

**Fourteenth Kerala Legislative Assembly**

**Bill No. 55**

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**MALAYALAM LANGUAGE (COMPULSORY LANGUAGE) BILL, 2017**

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2017**

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[ Translation in English of the “2017-ലെ മലയാള ഭാഷ (നിർബന്ധിത ഭാഷ) ബിൽ ” published under the authority of the Governor.]

MALAYALAM LANGUAGE (COMPULSORY LANGUAGE) BILL, 2017

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BILL

*to provide for teaching Malayalam as a Compulsory language in all educational institutions in the State and for matters connected therewith or incidental thereto.*

*Preamble.*— WHEREAS, it is expedient to provide for teaching Malayalam as Compulsory language in all educational institutions in the State and for matters connected therewith or incidental thereto;

BE it enacted in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Malayalam Language (Compulsory Language) Act, 2017.

(2) It shall be deemed to have come into force on the 10th day of April 2017.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Government” means Government of Kerala;

(b) “educational institutions” means all Government, Aided, Un-aided, Self financing educational institutions and all the schools functioning in the State under the control of the Central Board of Secondary Education (CBSE), Indian Council of Secondary Education (ICSE) and other Boards;

(c) “prescribed” means prescribed by Rules under this Act;

(d) “State” means the State of Kerala.

3. *Malayalam to be a compulsory language in all the schools in the State.*—(1) Notwithstanding anything contained in any Act for the time being in force or any rules or orders made there under, Malayalam shall be taught as a compulsory language from classes first standard to tenth standard in all schools starting from the academic year 2017-2018 in the State.

(2) No restriction shall be imposed for speaking Malayalam in the schools of the State either directly or indirectly.

(3) No board or notice shall be displayed or campaign conducted in schools imposing restrictions in speaking Malayalam language or that some other language along shall be spoken as provided in sub-section (2).

(4) In case students coming from other States or foreign countries, who pursue studies in the State and who find it difficult to study Malayalam, may be exempted from the Malayalam language examination in the tenth standard.

(5) In the case of schools under Central Board of Secondary Education (CBSE), Indian Council of Secondary Education (ICSE) etc. compulsory Malayalam language study shall be a pre condition for granting no objection certificate and the no objection certificate of such schools who have not provided for such compulsory study shall be cancelled.

(6) Compulsory Malayalam language study shall be made as a condition for granting recognition for unaided schools under the provisions of Kerala Education Act and Rules.

(7) Necessary facilities to teach malayalam language shall be provided in schools exclusively for linguistic minorities.

4. *Penalty for violation of provision of Act and Rules.*—(1) The Headmasters of schools violating the provisions of this Act and Rules shall be punished with a fine of Rupees five thousand.

(2) An Officer not below the rank of Director of Education authorized in this behalf shall recover such fine from the said Headmasters in the manner as may be prescribed.

(3) In the case of unaided schools, the recognition of the said schools shall be cancelled for three violations of such nature and in the case of schools under the Central Board of Secondary Education (CBSE), Indian Council of Secondary Education (ICSE) Boards, the no objection certificate granted to such schools shall be cancelled in the manner as may be prescribed.

5. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules with prospective or retrospective effect, for the purpose of carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two

successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

6. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Gazette do anything not inconsistent with the provisions of this Act, which appears to them to be necessary or expedient for removing the difficulty:

Provided that no Order shall be made under this section after the expiration of two years from the date on which this Act comes into force.

(2) Every Order published under this section shall, as soon as may be after its publication, be laid before the Legislative Assembly.

7. *Repeal and Saving.*—(1) Malayalam Language (Compulsory Language) Ordinance, 2017 (5 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act, shall be deemed to have been done or taken under this Act.

### STATEMENT OF OBJECTS AND REASONS

Government has decided to provide for teaching of Malayalam language compulsory from classes 1 to 10 in all educational institutions in the State starting from the academic year 2017-18 and to provide provision to the effect that no restriction shall be imposed for speaking Malayalam in the schools either directly or indirectly. Government has also decided to impose teaching of Malayalam as compulsory language as a pre-condition for granting no objection certificate to the schools under the Central Board of Secondary Education (CBSE), the Indian Council of Secondary Education (ICSE), etc. and also for granting recognition for unaided schools under the provisions of the Kerala Education Act and Rules.

2. Government has decided to impose fine on Headmasters of schools violating the above provision and to cancel the no objection certificate issued to schools under the Central Board of Secondary Education (CBSE), the Indian Council of Secondary Education (ICSE) Boards and the recognition granted to unaided schools in the State in case of three violations of such nature. Government considers it necessary to bring in a legislation for this purpose.

3. Since the Kerala State Legislative Assembly was not in session and circumstances existed to bring the above provisions in force immediately, the Malayalam Language (Compulsory Language) Ordinance, 2017 was promulgated by the Kerala Governor of Kerala on 10th April, 2017 and published as Ordinance No.5 of 2017 in the Kerala Gazette Extraordinary No. 705 dated 10th April, 2017.

4. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would necessitate creation of 194 posts of Malayalam language Teachers (Lower Primary School Assistant, Upper Primary School Assistant, High School Assistant) in the pure Kannada and Tamil medium schools and oriental Sanskrit/Arabic schools in the State. In that event expenses will have to be met towards Basic Pay, Dearness Allowances and other allowances of those teachers appointed to such posts which is estimated to cost about Rs.7,20,65,000 per year from the Consolidated Fund of the State. Enhancement of pay by periodical pay revision, increase in the percentage of Dearness Allowance, increase in basic pay by annual increment and increase in other allowances would involve additional expenditure from the Consolidated Fund of the State. The expenditure that may have to be incurred by this from the Consolidated Fund of the State cannot be estimated with any reasonable degree of accuracy at this stage. Non-recurring expenses are not expected to be incurred in connection with the provisions of this Bill.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (2) of clause 4 of the Bill seeks to empower the Government to prescribe the manner in which fines are to be levied from the Headmasters of the schools who violate the provisions of the Bill.

2. Sub-clause (3) of clause 4 of the Bill seeks to empower the Government to prescribe the manner in which the recognition of unaided schools and the no objection certificate granted to the schools under the Central Board of Secondary Education (CBSE), the Indian Council of Secondary Education (ICSE) Boards can be cancelled in case of three violations of the provisions of the Bill.

3. Clause 5 of the Bill seeks to empower the Government to make rules to carry out the purpose of the Act.

4. Clause 6 of the Bill seeks to empower the Government to make provisions not inconsistent with the provisions of the Act, by Order published in the Gazette, to remove any difficulty that may arise in giving effect to the provisions of the Act.

5. The matters in respect of which rules may be made are matters of procedure and are of routine or administrative in nature. Further the rules after they are issued are subject to scrutiny by the Legislative Assembly. The delegation of the Legislative Power is therefore of a normal character.

PROF. C. RAVEENDRANATH.