

15.31 hrs.

HIGH COURT AT GUWAHATI
(ESTABLISHMENT OF A PERMANENT
BENCH AT SILCHAR) BILL*

[English]

SHRI KABINDRA PURKAYASTHA (Silchar): I beg to move for leave to introduce a Bill to provide for the establishment of a permanent Bench of the High Court at Guwahati at Siulchar.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court of Guwahati at Silchar."

The motion was adopted

SHRI KABINDRA PURKAYASTHA: I introduce the Bill.

15.32 hrs.

CONSTITUTION (AMENDMENT) BILL*
(AMENDMENT OF ARTICLE 158)

[Translation]

SHRI MOHANSINGH (Deoria): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

[English]

MR. CHAIRMAN: The question is:

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

The motion was adopted

SHRI MOHAN SINGH: Sir, I introduce the Bill.

15.32 1/2 hrs.

CONSTITUTION (AMENDMENT) BILL
(AMENDMENT OF EIGHTH SCHEDULE)
BY SHRIMATI DIL KUMARI BHANDARI-
CONTD.

[English]

MR. CHAIRMAN: The House shall now take up further consideration of the following motion moved by Shrimati Dil Kumari Bhandari on the 10th April, 1992, namely -

"That the Bill further to amend the Constitution of India, be taken into consideration."

Shri Lal K. Advani to continue his speech.

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Chairman, Sir, I think it would be better if the Government takes a decision soon on the Bill introduced by Shrimati Dil Kumari Bhandari on which she had expressed her views earlier and, I had also spoken on it.

Mr. Chairman, Sir, their non-inclusion in the Eighth Schedule is an irony when Nepali and Manipuri and the languages which have been recognised in the States where they are spoken by the majority of the people. Sikkim was not one of our States earlier. But today Nepali is the recognised language of Sikkim. West Bengal has also recognised Nepali language because it is spoken in one of its part especially in Darjeeling. In the same way Manipuri is the official language of Manipur. It is the language of courts also. It has its long history and

literature. So I do not think it proper that by including these two languages in the Eighth Schedule, an injustice would be done to those language which stake their claim for inclusion in this schedule. I feel that it should be delinked from Separate decision their claims which should be decided on their individual merits. I am not going to give their names. There are at least four-five languages in my mind, for which there are continuous demands for their inclusion in the Eighth Schedule. But those four-five languages are not recognised even in their respective States, though they should have been recognised in the respective States too. As far as Manipuri is concerned, even the State unit has not recommended for it but in case of Nepali four different legislative Assemblies of States have unanimously demanded its inclusion. At this time Inder Jeet Ji is not present here. In this context, I would like to mention his name also, since last time when Inder Jeet Ji had raised objection then I had humbly said that if there is agreement on language and there is any dispute over the probable name of the language only, then you give recognition to this language as "Nepali-Gorkhali". But later on when a number of Nepali people met me, then I realised the reason of the objection on the word "Nepali". After I came to know about the objection, I felt that I am not in a position on favour "Nepali-Gorkhali". However, as per the manifesto of my party, only Nepali and Manipuri languages are said to be recognised and therefore I understand that the Bill moved by Dil Kumari Bhandari Ji should be supported as it is. This dispute arises by including the word 'Gorkhali'. I would like to mention about those persons also who have raised this dispute that since Nepali is a foreign language, it should not be given recognition. I do not accept this logic; and I am of the opinion that the Nepali speaking people have been living here for years and it would be totally wrong to term these people as foreigners and in view of these circumstances, I support and favour the word "Nepali", in the same form as it has been used in the Bill.

I will conclude by saying one thing in support of this Bill that our country is a democratic country and the democratic norms adopted to force the Government to accept the demands should be respected. Uptil now, it was considered that a large community, which gives a petition, representation and passes a resolution in a legal manner regarding some specific demand and on that basis wins the elections etc., then naturally the ruling persons will give him due regard in view of all these things. Gradually such a situation is cropping up in which people are getting an impression that passing of resolutions, giving memorandums and unanimous resolutions are not enough to get fulfilled their demands. Unless they resort to some riots and violence for emphasis in their demands. Unless some violent steps are not taken, New Delhi will be utterly headless. This impression is a very dangerous impression and it should not be allowed to go on increasing. Recently I had been to Manipur and I saw there very odd situation. There is no reply to their query as to why the Government is not giving recognition to Manipuri language despite so many requests made by the legislative assembly. All the people and all the parties are of the same opinion and there is no controversy on this single point. As a result of it, a movement has been going on there for some months opposing all the languages of the eighth schedule. Since you do not give recognition to their language, they do not give recognition to other languages of India. If some film of other language is released in Manipur. They will not allow it to be shown and they will remove all the boards printed in all other languages. I understand that they have no intention to oppose the languages through this move. They are not against any language. When I went there I spoke in Hindi only; at that time nobody asked me not to speak in Hindi, we do not like Hindi but they listened to me in Hindi. Outwardly it appears that they are against Hindi but I am of the firm opinion that they are not against Hindi. They are not even against but they express their anguish through it as to why their language is not given recognition; and the Government should not allow their anguish to cross a certain limit.

As regards Nepali language, this much I know that the Chief Minister of Sikkim had met me thrice, at least. All the representatives of all the parties, and more than 100 Members of Parliament have given in writing to this Government, to the previous Government and to the pre-previous Government and they have been giving memorandums from time to time in this regard. All the legal and democratic ways, they have exhausted and despite all these methods when there is no response from the Centre, naturally they will react to it and this reaction of theirs will naturally be not good in the interest of the country.

Therefore, I will again submit that this is a private member's Bill and it has been the tradition of this House that the Government talks so much on private members' Bills and also realizes and inherent feelings of the Bills but always says that the views expressed in the Bill have weight, we regard your feelings but we request you to withdraw the Bills and on that basis, the Bills are withdrawn, the hon. Minister of State in the Ministry of Home Affairs is sitting here, and I submit to him that the delay in this matter will cause a great loss. Our land is suffering from this loss and I think there is no difficulty in avoiding the loss. The hon. Finance Minister is also present here and he might be agree with me that the Government does not have to bear financial loss of even a single pie by including any language in the eighth schedule. Yes, there will be some expenditure on the printing of that page of Constitution but that much of expenditure occurs even on a Private Member's Bill. (Interruptions)

Therefore, when I saw this Bill I found that it is a very small one and there is no lacuna in it. Therefore, if it is approved as it is it will be much better. There is no need at all of any change in it. Mr. Jacob can accept it today and can create a History.

As far as I remember a Private Member's Bill was passed in India only once and that was the Feroj Gandhi Bill, which was later on known as Feroj Gandhi Bill. The provision of that Bill was that if the press reporters, sitting in the gallery, cover some proceedings properly, then no action can be taken against

them and no law suit can be filed against them in the same way as no defamation case be filed against any Member. Similarly no case can be filed against the Press reporters.

SHRI MOHAN SINGH (Deoria): He was the son-in-law of the Prime Minister. If the Members have the same position and present the Bills, this Government will also approve the same.

SHRI LAL K. ADVANI: I am referring to that only because that is a precedent. If there is any legal lacuna in this Bill then it can be removed within two minutes by bringing an official amendment. There is a mention of clause 7A and 8A in this Bill and if you feel that these have already been amended in the past, then these can be renumbered now and these two languages can be added and placed at appropriate numbers and then there will be 17 languages instead of 15 languages in the Schedule. If these are kept even at 7-A and 8-A even then there is no objection. The languages placed at SI Nos 7-A and 8-A can be placed at other SI Nos. The language maintained at SI No. 8 can be placed at SI No. 10 and thus renumbering of SI Nos. can solve the whole problem within two minutes. I hope that the whole of the House might be agree with me and will accept it. But my submission in this matter is that the time is very important, we must recognise its importance and it should not be treated as an ordinary Bill but it should be treated as a very important Bill and it should be accepted by the Government. With these submission I wholeheartedly support the Bill of Shrimati Dil Kumari Bhandari.

15.45 hrs.

CONSTITUTION (AMENDMENT) BILL*

(AMENDMENT OF ARTICLE 371)

[English]

MR. CHAIRMAN: At this stage, I allow Shri Moreshwar Save to introduce the Bill. Shri Moreshwar Save.