

MR. DEPUTY SPEAKER : Now we will take up Private Members Business. First, Bills for introduction.

SHRI NARAYAN CHOUBEY : Other things can be taken afterwards. Why not ? It is the practice.

(Interruptions)

15.32 hrs.

CONSTITUTION (AMENDMENT)  
BILL.

(Insertion of new article 16A etc.)

[English]

SHRI G. M. BANATWALLA (Ponnani) : Sir, I beg to move that leave be granted to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

SHRI G. M. BANATWALLA : Sir, I introduce the Bill.

MR. DEPUTY SPEAKER : If you do not want to discuss, I will call the Minister to reply. If you want to discuss, I will extend the time. I leave it to the House to decide. I want to seek the opinion of the House.

SHRI SURESH KURUP : There are certain practices. Members who have given their names to participate in the Debate, can participate.

MR. DEPUTY SPEAKER : That is why I am seeking the opinion. One member says he is interested in extension. But the other says ‘no’.

SHRI NARAYAN CHOUBEY : You apply your mind.

MR. DEPUTY SPEAKER : I can do that. But I want to seek your opinion, I told you.

SHRI E. AYYAPU REDDY : Sir, you know that Private Members Business is too long. Most of those members who have tabled their Bills, should be given a chance to speak something.

(Interruptions)

MR. DEPUTY SPEAKER : Please sit down. The problem is, nobody is restricting his time. I restrict them to ten or five minutes, but everybody takes half an hour and so on. They go on talking.

AN HON. MEMBER : You regulate the House.

SHRI C. MADHAV REDDY : But then the other business will suffer.

MR. DEPUTY SPEAKER : I am ready to do it. I want to help the

Members. But they should cooperate with me also.

SHRI G. M. BANATWALLA : How many members are there to speak ?

MR. DEPUTY SPEAKER : There are four.

SHRI G. M. BANATWALLA : Allow these four to speak, but do not permit the fifth one. Why should one be so rigid ?

MR. DEPUTY SPEAKER : Okay. I request you to be brief. Now we will go according to the time schedule.

MR DEPUTY SPEAKER : There are four Members. That is all. Mr. Vyas will now speak, but only five minutes are allowed.

SHRI GIRDHARI LAL VYAS : Whithin five minutes, how can I do justice to the subject ?

MR. DEPUTY SPEAKER : Whatever is spoken thereafter will not go on record. The first bell I give will be a warning. After the second bell, nothing will be recorded.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Deputy Speaker, Sir, I have two suggestions to make with regard to the Constitution Amendment Bill moved by Shri Mishra. First, he has mentioned about 'Right to Employment' in Section 18-A. It reads—

[English]

“Every citizen of India within the age limit of eighteen years to sixty-five years shall have the right to employment.....”

[Translation]

This age limit of 65 years, I think, is not justified.

[English]

SHRI SATYAGOPAL MISRA : Sir, he is speaking on a different Bill.

PROF. MADHU DANDAVATE : When I was speaking on the Calling Attention motion, the same thing happened.

MR. DEPUTY SPEAKER : Now Mr. K.D. Sultanpuri.

[Translation]

SHRI K. D. SULTANPURI (Simla) : Mr. Deputy Speaker, Sir, I want to say something about the Nepali Language Bill, It was mentioned here that 10 Lakh Nepali speaking people were living in India and that they were citizens of India and, as such, their Nepali language should be included in the Constitution.

So far as Nepalis are concerned, they are very brave and nice people. At different places, Nepalis speak different languages, some speak Bhutani, some Sikkimi and some Bengali. Nepalis have also settled in Arunachal, Himachal and Kashmir. The objective behind moving this Bill is to get votes of Nepalis living in Darjeeling and Bengal. It is only for this purpose that they want Nepali to be on the Statute Book.

We respect all the languages. All the languages of the South are spoken in India. Government are taking steps to promote those languages. So far as the National Language is concerned, it is only Hindi, although we have included Tamil, Telugu, Malyalam, etc. in the Constitu-

tion. It is not proper to say that Government are not doing justice to the provisions of the Constitution.

I would like to submit it is not correct that 10 lakh Nepalis live in India. Nepali language, as they speak, is written in Devanagri. *Pahari* language is spoken in our Himachal Pradesh. The population of *Pahari* speaking people is 42 lakhs. They also want their language to be brought on the Statute Book. They have an Academy of their own, of which Mr. Parashar is the Vice-President. I think, it would not be a healthy practice to go on increasing the number of languages, whereby every person could say that his language should be included in the constitution. It is a stunt to win votes. It is only a question of their exploitation.

My submission is that all the languages are beautiful languages, whether it is Bengali or any other language. In India various languages are spoken and dialects vary from village to village and from area to area. How will it be justified to put all of them on the Statute Book? We have to develop a National Language and being the citizens of one nation, we should learn all the languages. We want to learn Bengali, Malayalam and Telugu as well. They are all dear to us. They should be promoted in their respective areas, from where you are to solicit votes. Every Nepali speaking person should know it. You should raise this issue in the State Assembly, so that this language is taught in the school there.

National Languages are being given their proper status. It has been the endeavour of the Government to enrich them further. I am not prepared to accept the allegation that the Government are not paying proper attention to them.

I would request the hon. Minister, who has introduced this Bill to amend the constitution, to withdraw it. It is in the interest of the people that they should respect all our national languages. With these words, I conclude and thank you for giving me an opportunity to speak.

[English]

SHRI NARAYAN CHOUBEY (Midnapore) : I support the conclusion of Nepali Language in the Eighth Schedule. Nepali Language in an Indian language. Since is it spoken in Nepal, so it is not an Indian Language, I think, comrade Ashok Da would not agree with this. Bengali is very much spoken in Bangladesh and also in West Bengal; that does not mean that Bengali Language is not an Indian Language. So, this comparison is wrong. This was what sometimes Mr. Morarji Desai stated. I know you also do not agree with this. We think it is an Indian language and it should find a place in the Eighth Schedule.

What is being feared and apprehended is that no sooner will Nepali be included this list than the Pandora's Box will be opened and other people also will start clamouring that their languages should also get a place in the Eighth Schedule. I think that this great national movement of India should never be afraid of this. It so happens; it is bound to happen. These who are dormant today, will rise tomorrow, those languages are today neglected, will be having good languages tomorrow. India is a multilingual State. Many languages shall be coming, say the language of the Santhalis, who are backward today, say, other languages which are backward today, shall grow and definitely they shall fight for their inclusion; and that would not violate the status of India as a Republic. It is only the chauvinistic attitude of the Hind-speaking people which is standing as a bar

against inclusion of such languages in the Eighth Schedule. We would be very cautious about it.

Already, you have accepted Sindhi in the Eighth schedule. At least, there are more number of Nepalis in India who speak Nepali than the people who speak Sindhi. I do not know; I think Prof. Ranga can tell me whether money played a part or not, because Sindhis are rich people; So, their language could be included. But poor Nepalis, agricultural labourers, are fighting for your independence, are fighting on the borders of your State; why should you not include their language in the Eighth Schedule? If you can accept Sindhi, why can't we accept Nepali? Why should we not agree?

Shri Priya Ranjan Das Munsi spoke of one language and he mentioned that in the Soviet Union all people are learning Russian. This is not true. In the Soviet Union, every Russian is compelled to learn one more Russian language, and all non-Russians, are requested to learn the Russian language. Understand the difference. All Russian people must learn one Russian language and of each non-Russian, it is expected that he will learn the Russian Language.

AN HON. MEMBER : It is not compulsory.

SHRI NARAYAN CHOUBEY : It is not compulsory. So, what has happened is that the Russian Language is learnt by every body. So, everybody knows Russian. Here, had we followed that principle, today Hindi would have been accepted by the entire country. Because the Hindi chauvinistwalas have tried to force Hindi on the South Indians and on the Eastern Part of India, so there was a difference. If you really love Hindi, follow the principle of the Soviet Union and you will see that Hindi will gradually spread.

AN HON. MEMBER : A common script should be there.

SHRI NARAYAN CHOUBEY : I am not speaking about common script now.

Even in the 1980 Congress Election Manifesto they wanted that Nepali should be included. I think at that time they had to defeat the Janta Government, because Janata Party was in power in 1977-79, and they included this thinking that if they includes it they could get votes. And Shrimati Indira Gandhi whenever she went to Darjeeling—I understand Shri Morarji Bhai, he was a frank and forthright man, whatever he understood, he used to speak very frankly—she mentioned it. But it is the so-called great men with hypocritic feelings who whenever they were in Darjeeling favoured Nepali to be included in the Eighth Schedule. In the West Bengal Assembly these Congress people had passed a unanimous resolution stating that Nepali should be included in the Eighth schedule. But when they come here they say that it cannot be done. So, this hypocrisy of the ruling party I fail to understand. But I request them, the Sun will not fall from heavens, there will be no earth tremors if Nepali is accepted. We request the Law Minister that Nepali should be immediately accepted.

PROF. N. G. RANGA : No, no.

SHRI NARAYAN CHOUBEY : You may say 'No'. You are giving birth to fissiparous tendencies. It is Nepali today, tomorrow there will be some other people, they may feel that they are debarred from getting their rights. But fissiparous tendencies, these things develop from these areas, tilly areas, backward areas, when a people feel that their language, their rights are being curtailed, when they think that 'we are not part of India, our rights are being curtailed'. I, therefore, request the hon. Law

Minister to kindly accept Nepali for inclusion in the Eighth Schedule. Heavens will not fall if it is included. Only the chauvinistic Hindi-speaking people do not want it. Kindly do not prevent it. It will do more harm than good.

MR. DEPUTY SPEAKER : I think everybody is cooperating well, and finishing in less than five minutes, even three or four minutes. I think this should be maintained for future also.

Shri Tombi Singh.

SHRI N. TOMBI SINGH (Inner Manipur) : Mr. Deputy-Speaker, this Bill has got a very special importance, because the amendment of the Eighth Schedule has been demanded from many language groups. So, when we consider Nepali there are other languages. Naturally, therefore, we look for a leadership a national thinking, through which we shall see the nation comprehensively.

I recall when we, the States and Union Territories in the North-East, were demanding separate administration and separate States, many in the country were like the proverbial six as blind men seeking an elephant, they only saw their nearest parts and described the elephant accordingly. But through the great comprehensive eyes of Pandit Jawaharlal Nehru and his able successors Shastriji and later Shrimati Indiraji, the North-East was reorganised. That brought together the North-East region, giving birth to States like Manipur, Nagaland, Meghalaya and Tripura.

PROF. N. G. RANGA : Mizoram and Arunachal Pradesh.

SHRI N. TOMBI SINGH : Mizoram and Arunachal Pradesh were made Union Territories.

But if you judge by the size, you will see that these are small States and Union Territories, most of them much smaller than districts in Uttar Pradesh. The fact is that, there were other considerations. There are language groups other than Nepali. Manipuri, I think, by any consideration. On top of other languages in the consideration because it has been the language of the court and administration, the language of the masses and also has a very developed literature in the State of Manipur. Since early days this has been the language of an independent State, an independent Kingdom, before the merger, on integration with the great Indian Union. This demand for inclusion of Manipuri in the 8th schedule has been hanging fire for so many decades. When we demanded statehood, we also demanded that Manipuri language should be included in the Eighth Schedule. Then our leaders said that all the things should not be asked at a time although there were justifications for that. They assured that they would do it at the right time. Where is the right time? The amendment of the Eighth Schedule should be opened. Arguments are made that the Eighth Schedule is too big. If the Eighth Schedule can have 15 languages, it can very well have 16 or 17 languages also. That should be our consideration. Now, the question is : what should be the criteria? I am not opposed to Nepali. Similarly, I am not opposed to other languages. Whatever languages have been recognised by the Sahitya Akademy should be taken for the purposes of the Eighth Schedule, as they have been recognised on academic merit. Either increase the number of languages in the Eighth Schedule as suggested by many hon. Members, if all these languages are to be retained, then we have to include Manipuri, and other deserving languages in the Eighth Schedule or remove all the other languages except Hindi and English. Let us discuss it in a comprehensive manner. I would like to appeal to the national leadership, the able successors of Panditji, Shastriji and Indiraji, and

now at the helm of affairs, Shri Rajivji to see the national interest comprehensively and avoid seeing things like the proverbial six blind men describing different parts of the elephant. Ours is a big country. Let us see the Eighth Schedule comprehensively and amend it to include Manipuri, and other languages which deserve a place in that. Number should not be the criteria, but the criteria should be something else. Dr. Suniti Kumar Chatterjee, a great linguist, who was not a Manipuri, said that in spite of the smallness of the population speaking Manipuri, it is one of the richest languages of the country. Population-wise we are not small. We have about two million Manipuris in the country. This is the official language of a State and medium of instruction and examination upto the secondary stage. It is a subject in the honours studies. One can study M. A., M. Phil in that. This is the language of the courts in Manipur. This language has a history beginning with the ancient times followed by medieval, modern and contemporary. We have a rich storehouse of literature covering departments like translations, original writings. It covers the entire Hindu Vedic literature in translation beginning with the Vedas, the Upanishads, the Puranas, the Gita, the Ramayana, the Mahabharata. We have the translation of books by great writers in Bengali, Hindi, English and other Indian languages. Its original products cover novels, dramas, essays, poems and stories. So this language deserves on its own right, not as a special consideration, inclusion in the Eighth Schedule. Therefore, this should be considered on top of other aspirant languages. It is imperative that our national leadership should not prolong this because if we go on prolonging it for long, we shall only be inviting agitations and revolution which our late Prime Minister felt was no more necessary. If you do not like agitations, we should have consideration at the literary, academic and gentlemanly level of discussion. We expect that some positive action will be taken in this direction.

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Mr. Deputy Speaker, Sir, there has been lot of misunderstanding about the utility and function of Article 344 to which the Eighth Schedule is attached. Article 344 has been inserted only for a specific purpose, namely, to name certain languages only for the purpose of throwing colour, for the enrichment of Hindi, and for no other purpose. May I read Article 344 for the benefit of the House once more :

“344. (1) The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement.....”

For the purpose of ten years, we go back to January, 1960, and I remember that this Commission was set up when I was in charge of Law Ministry in 1960—

“by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule.....”

A commission is to be set up by the President after ten years from the commencement of the Constitution representing the eight linguistic groups mentioned in Schedule Eight, and for what purpose? That is mentioned in sub-Article (2) :

“(2) It shall be the duty of the Commission to make recommendations to the President.....”

This is the duty, for making recommendations to the President. And for what purpose ?

“.....as to—

(a) the progressive use of the Hindi language for the official purposes of the Union.”

Not for the progressive use of any other language. This Commission will recommend measures to the President for the progressive use of Hindi in different parts of India. It further says

“(b) restrictions on the use of the English language for all or any of the official purposes of the Union.”

Not of the States—

“(c) the language to be used for all or any of the purposes mentioned in article 348;

(d) the form of numerals to be used for any one or more specified purposes of the Union;

(e) any other matter referred to the Commission.....”

And in making the recommendation, what they have to take into account is specified in sub-Article (3)—

“(3) In making their recommendations under clause (2), the Commission shall have due regard to the industrial, cultural and scientific advancement of India, and the just claims and the interests of persons belonging to the non-Hindi speaking areas in regard to the public services.”

So, here it comes, that their recommendations have to be also in keeping with the interest of the non-Hindi speaking areas and that includes Nepali-speaking areas like Darjeeling, Sikkim and so on. And sub-Article (4) says—

“(4) There shall be constituted a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members

of the Council of States in accordance with the system of proportional representation.....”

You will find that this is only for that purpose. For the purpose of use of particular languages which are confined to particular geographical areas, provision has been made very carefully in Articles 345 and 347 of the Constitution.

16.00 hrs.

This is what is lost sight of when everybody thinks that every language must come in the Eighth Schedule. Now let us see article 345.

“Subject to the provisions of articles 346 and 347, the Legislature of a State may by law.....”

That brings in Nepali, a language spoken in the northern part of Bengal, which is called Darjeeling district. Lepcha is a language spoken by a large group inhabiting these areas. Then we have the Nepali group, the Sikkim group and the Bhutia group. All these four languages are spoken in that district. In Sikkim, we have Sikkimese and Nepali. Now the Nepalese and Sikkimese say: let us come to the Eighth Schedule. Article 345 makes them the official language for that particular area. It says:

“.....the Legislature of a State may by law adopt any one or more of the languages in use in the State.”

Not in the Eighth Schedule. Therefore, the use of any language in a particular State, having regard to the particular linguistic groups inhabiting that State, is not governed by the Eighth Schedule at all; it is governed by article 345, and the State has to enact a law, prescribing the use of the particular language in that State.

May I say here that Shri Narayan Choubey had a dig at the ruling party;

I do not mind that dig at all, because we are used to digs and counter digs. But may I remind him that in West Bengal the Government is being run by a Front called the Left Front, the chief constituent of which is the CPM. My hon. friend's party is also a constituent of that Front. That Government has passed a law, prescribing the use of the Nepalese language in three districts, namely, the districts of Darjeeling, Kalimpong and Kurseon. In these areas, let me say again, in these sub-divisions, Bengali is spoken by a fairly large number, Sikkimese is spoken in Darjeeling Sub-Division by a fairly large number, Bhutia is spoken by a fairly large number, Nepali is spoken by a fairly large number and Lepcha is spoken by Lepchis, who are workers in the tea gardens and other areas. But that Government has not prescribed the use of Nepali for the entire State. It is a very significant fact. I am not having a dig at them. They did not do it because to say that Nepali would be used in the areas where Santhal is spoken would be a monstrosity, because that is an area where there is hardly any Nepalese-speaking Nepali. That is why they have restricted the use of Nepali as an official language in these three sub-divisions.

In Sikkim the majority of the population is Nepali-speaking, but there is a very substantial minority of Sikkimese-speaking people. As you know, the ruling family is Sikkimese. They have a sizable population of Sikkimese-speaking people. Besides that, there are Hindi-speaking and Bengali-speaking people also. Therefore, in Sikkim, under article 345, they have prescribed Sikkimese as the official language, as you have Tamil as the official language in Tamil Nadu, Kannada as the official language in Karnataka, Telugu as the official language in Andhra Pradesh or Telugu Desom, Marathi as the official language in Maharashtra and Gujarati as the official language in Gujarat.

MR DEPUTY SPEAKER : Only the

name of the party is Telugu Desom.

SHRI A.C. SEN : It is the same ; Andhra will remain Andhra. Andhra will remain Andhra, the old land of Satavahanas. They were great in Indian history. There was a time when Satavahanas had over-run the entire country. And about Chalukias there is a wonderful painting, which you still find in Ellora and Ajanta and other places.

Anyway, India is proud of all, including Nepal. We are proud of Nepali. They are part of our population. But let us not get mixed up as we got mixed up in Punjab politics with all types of sentimental questions. You will find Gurumukhi is not included in the Schedule VIII and still it is the official language of Punjab. Therefore, misunderstanding has arisen because one does not notice the purpose of the Schedule VIII and one does not notice Article 345 and Article 347, which prescribe the procedure for making a particular small linguistic group enjoy a particular language in their own area, and, if necessary in the entire State. Article 345 gives that power to the State. Now, the West Bengal Government has not used that power. I am sure the official language in Manipur is Manipuri. That is according to Article 345. But their non-inclusion in Schedule VIII has not prevented them from becoming the official language. Now, Article 347 is very important. It says :

“On a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desires the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State.”

SHRI G.M. BANATWALLA : Nothing happens because of that Article. A very big memorandum with lakhs and lakhs of signatures was presented to the then President of India with respect to

the status of Urdu in U.P. No reply till now.

SHRI ASHOK SEN : I am telling you because you have not followed the ingredients of Article 347. Ingredient is 'substantial proportion of the population' Now, population in U.P. was about seven crores in UP. The substantial proportion should have been at least fifty per cent. That means at least the number should have been three and a half crores to make it substantial proportion. Lakhs should not mean three and a half crores. The hon. Member is forgetting arithmetic. The population of UP at present is eleven crores. Therefore, eleven crores makes it worse for the hon. Member. At least five and a half crores must make the representation. So, the language of Article 347 is what I have stated just now, but Article 345 removes even that limitation. According to Article 345, the State Legislature may pass a law even though there is no 'substantial' demand. Therefore, Article 347 is again lost sight of.

I know about this because I have a substantial number of Urdu-speaking Muslims in Calcutta and they have always told me what the hon. Member tells me. Now, I cannot convince them, but I can convince the hon. Member that 'substantial number' means substantial number and not only a small number.

SHRI G.M. BANATWALLA : In that case guarantee has no meaning because 'substantial' you put at three and a half crores, when Urdu-speaking population in UP was about two crores and more than forty lakhs of people had given signatures to the then President of India.

SHRI A.K. SEN : Article 347 is not a guarantee. It is a power.

SHRI G.M. BANATWALLA : It is paper guarantee in that case.

SHRI A.K. SEN : The hon. Member is forgetting that guarantee of language is in Article 29, where every sect and every segment of the population has the freedom to pursue their own language and to develop their own language. The hon. Member may kindly read Article 29. Therefore, Article 347 is a power, not a guarantee. Guarantee is a limitation on the power. This is the difficulty when we get mixed up with emotions in interpretation of the Constitution. Therefore, Article 29 reads :

"Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same."

That is the guarantee. Therefore, I have appeared for many minority linguistic groups, as for instance, the Arya Samaj group in Punjab. When the Hindi language was sought to be abolished from certain schools as medium of instruction, the Supreme Court struck it down on the ground that the Arya Samaj community which speaks Hindi must have the guarantee to conserve their culture and script. And there is another language like that. If you look at Article 26, it says :

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;" and so on.

Many religious institutions in U.P. and other places carry on instructions through Urdu. That cannot be prevented. Secondly, Article 14 is another guarantee which says.....

SHRI N. TOMBI SINGH : Sir, I am on a point of order, I will submit that we are not making submissions before a court of law. We are making submissions before a forum which can make law.

MR. DEPUTY SPEAKER : Are you making submission or a point of order ?

SHRI N. TOMBI SINGH : The hon. Law Minister is defending according to the Constitution, while also he seeks amendment of the constitution.

(Interruptions)

MR. DEPUTY SPEAKER : I ask the Member : What is your point of order ?

SHRI N. TOMBI SINGH : This is my point of order.

SHRI A. K. SEN : Point of order means a point which immediately puts a ban on the discussion. That is the point of order. We are dealing with the Constitution itself, the Eighth Schedule. Therefore I am saying, the Eighth Schedule does not give any guarantee. Then every language spoken in the country must come to the Eighth Schedule. It says only that these languages shall have representatives on the Commission which will be constituted after ten years from the commencement of the Constitution—for what purposes? to advise the President as to how Hindi should be developed and not how Manipuri and Nepali and others should be developed.

PROF. N. G. RANGA : Not about their own languages.

SHRI A. K. SEN : Their own languages are to be developed in their own States and the States have the power under Article 345 and Article 347 is the President's power. Supposing

an overwhelming number of people as in Sikkim—take; for instance, Sikkim—a majority of people there are Nepalese-speaking, about 51 per cent of the population. Supposing they say, 'Let it be the official language' and the State dared to introduce Sikkimese as the official language, then the President may be approached stating that there is a substantial number seeking that language to be made the language of the State, but the State is not doing it. Then the President can impose it. Therefore, these are the conditions and the fallacy lies in this complex when people feel that anything not in the Eighth Schedule has been given an inferior status. Not at all. There are so many languages, as, for instance, Manipur itself has a rich language of its own—very rich—and fortunately it is written in Bengali script and I read it.

(Interruptions)

SHRI N. TOMBI SINGH : You should not laugh at that.

SHRI A. K. SEN : I am not laughing, I am appreciating. I am sorry, when the sentiment comes in, I have to tell that. I am very happy about it. Fortunately, I say it because I read it in that script. When it comes to Urdu, I cannot read it; I have my limitation though Urdu is such a rich language. Similarly, in respect of Maithili language, I read it because Maithili is in Bengali script. Maithili and Bengali have the same script and they have very close systems. I read Assamese because Assamese is in Bengali script.

PROF. N. G. RANGA : And it has an advantage for everybody.

SHRI A. K. SEN : I will tell you why. Oriya and Bengali are much closer than Assamese and Bengali and yet I cannot read Oriya because Oriya script is different. I am saying that when we come to the rock bottom of the Constitution we must not get

mixed up with other emotional issues. As I said, I gave a very good example that Gurumukhi was not in the Eighth Schedule and yet Gurumukhi is the official language as Punjab says, and you see in Delhi, the streets in Delhi bear the names in Gurumukhi everywhere. I was reading the other day 'Rajaji Marg' which is written in Gurumukhi. That is why I am saying, Sir, that it is not proper to include everything in the Eighth schedule; then we will be burdened with a host of linguistic groups. Whose recommendations to include in the VIII Schedule, the Constitution framers did not think it necessary for the purpose of enriching Hindi or for the purpose of accelerating the progress of the use of Hindi. That is all. If that is so and if the purpose is appreciated, I think, these demands will be given a quietus. What will be more important is to see that due recognition is given for every linguistic group in every State. If they form the majority for making that language as the official language of the State, like Sikkimese in Sikkim, instead of trying to get every language into the VIII Schedule, it would be better. If they start including every language in the VIII Schedule, the number will go to about 100. You will have to get Maithili. You will have to get Munda, Konkani and various other languages. Konkani is a distinct language according to the then Chief Justice who presided over the Delimitation Cases and I lost the case. I argued that Konkani was only a dialect of some other. But he held very solidly that Konkani is a distinct language. So, therefore, let us not get bogged with this idea that anything not contained in the VIII Schedule is of no utility. They are of very great utility. You go to Darjeeling; go to Kurseong; go to Kalimpong. A large number of people speak Nepali there. Nepali is spoken even in schools. Even Bengalis and Hindi speaking people speak Nepali. Of course, Nepali is so close to our language; it is more close to Bengali than Hindi and it is written in the Devanagiri script. I don't know whether Nepali ever had its own script,

But Nepali, as we know, is all written in Devanagiri script and so closely descended from Sanskrit and Pali. That is why, it is so near to us, more than Hindi. When I listen to the Nepali programme of the All India Radio, I follow every word of it. It is because we follow Nepali much more easily than anybody else. Therefore, at the moment, if we shed ourselves of this idea that anything not contained in the VIII Schedule is attached with stigma, I think, this demand will have a quietus of its own.

With these words, I request the hon. Member to withdraw the Bill. Otherwise, it will be our duty to oppose it. Let us not bring politics into it. Mr. Narayan Choubey is thinking that although the inclusion of Nepali in the VIII Schedule will bring them some votes of Nepalis.

SHRI SATYAGOPAL MISRA (Tamluk) : Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members who have taken part in this discussion and contributed a lot to the debate. I am particularly grateful to the hon. Members from the Opposition Benches including my AIADMK friend who have unconditionally supported this Bill. I am also grateful to the hon. Law Minister who has intervened in the debate and said something perhaps against this Bill.

I will not take much time of the House. The hon. Minister has cited some Constitutional points. He has referred to articles 344, 345 and 347. If I accept his arguments, then the inclusion of Sindhi language would have become, unjustified. That is not possible. He tried to take this Bill in a wrong direction. When the language Sindhi was included in the year 1967, articles 344, 345 and 347 were also there in the Constitution.

The hon. Law Minister also spoke about the script. Many languages have their own scripts and many languages

do not have their own scripts. Even Hindi has not got its own script. They are following Devnagari script.

**SHRI MOOL CHAND DAGA :** Devnagari is a script.

**SHRI SATYAGOPAL MISRA :** It is not a Hindi script. Not only the script but other aspects also should be taken into consideration while accepting any language for inclusion in the Eighth Schedule.

Again, the hon. Law Minister said that on other language should be included in the Eighth Schedule. Is that the intention of the ruling party or the Government? Are you going to put a full stop in the Eighth Schedule ?

**PROF. N.G. RANGA :** For the limited purpose.

**SHRI SATYAGOPAL MISRA :** At one time, you will include Sindhi and at another time you will refuse to include Nepali or Manipuri or Konkani. There is no logic in that. I do not think that the Eighth Schedule is a complete list.

Certain criteria should be taken into consideration while including a language in the Eighth Schedule. There are so many languages in our country and all the languages have made their valuable contribution to our national integration, to our composite culture. Every language is flourishing. When a language comes to a certain stage of development and fulfils certain criteria, at that appropriate time that language should be included in the Eighth Schedule. That is the major consideration. What stage of development Sindhi reached in 1967, you cannot deny what the Nepali language has achieved today. Certain criteria should be there. When any language in India achieves a certain stage of development, then that language

should be included in the Eighth Schedule. That should be the consensus of all sections of the people and the linguistic groups of our country. I think, Nepali language has achieved that stage of development which was found acceptable at the time of inclusion of Sindhi in the Eighth Schedule in 1967. I have no objection against any other language, whether it is Manipuri or Bhojpuri or Konkani or Rajasthani and so on. What I am trying to say is that all the languages are developing languages and, when they come to a certain stage of development, then they should be included in the Eighth Schedule. My plea is that Nepali language has reached that stage of development and it should be included in the Eighth Schedule right now.

I want to refer to the discussion held on 13th and 27th June, 1980 in the Seventh Lok Sabha. A similar Bill was piloted by Mr. Chitta Basu and another Bill was moved by Dr. Karan Singh. The Bill of Mr. Chitta Basu was to include Nepali in the Eighth Schedule and the Bill of Dr. Karan Singh was to include Nepali and Dogri in the Eighth Schedule. What was the reply of the Government at that time? Please go through the records. At that time, it was told by the Government that they would develop a national consensus to settle the matter as early as possible. This is on record. Now, the hon. Law Minister is referring to certain articles of the Constitution. My question is: Was the then Law Minister who intervened in the debate not aware of those articles of the Constitution? At that time, it was categorically said that a national consensus will be developed within a very short time.

But five years have gone and now the hon. Law Minister without making any point, any argument, is asking me to withdraw the Bill.

Other things are also there. Shri Mool Chand Daga and Shri K. D.

Sultampur have, in their own style, talked of course about the vote banks. It is not the Opposition party who through all these things go for votes. It is you who want to exploit the situation.

I want to refer to one thing in West Bengal Legislative Assembly. On 2nd June, 1977 unanimous resolution was accepted by the West Bengal Legislative Assembly requesting the union government to include Nepali in the 8th Schedule, of which Congress party.....  
(Interruptions)

That was the concensus in West Bengal and here you are saying that we are going for votes and all that. I will add some more things also. In 1980, in West Bengal, this demand found place in the Congress-I manifesto itself. Now you are saying this cannot be done. Who are going for votes?

Whenever the Prime Minister went over to Darjeeling or Gangtok, Sikkim, he said that they accept this is principle and that they will look into the matter.

They always say in that manner there and here they are saying something opposite to that. So, I want to remind Shri Mool Chand Daga and Shri K. D. Sultampur that we are not hankering after votes.

I want to point out here the recent development in West Bengal. I have a newspaper *The Telegraph* of 27th instant. The agitation is going on there for Urdu language, to accept Urdu language in West Bengal as the second official language. Some MLAs of the Congress party are with that movement. Here you are saying one thing and in the countryside you are saying another thing.

KUMARI MAMTA BANARJEE

(Jadavpur): That is not true. It is a commitment of the West Bengal Left Front Government before elections. The only demand is that the question papers for Urdu people should be set in Urdu language. It is the Urdu people who agitated and demanded. CPI (M) is trying to politically malign it.

SHRI SATYAGOPAL MISRA : It is after all in the newspaper. You will be astonished to know that instead of the popular song—

*“Saare Jaban se achha Hindustan  
hamara*

now they are saying—

*Urdustan hamara*

Are you to tolerate all these things?

KUMARI MAMTA BANERJEE : There is no political motive in that at all.

MR. DEPUTY SPEAKER : Let him finish.

SHRI SATYAGOPAL MISRA : I have full respect to the hon. Lady Member.

(Interruptions)\*\*

MR. DEPUTY SPEAKER : I do not allow all these things.

(Interruptions)\*\*

MR. DEPUTY SPEAKER : Don't go out of track.

SHRI SATYAGOPAL MISRA : In West Bengal for having some votes, they are supporting that Urdustan and all that.

Then I come to Mr. Priya Ranjan Das Munsi. He uttered one sentence

that he supported the Bill, but in the course of the discussion, he actually opposed the Bill; he took much more time for advocating Hindi. I have no objection to the Hindi language, but this is not the occasion to discuss the development of Hindi or taking Hindi or English as the link language of our country,

Taking all these things into consideration, we come to the conclusion that it is high time that we came to a consensus and included the Nepali language as another language in the Eighth Schedule. The Law Minister is here; the Minister of State in the Ministry of Home Affairs is also here. Please go through the record of the last Lok Sabha. Five years have passed. Do not wait any more. I agree with Mr. Tombi Singh that 'waiting' means inviting more confrontation and agitation. It is high time that we accommodate some more languages and in the process included the Nepali language also.

I offer my thanks to the hon. Members who have taken part in this discussion, and I appeal to all the hon. Members of this House, I appeal to the whole House, to accept my Bill.

**MR. DEPUTY SPEAKER :** Mr. Daga, are you withdrawing your amendment?

**SHRI MOOL CHAND DAGA :** Yes, Sir, I want to withdraw it.

*The amendment was, by leave, withdrawn.*

**MR. DEPUTY SPEAKER :** Mr. Satyagopal Misra, are you pressing?

**SHRI SATYAGOPAL MISRA :** Yes, Sir. I want that this Bill should be passed. I appeal to all the hon. Members to vote for it.

**MR. DEPUTY SPEAKER :** Before

I put the consideration Motion to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared.

Now the hobbies have been cleared.  
The Question is :

“That the Bill further to amend the Constitution of India be taken into Consitution.”

*The Lok Sabha divided.*

### A Y E S

1. Banatwala, Shri G. M.
2. Bhoopathy, Shri G.
3. Chubey, Shri Narayan
4. Chowdhury, Shri Saifuddin
5. Dandavate, Prof. Madhu
6. Ghosh Goswami, Shrimati Bibha
7. Iyer, Shri V. S. Krishna
8. Kabuli, Shri Abdul Rashid
9. Misra, Shri Satyagopal
10. Penchalliah, Shri P.
11. Rao, Shri Srihari
12. Riyan, Shri Baju Ban
13. Roypradhan, Shri Amar
14. Saha, Shri Ajit Kumar
15. Tiraky, Shri Piyus

### N O E S

Abdul Ghafoor, Shri  
Azad, Shri Ghulam Nabi  
Baghel, Shri Pratapsingh

Bairagi, Shri Balkavi  
 Banerjee, Kumari Mamta  
 Bassavaraju, Shri G. S.  
 Bhagat, Shri H. K. L.  
 Bharat Singh, Shri  
 Bhardwaj, Shri Parasram  
 Birinder Singh, Shri  
 Charles, Shri A.  
 Daga, Shri Mool Chand  
 Digvijay Sinh, Shri  
 Fernandes, Oscar  
 Gadgil, Shri V. N.  
 Gomango, Shri Giridhar  
 Gupta, Shrimati Prabhawati  
 Jain, Shri Dalchander  
 Jain, Shri Virdhi Chander  
 Janarthanan, Shri Kadambur  
 Khan, Shri Mohd. Ayub  
 Khirhar, Shri R. S.  
 Kujur, Shri Maurice  
 Kuppuswamy, Shri C. K.  
 Mahabir Prasad, Shri  
 Mahajan, Shri Y. S.  
 Mallick, Shri Lakshman  
 Misra, Dr. Prabhat Kumar  
 Mohanty, Shri Brajamohan  
 Murthy, Shri M. V. Chandrashekara  
 Nawal Prabhakar, Shrimati Sundar-  
 wati  
 Neekhara, Shri Rameshwar  
 Nehru, Shri Arun Kumar  
 Nirmala Kumari, Prof.  
 Pandey, Shri Manoj  
 Panigrahi, Shri Chintamani  
 Panika, Shri Ram Pyare

Parashar, Prof. Narain Chand  
 Paswan, Shri Ram Bhagat  
 Pilot, Shri Rajesh  
 Pushpa Devi, Kumari  
 Qureshi, Shri Aziz  
 Ram, Shri Ramswaroop  
 Ranga, Prof. N. G.  
 Ranganath, Shri K. H.  
 Rao, Shri K. S.  
 Rath, Shri Somnath  
 Sen, Shri A. K.  
 Sethi, Shri Ananta Prasad  
 Shankaranand, Shri B.  
 Shastri, Shri Hari Krishna  
 Siddiq, Shri Hafiz Mohd.  
 Sidnal, Shri S. B.  
 Singh, Shri Lal Vijay Pratap  
 Sinha, Shrimati Ram Dulari  
 Sultanpuri, Shri K. D.  
 Tewary, Prof. K. K.  
 Tigga, Shri Simon  
 Tombi Singh, Shri N.  
 Vyas, Shri Girdhari Lal  
 Yadav, Shri Shyam Lal  
 Yadava, Shri D. P.  
 Yogeshwar Prasad, Shri.

MR DEPUTY SPEAKER : Subject to correction\*, the result of the Division is :

*Ayes* 15

*Noes* 63

The motion is not carried by the required majority.

\* AYES : The following Members also recorded their votes. S/Shri S.M. Bhatam, Manik Reddy, A.J.V.B. Maheshwara Rao, Dr. Chinta Mohan, C. Sambu, Dr. G. Vijaya Rama Rao :

NOES : S/Shri H.B. Patil, Radhakanta Digal, K.R. Jangde, Jujhar Singh, Tilakdhari Singh, Kalicharan Ram Ratan, M.R. Janardhana.

The motion is not carried in accordance with Rule 157 of the Rules of Procedure and in accordance with the provisions of Article 368 of the Constitution of India. The motion is negatived.

*The motion was negatived.*

16 40 hrs.

CONSTITUTION (AMENDMENT)  
BILL

(Omission of Article 44)

by

Shri G. M. Banatwalla

[English]

MR. DEPUTY SPEAKER : The House will now take up the Bill further to amend the Constitution of India by Shri G.M. Banatwalla.

Now, before we take up the Bill for consideration, we have to fix the time for the Bill.

Shall we fix 2 hours ? Is it all right ?

SHRI G.M. BANATWALLA : There is no need to fix any time limit.

MR. DEPUTY SPEAKER : We have to fix a time-limit. Shall we fix 2 hours ?

HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : So, 2 hours have been fixed for the Bill. Now, Shri G.M. Banatwalla.

SHRI G.M. BANATWALLA (Ponnani):

Mr. Deputy Speaker, Sir, I beg to move :

“That the Bill further to amend the Constitution of India be taken into Consideration”.

The Bill seeks to delete Article 44 of the Constitution of India.

Article 44 is as under :

“The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.”

The aim of the Article is eventually to do away with all the personal laws of the various communities.

The final objective is that, instead of citizens being governed by their separate systems of personal law in regard to marriage, divorce, succession, inheritance and such other matters, they should be governed by one system of law.

Now, Sir, this uniform system of law, it is said, should apply even with respect to matters in which the citizens are subject to different systems of personal law. My amending Bill, as I have said, seeks to delete this Article.— Article 44—of the Constitution of India.

I need hardly point out that Christians and Parsis have their separate codified Marriage and Divorce laws. Further, the laws of the Christians are supplemented in South India by a lot of local legislation also. The Jewish Law of Marriage also remains uncodified. Then, the Muslims in India are today governed in these matters by their personal law, or, in other words, by the *Shariat*.

Before I proceed further, let me point out the exact nature of the Muslim personal law. I submit that the Muslim personal law is an inalienable part of the Islamic injunctions. A Muslim must adhere to it steadfastly lest he should cease to be a Muslim.