

DMK's Tamil advocacy puts government in corner

Tamil Nadu's ruling DMK has got the Congress-led United Progressive Alliance (UPA) government in a spot by voicing its ire over the Supreme Court's veto on the use of Tamil as the language of proceedings in the state high court.

The UPA's southern ally has introduced a Calling Attention Motion in the Lok Sabha on the issue, which could be taken up next week for debate, say sources in the ministries of law and parliamentary affairs.

The Tamil Nadu assembly had passed a unanimous resolution on Dec 6 last year for the use of Tamil, the state's official language, in the Madras High Court.

The DMK's Calling Attention Motion for the use of Tamil has put the Manmohan Singh government in an embarrassing position because the proposal has not found favour with the Supreme Court.

'A Calling Attention Motion is a device to attract the government's attention to a particular issue in parliament. If the notice for the same has been given by an ally, it certainly becomes a trifle embarrassing for the government, though an adjournment motion is perceived to be more embarrassing as the latter also involves censure,' said former Lok Sabha secretary general Subhash C. Kashyap, an expert on parliamentary rules and procedure.

Chief Justice K.G. Balakrishnan had disapproved of the proposal, saying: 'For the present it is not proper to introduce regional language in the orders, decrees and other proceedings of the state's high court.'

The chief justice expressed his views during consultations with the union law ministry on the matter. His reservations came despite the Madras High Court favouring Tamil in its proceedings.

Upset, DMK parliamentarians conveyed their ire to Prime Minister Manmohan Singh during a meeting with him Monday.

Tamil Nadu Chief Minister M. Karunanidhi Sunday had expressed 'shock and disbelief' after the union government conveyed to him that the Supreme Court was averse to the use of Tamil in the high court at this juncture.

Defending the Supreme Court's disapproval has not been easy for the union government.

According to law ministry sources, DMK parliamentarians have a valid ground for their ire as Article 348 (2) of the Constitution and Section 7 of the Official Languages Act, 1963, together entitle Hindi-speaking states like Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan to use their official language - Hindi - in their respective high courts. The DMK MPs are seeking an extension of this constitutional provision to Tamil as well.

On the contrary, the ministry sources said, the Supreme Court has its own very valid rationale behind disapproving Tamil. To begin with, it would imply that only Tamil-knowing judges have to be posted in the Madras High Court and this in fact impacts the transfer and posting of high court judges all over India.

It would also involve taking up voluminous work, requiring translation of thousands of laws in the Tamil language, they pointed out.

The ministry sources said the government, however, is even a trifle wary of its crucial southern ally's prowess to arm-twist it to have its say on various issues, especially legal ones.

It may be recalled that owing to pressure from the DMK, the union government has not yet been able to implement a 2005 amendment to the Criminal Procedure Code (CrPC), making it mandatory for an accused to be present in the court for seeking anticipatory bail.

The union home ministry had amended the CrPC provisions on anticipatory bail. Under the existing provisions, an accused was able to often evade arrest for a long time and jeopardise the police investigation by securing anticipatory bail from the high court, even without personally appearing before it.

The amended CrPC provision left Tamil Nadu lawyers fuming, prompting DMK chief Karunanidhi to force the government to keep the new amendment in abeyance, said the sources.

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