

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 2896 of 2009

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SURESHBHAI B KACHHADIA - Petitioner(s)

Versus

UNION OF INDIA & 2 - Respondent(s)

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Appearance :

MR HARSHADRAY A DAVE for Petitioner(s) : 1, MR HARDIK A DAVE for Petitioner(s) : 1,

MR RM CHHAYA for Respondent(s) : 1,

MR NJ SHAH AGP for Respondent(s) : 2,

NOTICE NOT RECD BACK for Respondent(s) : 3,

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CORAM : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA

and

HONOURABLE MR.JUSTICE ANANT S. DAVE

Date : 13/01/2010
ORAL ORDER

(Per : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA)

This public interest litigation has been preferred by the petitioner for directing the respondents to ensure that the manufacturers of goods are obliged to show or write or publish all the details of goods namely price of goods, ingredients of goods, date of manufacture, manufacturing and marketing unit etc. in Hindi.

Learned counsel appearing on behalf of the petitioner submitted that the consumers are entitled to know what they are consuming as a right is available to them under Article 21 of the Constitution of India. The Legislature has made provisions in the Statute making the consumers aware about ingredients they are consuming and what is provided to them. The language, as per dictionary meaning, means mode of communication which generally is used in nation or in a group of people

and if the things are conveyed or communicated in that particular people or citizens or group of people, they will understand it correctly in its correct sense and spirit. It was contended that Hindi being the national language and has been communicated and understood by a large number of persons in the country, direction should be given to publish all details of goods in Hindi. Learned counsel for the petitioner relied on the deliberation which was made in the discussion of the Constituent Assembly wherein deliberating on the issue of language formula, it was suggested by the Sub-Committee to use Hindustani written either in the Devanagari or the Persian script, as the national language and for its inclusion in the Fundamental Rights.

Learned counsel appearing on behalf of Union of India by referring to the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 submitted that under Rule 9(4) it has been prescribed that the particulars of declaration required to be specified under this rule on a package shall be either in Hindi in Devanagari script or in English. Similarly, Rule 33(3A) also prescribes that the particulars of declaration required to be specified under the said rule on a package either in Hindi in Devanagari script or in English.

We have heard the learned counsel for the parties and notice their rival contentions. It is true that the Constituent Assembly while discussing the Language Formula noticed the recommendation of the Sub-Committee on Fundamental Rights, which recommended the following formula :-

Hindustani, written either in Devanagari or the Persian script at the option of the citizen, shall, as the national language, be the first official language of the Union. English shall be the second official language for such period as the Union may by law determine. All official records of the Union shall be kept in Hindustani in both the scripts and also in English until the Union by law otherwise provides.

However, after such deliberation when the Constitution of India was accepted under Chapter IV 'Special Directives', Article 351 was enacted as follows :-

351. Directive for development of Hindi language. - It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

Part XVII of the Constitution deals with Official Language. Under Article 343, official language of the Union has been prescribed, which includes Hindi in Devanagari script and English. This will be

evident from the said provision, which reads as follows :-

343. Official language of the Union.- (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.

(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement.

Provided that the President may, during the said period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years, of -

(a) the English language, or

(b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

Normally, in India, majority of the people have accepted Hindi as a national language and many people speak Hindi and write in Devanagari script but there is nothing on the record to suggest that any provision has been made or order issued declaring Hindi as a national language of the country.

In the present case, as we find that under Rules 9(4) and 33(3A) a specific provision has been made to give the particulars of declaration under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, either in Hindi in Devanagari script or in English, it is for the manufacturers and others who are guided by the Rules of 1977 to decide whether particulars of declaration should be in Hindi in Devanagari script or in English. No mandamus can be issued on any of such manufacturers or others for giving details or particulars of package in Hindi in Devanagari script.

There being no merit, the petition is dismissed but there shall be no order as to costs.

(S.J. MUKHOPADHAYA, C.J.)

(ANANT S DAVE, J.)