

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.4/2025

Date of Order :01.07.2025

Meghalaya Linguistic Minority
Development Forum

Vs.

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Mr. K. Paul, Sr.Adv with
Mr. S. Chanda, Adv

For the Respondents

: Mr. K. Khan, AAG with
Mr. A.H. Kharwanlang, Add.Sr.GA
Mr. A.H. Hazarika, GA
Ms. S. Laloo, GA

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

The petitioner is a registered society of individuals belongs to the linguistic minority of this State. The members of the society profess to be interested in the development and welfare of persons of this community and seek reliefs in that direction.

Mr. K. Paul, learned Senior Advocate appearing for the petitioner submits that all the respondents have been served. However, only the State respondent Nos.1 to 5 represented by Mr. Khan, learned Additional Advocate General are represented in Court.

Let a fresh notice be issued by the Advocate-on-Record for the petitioner on the respondent Nos.6 and 7 and a supplementary affidavit of service be filed in this Court.

As long ago as on 1st November, 1956, Article 350B was inserted in the Constitution of India. It is in the following terms:

“350B. Special Officer for linguistic minorities.—(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the State concerned.”

Further to this provision, the Government of India appointed a Commissioner for linguistic minority under the Ministry of Minority Affairs. In his communication dated 29th March, 2016, the Commissioner remarked as follows with regard to the State of Meghalaya (see pages 145 and 146 of this petition):

“LINGUISTIC PROFILE

18.1 The Census-2001 registered the population of Meghalaya as 23, 18,822 persons and its broad linguistic profile is as follows:

Languages	Speakers	Percentage
Khasi	10,91,087	47.05
Garó	7,28,242	31.41
Bengali	1,85,692	8.01
Nepali/Gorkhali	52,155	2.25
Hindi	50,055	2.16
Assamese	36,576	1.58
Rabha	22,395	0.97
Koch	20,834	0.90

RECOMMENDATIONS

- a. The State Government needs to appreciate the present of the linguistic minorities and to ensure translation and publication of Rules, Regulations and Notices etc. in minority languages for the benefit of linguistic minorities, where the speakers constitute 15 per cent or more of the District/Tehsil/Taluka/Municipality population.
- b. The State Government should revisit relevant Rules / Regulations / Guidelines and designate the Authority for the grant of recognition and sanction of grants-in-aid to the linguistic minority educational institutions.
- e. The State Government should ensure that Language Preference Registers’ to record language preference of linguistic minority students are maintained in all the schools to facilitate inter-school adjustments so as to provide instructions in mother tongue/languages in the State.
- g. The State Government needs to institute wide publicity of the Safeguards and facilities available to the linguistic minorities so as to spread awareness among them in the State.
- h. The State Government is advised to set up a State Level Committee under the Chairmanship of the Chief Secretary to monitor the implementation of the Safeguards for the linguistic minorities in the State. Similarly, the District Level Committee under the

Chairmanship of the District Collector may also be instituted to ensure effective implementation of the Safeguards for the linguistic minorities.”

In this report the above table was inserted specifying the languages spoken in the State, the number of speakers of each language and the percentage of the population speaking it. A person belongs to linguistic minority if the language spoken by him is spoken by less than 15 per cent of the population. Among the recommendations made by the Commissioner were that the State government should recognise minorities, provide grant-in-aid to their educational institutions after recognising them, apprise the community members of their right to obtain education, provide for post of teachers to teach the language special to the minority community, and maintain a record of all language courses started. The Government of Meghalaya was directed to take note of the suggestions in the report and take action accordingly.

Mr. Khan, learned AAG appearing for the respondent Nos.1 to 5 pointed out Article 350B and submitted that under this Article, the Special Officer cannot claim to be the absolute authority. After preparing the report, the Special Officer has the duty to route it to the President of India for his approval. Thereafter, the President is to cause the file to be placed before the Houses of Parliament and send it to the State governments. He

submits that this policy decision is of 2016. He is not aware whether the report has been laid before the Houses of Parliament or any further action taken.

Mr. Paul, learned Senior Advocate for the petitioner submits that the Meghalaya government should immediately constitute a Board for linguistic welfare in terms of the said report/recommendations of the Commissioner dated 29th March, 2016.

We have to move step by step in the matter.

At the moment, we direct learned counsel for Union of India and State to take suitable instructions in the matter with regard to the status of the report of the Commissioner dated 29th March, 2016 and report to this Court before the returnable date.

List this public interest litigation on 10th July, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
01.07.2025
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