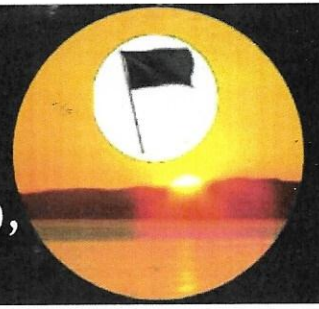


ଭାଷା ଆନ୍ଦୋଳନ, ଓଡ଼ିଶା

ଓଡ଼ିଶା ଗଠିତ ଓଡ଼ିଆ ପାଇଁ, ଇଂରାଜୀ ରାଜୁତି ଚଳିବ ନାହିଁ

ପ୍ରତିଷ୍ଠାତା : ସୁଭାଷ ଚନ୍ଦ୍ର ପଟ୍ଟନାୟକ (ସାମ୍ବାଦିକ), ସଭାପତି : ଡ. ଅଶୋକ ମିଶ୍ର (ବୈଜ୍ଞାନିକ),

ଉପ-ସଭାପତି : ଅଶୋକ ପରିଡ଼ା (ସାମ୍ବାଦିକ), ସମ୍ପାଦକ : ଧ୍ରୁବ ଚରଣ ମହାନ୍ତି (ଅଧିବକ୍ତା)



୧୫, ପ୍ରଭା ଆପାର୍ଟମେଣ୍ଟ, ମଧୁସୂଧନ ନଗର, ଯୁନିଟ୍-୪, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୧

<http://bhashaandolan.com>

ପତ୍ର ସଂଖ୍ୟା : Memo/01/2020

ତାରିଖ : 29.02.2020

To

The Hon'ble Chief Minister, Orissa.
Bhubaneswar.

Sub: Request afresh for repealing Section 4 and Section 4A of Orissa Official Language Act, 1954 to ensure governance of Orissa in Oriya language and for adoption of the Rules submitted to and recommended by the Ministerial Committee created under Resolution No.18715/GA dt.31.7.2015.

Ref: Memorandum of Subhas Chandra Pattanayak to His Excellency the Governor, Odisha sent by his Secretariat to Chief Secretary, Odisha vide letter No.CN/115/2018/3192/SG, dated 26.5.2018, read with his (Pattanayak's) mail to Hon'ble CM dated 29. 06. 2018, dated 25. 08. 2018 and dated 11.1.2019 over and above his written submission to Hon'ble CM at the time of discussion in his chamber on 19.5.2017

Hon'ble Sir,

As our silent peaceful protest against non-implementation of the Orissa Official Language Act, 1954 has reached the 1414th day today, we request you afresh to please repeal Section 4 and Section 4A of Orissa Official Language Act, 1954 and to quash all and any action taken on the basis thereof, so that the main hurdles to implementation of the Act would be removed. We urge upon you to

please make assize of the Rules submitted by the founder of Bhasha Andolan Subhas Chandra Pattanayak to and recommended by the Ministerial Committee, which the Government were pleased to place at <http://odia.odisha.gov.in/niyama-bali.html> in the official website namely <http://odia.odisha.gov.in/> created for implementation of the Act under your kind orders, with him as a member.

Our Objection to Section 4

You were kind enough to invite Sri Subhas Chandra Pattanayak to discuss on 19.5.2017 on implementation of the Act, as we were continuing our protest against insertion of Section 4 in the Act by way of the amendment, 2016 and the notorious actions thereon.

The proposal in the Ministerial Committee referred to above for insertion of a new Section to be known as Section 4 was duly approved by the Law Department with pencil vetting and sent to the GA department under the Rules of Business for legislation.

Thereafter the draft legislation vetted thus and approved by the Law Department was illegally tampered with; the Section 4 proposed by Sri Pattanayak and vetted/concurred by the Law department was renumbered as Section 5 and blatantly unauthorized contents designed to put the Act under the mercy of bureaucracy was projected as Section 4.

During the discussion with you at the appointed time, Sri Pattanayak had shown you in details how illegal was the Section 4 inserted by amendment 2016 and requested you to please repeal that unauthorized section or to replace the same with what he gave you on the table. This proposed replacement read:

"The State Government may, in such manner and by such authority, as may be prescribed in the Rules under this Act, receive complaints from the general public of Odisha in the matter of contravention of the Act and over and above such

complaints, without prejudice to their entitlement to prosecute, suo motto review and monitor whether the directions contained in the Notification under sub-section (2) of section 2 are contravened and subject the contravener to punishment stipulated in the Rules.”

But, sadly, Sir, it has not been heeded to and therefore, governance of Odisha in Odia as per the Act has not yet been possible.

We, therefore, demand afresh that Section 4 inserted illegally in the Act by amendment in 2016 be repealed with retrospective effect with a fresh amendment of the Act or to replace the contents of Section 4 with the provision proposed to you in Sri Pattanayak's memo in person during your discussion with him on 19.5.2017, as quoted above.

Our Objection to Section 4A

The method of taking Cabinet decisions on creation or amendment of any Law is laid down in the Rules of Business, which a responsible Government cannot contravene. Any Cabinet decision in matter of any legislation sans adherence to conditions stipulated in the Rules of Business is illegal. Therefore, the decision taken in the Cabinet Meeting at Puri on 26.12.2017 in the matter of amendment of the Act was blatantly illegal and unauthorized.

Even though for the first time the Cabinet agreed at Puri with Sri Pattanaya's proposal to impose punishment on the contraveners of the Act, the resolution was designed to derail the Act in reality. It had 3 harmful components:

- (1) Punishment to the people of Odisha by way of punishing the Departments, for contravention of the Act by the employees;
- (2) Implementation of the Act as per preference of the employees (departments); and

(3) Award of incentives to whosoever extensively uses Odia, which means, he/she who doesn't entirely work in Odia and contravenes the Act, would be rewarded.

For such bad proposals, the Resolution, adopted by the Cabinet at Puri on 26.12.2017, was vehemently opposed to by us. In response to this resentment, the Cabinet met again on the subject on 14. 3. 2018 under your Presidentship to adopt the Memorandum for amending the Act. Unlike the Puri Cabinet, this time the Rules of Business was properly followed.

The administrative Department, i.e. the Department of General Administration & Public Grievances, in its Draft Memorandum for the Cabinet, had tried to keep the mischief of Puri Cabinet intact by suggesting that, the amendment would

“enable the State Government to prescribe suitable measures in the relevant rules to award incentives to officials/departments for extensive use of the official language and also to punish the erring officials/departments.”

The Law Department refused to accept this mischief and through pencil vetting it corrected the suggestion in the following words, which read, the amendment would

“enable the State Government to prescribe suitable measures in the relevant rules to award incentives to Government employees or to the officers for extensive use of Odia as the official language and also to punish the erring Government employees /officers.”

Thus, the word “Department” was completely dismissed from the scheme of incentive and punishment, keeping intact the extent and scope of the Act, which the Puri Resolution dated 26.12.2017 had wanted to destroy.

After the Pencil vetting was accepted, with your approval as per the Rules of Business, the Law department concurred the Memorandum vide their UOR No.240/L dated 2.2.2018. On 14. 03. 2018, with you in the Chair, the Cabinet adopted this Memorandum for the purpose of "amendment of the Odisha Official Language Act."

But sadly, and for reasons not yet known, you suppressed this Cabinet Resolution when you placed the Odisha Official Language (Amendment) Bill 2018 in the Assembly and linked the Bill to the Resolution dated 26. 12. 2017 and thereby revived all the mischief created at Puri to kill the scope, extent and purpose of the Act.

This amendment inserted Section 4A that reads,

"The State Government may prescribe suitable measures in the rules to award incentives to officials or departments for extensive use of the official language and also to punish the erring officials or departments."

The Memorandum concurred by the Law Department vide their UOR No.240/L dated 02. 02. 2018 and placed before the Cabinet on 14. 03. 2018 after due approval under the Rules of Business with the authentication No. 6966/Gen, dated 12. 03. 2018 and the legally required synopsis bearing No.6967/Gen, dated 12. 03. 2018 and duly adopted by the Cabinet had neither authorized you to insert Section 4A with the words as quoted above nor had it given you a carte blanche to tamper with the Memorandum vetted and concurred by the Law department vide their UOR No.240/L dated 02. 02. 2018 and adopted by the Cabinet on 14. 03. 2018.

No other Cabinet was held thereafter on the subject till 31. 03. 2018 – the day when you gave notice to the Assembly seeking leave to introduce the Bill and move the Bill for consideration and adoption. Hence you were never authorized by any subsequent Cabinet to obliterate the Cabinet Resolution dated 14. 03. 2018 and to base the Bill, comprising Section 4A as quoted above, on the

illegal/ unauthorized Cabinet resolution dated 26. 12. 2017 before the Orissa Official Language (Amendment) Bill, 2018 was moved in the Assembly for consideration and adoption on 01. 05. 2018.

Hence, Section 4A, which is inserted into the Act by misguiding the Assembly by false facts and by suppression of the Cabinet Resolution dated 14. 03. 2018 is an instance of misuse of legislative power, which, despite our objections, is not yet wiped out through a fresh amendment.

Our Objection to amendment of Section 4A

Hon'ble Sir,

After Sri Subhas Chandra Pattanayak apprised the Hon'ble Governor and you of the illegality of Section 4A in his communications referred to above, this illegal Section 4A was further amended to enforce the presence of the word "department" by adding a new coinage "or both" at the end of the said Section. Words like "Odia as" are copied from the suppressed Memorandum adopted on 14. 03. 2018 and inserted in the Section just to hoodwink the people of Odisha.

Thus the entire Section 4A, as inserted and amended, is an absolutely illegal Section, which, because of your majority in the House and because of non-application of legislative mind in the 15th Assembly, has become a part of the Odisha Official Language Act, 1954 and it has, along with Section 4, put the Act into atrophy and both these sections are inherently anti-Odia in design and purpose.

We request you, under the circumstances to please repeal both these Sections from the Act with retrospective effect.

Sri Pattanayak's proposal in the Ministerial Committee for amendment of the Act to empower the State Government to frame necessary rules to implement the Act has been accepted by the Government and inserted in the Act as Section 5. It is also a fact that Rule 4 and Rule 8 of the set of Rules submitted by

Sri Pattanayak for use of Odia in signboards, hoardings etc and for establishment of an Odia University respectively have already been honored by separate Laws. Hence, the rest of his proposals placed in the official website at <http://odia.odisha.gov.in/niyama-bali.html> , strictly addressed to working of the Odisha Official Language Act, 1954, be kindly given the form of Law, so that governance of Odisha in the Odia Language, as official language, shall have no official obstacles.

For this purpose, we earnestly request you to please amend the Act in the current session of the Assembly sans any delay.

Yours sincerely,

Asoka Misra

Dr. Asok Misra
President

ଅଶୋକ ମିଶ୍ର
Ashok Parida

Vice-President

Dhruba Charan Mohanty

Dhruba Charan Mohanty
Secretary

Date :

Sign In Register

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Bhubaneswar G.P.O.	29/02/2020 12:51:51	751001	27.00	Registered Letter	Bhubaneswar G.P.O.	02/03/2020 16:10:52

Event Details For : RO970431510IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
02/03/2020	16:10:52	Bhubaneswar G.P.O.	Item Delivery Confirmed
02/03/2020	09:40:06	Bhubaneswar G.P.O.	Out for Delivery
02/03/2020	09:13:30	Bhubaneswar G.P.O.	Item Received
29/02/2020	12:51:51	Bhubaneswar G.P.O.	Item Booked