

KANHAIYA LAL SETHIA AND ANR.

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v.

UNION OF INDIA AND ANR.

AUGUST 4, 1997

[DR. A.S. ANAND AND K. VENKATASWAMI, JJ.]

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*Constitution of India, 1950 :*

*Article 32, VIII Schedule—Writ petition seeking a direction to Union of India to introduce a Bill in Parliament to include Rajasthani language in the VIII Schedule—Held, petitioner is not vested with any fundamental right to compel the Union of India to bring forth a particular legislation—Writ petition dismissed—The Challenge "in the alternative" to 71st Amendment Act of 1992 is without any merit.*

C

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 356 of 1997.

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Under Article 32 of the Constitution of India.

Vijay Hansaria and Sunil K. Jain for M/s. Jain Hansaria & Co. for the Petitioners.

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The following Order of the Court was delivered :

In this Writ Petition, filed by way of 'Public Interest Litigation', the petitioners have prayed as follows :-

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(a) direct respondent No. 1 (Union of India) to introduce an Official Bill in the Parliament to include Rajasthani language in the VIIIth Schedule to the Constitution; or to sponsor a Private Member's Bill to be introduced on this subject;

Or, in the alternative :

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strike down the Constitutional (71st Amendment) Act of 1992 by which Manipuri, Konkani and Nepali found their places in the VIIIth Schedule, to the constitution being violative of one of the basic structures of the Constitution, viz. equality'

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AND

(b) pass such order/orders or give such direction/directions as your Lordships may deem fit and proper.

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To include or not to include a particular language in the VIIIth Schedule is a policy matter of the Union. Generally speaking, the Courts do not, in exercise of their power of judicial review, interfere in policy matters of the State, unless the policy so formulated either violates the mandate of the constitution or any statutory provision or is otherwise actuated by *mala fides*. No such infirmity is present in the instant case.

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The petitioner is not vested with any fundamental right to compel the Union of India to bring forth a particular legislation or to exercise its discretion in the Parliament in a particular manner. It is, thus, not open to the petitioner to seek a direction to the Union of India "to sponsor a Private Member's Bill to be introduced on this subject".

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Insofar as the challenge to the constitutional validity of the 71st Amendment Act of 1992 by which Manipuri, Konkani and Nepali were included in the VIIIth Schedule is concerned, we fail to see how the inclusion of those languages violates any "basic structure of the Constitution" as alleged by the petitioners. The challenge, "in the alternative", is

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without any merits.

This writ petition under Article 32 is misconceived and it is, accordingly, dismissed.

R.P.

Petition dismissed.