.X.Z.2, Dated 11.09.2009.

Copy forward to the Legal Remembrancer and Secretary to the  
Government of Punjab, Department of Legal and Legislative Affairs,  
Punjab, Chandigarh with reference to her letter no. 28, dated  
06.01.2009 for information and necessary action.

Sd/-  
Registrar (Admn.)  
for Registrar General.

True typed Copy

Advocate

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**Annexure R-7**

No. 14/119/2008-2Judl(1)/1289,  
Government of Punjab,  
Department of Home Affairs and Justice,  
(Judicial – 1)

To

The Registrar General,  
Punjab & Haryana High Court,  
Chandigarh.

Dated:- 22.06.2015. Chandigarh.

Subject: - Regarding implementation of Punjab Official  
Language(Amendment) Act, 2008.

Sir,

I am directed to refer to your letter No. 40671E.II/VII.B.4(Pb.) dated 05.12.2008 on the subject cited above and to inform that the matter is under consideration with the Government of Punjab and whatsoever action is taken, the same will be intimated.

Yours faithfully,

Sd/-  
Under Secretary, Home

True typed Copy

Advocate