ITEM NO.2 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).387/2023

RIPUDAMAN SINGH **Petitioner(s)**

VERSUS

UNION OF INDIA & ANR. **Respondent(s)**

(WITH IA No. 60317/2023 - EXEMPTION FROM FILING O.T., IA No. 105265/2023 – INTERVENTION/IMPLEADMENT, IA No. 60316/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 60318/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 21-07-2023 This petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) **Petitioner-in-person**

For Respondent(s) **Ms. Shagun Thakur, Adv.**
Mr. Adit Khorana, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Taruna A Prasad, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1 The relief which has been sought in the present proceedings is for the inclusion of the Rajasthani language in the Eighth Schedule to the Constitution.

2 We have heard Mr Ripudaman Singh, who appears in person, and Ms Shagun Thakur, counsel for the respondents.

3 Counsel for the respondents has placed on the record a copy of the judgment of a two-Judge Bench of this Court **Kanhaiya Lal Sethia** v **Union of India**[1].

1 (1997) 6 SCC 573

4 The reliefs which were sought in that case were in the following terms:

> "(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 Bills to be introduced on this subject;
>
> Or, in the alternative:
>
> 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
>
> AND
>
> (b) pass such order/order or give such direction/directions as your Lordships may deem fit and proper."

5 This Court, while declining to entertain the petition, observed as follows:

> "2. 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.
>
> 3. 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".

6 We are in respectful agreement with the above view.

7 Whether a language should be included in the Eighth Schedule to the Constitution is a policy decision which has to be taken by the appropriate constitutional authority. We decline to entertain the petition on this ground.

8 The petition is accordingly dismissed.

9 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR