

evsjv`tki wePvi e'e`vq evsjv fvlv ciw`wZ

bvwn`tdi`šmx¹

1. mnKvix Aa`vcK, `x Ae jô, evsjv`k Dbjy wekwe`vjg

Abstract

Bengali language has been declared as the state language of the Republic in Article 3 of the Constitution of Bangladesh. Bengali is our mother tongue and we have achieved this at the cost of much blood. Moreover Bangla Bhasha Procholon Ain (Bengali Language Implementation Act) was made in 1987 for ensuring compulsory use of Bengali in courts and offices of Bangladesh. In spite of these provisions, English is still used in the judicial system (Higher Courts) in Bangladesh. Often delivering of judgments in English creates various problems for poor and illiterate person. People in our country speak in Bengali. Language of courts should follow the language of the common people. An attempt has been made in this article to assess the status and the enforceability of Bengali language with historical background, limitations of bringing into practice and some necessary measures for effective use of Bengali language in the courts.

Key words: Bengali language, judgments in English, impact on the people

1. fvgKv

AvRtKi AavbK wek wePvi wefvM GKwU Ri`wi I kw<sup>3</sup>kvjx ciwZôv| Gi gva`g RbMY AvBtbi tmev tfvM Kti| dtj ivô bMwiKi tgšjK AwaKvi AWRZ nq Ges mgvR AvBtbi kvmb ciwZôv NtU| tmRb`wePvi e'e`vq cPjZ fvlvi mμq fvgKv itqQ| Av`vjZ wePvii Rb` Avte`b Kiv t\_K i` Kti

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wePvitiKi ivq t`lqv Ges tmB ivq KvHki Kiv me wKQD fvlvi gva`g nq| wePviK, Avte`bKvix I Amwgi fvlv ciw`wZ tevaMg`bv ntj mwePvi wvôZ ntZ cvti bv| wKŠ gvZfvlv evsjv nqv mEi evsjv`tki wePvi e'e`vi mKj chvq evsjv fvlvi cPjb tbB| wB Av`vjZ evsjv fvlvi e'envi vKtjI D"P Av`vjZ AvRI Zvi e'envi cPjZ mæci nqib| D"P Av`vjZ gvgji KvHvej ciwPjv I ivq c`vbi t`tI cvq Bstir fvlv e'envi Kiv nq| AvŠ RvZK fvlv wntmte Bstir fvlvi iZ Ab`xKv ntjI tmU GKwU t`tki wZxq fvlv ntj KLbI c_g fvlvi vb ev ghv`vq AwôZ ntZ cvti bv (Awbmgyvgv, 2008 : 1)| ivô Ab`v` wefvMi mvZ Zbv Kiti t`Lv hvq, AvBb, kvmb I wePvi-GB wZb wefvMi gta` cavbgšxi KvHvj I mPevjqmn kvmb wefvMi mKj t`tI evsjv fvlv cPjZ AvtQ| Ab`w`K, AvBb wefvM A_vr RvZxq msmt`i Awatekbn mKj KvHug mævfvte evsjv fvlvZB nq| wKŠ ivô wePvi wefvM mycg tKvUmn AtbK Av`vjZ AvRI Av`vjZi GKgv fvlv wntmte evsjv cPjZ nqib (gxi, 2006 : 18)| Gi wQbtbi t`tI cvU nt`Q, evsjv`tki wePvi e'e`v cvPxb fviZeIli w`ygyjg, weUk I cwiKvb kvmbvgtji wePvi e'e`vi Dci wfiE Kti Mto DvVtQ| GLb chš tmB avivB Ae`vnZ AvtQ| GB `xN mgqi e'eatb t`šMwjk, ivRbZK, Av_-mvgwRK Ges RbmYi wPšv-tpZbv cieZb ntjI wePvi e'e`v Avkvbyc mgqvcvMx nqib| A\_P evsjv`tki tewkifvM gby AikwZ I `wi` nqv Zti Avkv fimvi tkl Avkq`j nt`Q Av`vjZ| wQye`wZug Qov hviv cKZ.I cwiŠK wePvicv_x Zviv mKtjB evsjvvlx| G mg`wZM e`w³ h` Zti gvgji bw\_cI I ivq BstirZ tjlvi Kvty ešZ bv cvti, Zte AvBtbi tmevgjK w`KvB A_nx ntq cto (Awbyy, 2003 : 28)| MYCRvZš evsjv`tki msweavb, 1987 mvjji evsjv fvlv cPjb AvBtbi me`ti evsjv fvlv cPjbtbi wbt`kbv t`lqv vKtjI meI evsjvi e'envi wvôZ Kiv mæci nqib| Kvty evsjv`tki vaxZv evsjv fvlv cPjbtbi wvZK evav `tKi I gvbwmKZv, AvBb I AbxjbMZ wQycZeÜKZv GLtbv itq tmTQ| MZ kZKi beYB `kK D"P Av`vjZi KwZcq wePvicw evsjvq ivq tjlvi th mtcvZ KtiQtjb Zv AvRI meI AbvZ ntZ cvtib|

2. evsjv`tki wePvi e'e`vq evsjv fvlv e'envi HZnwMk wPi

evsjv fvlv mgqi cieZbtbi mvZ weKwKZ ntqQ| gbyti wPšv, tpZbv, Pwvvi Dci mgvR I ivô e'e`vi cfvtei cieZbtbi mvZ mvZ wePvi e'e`vi fvlv e'envi cieZb NtUQ| fviZi Z_v evOjvi me cvPxb fvlv wQj AwôK tmvôxi fvlv| wLôce 327-325-G tmKv`vi kvni mwÜZDcZ`Kv

Avug`Yi mgqKv`j M₂/v-F₁× t₁K evsjv`tki wjwLZ BzNvm i`i| GB m`xN cvq AvovB nRvi eQti Gt`k ZbU ciflv ivóflv wntmte e'eüZ ntq Gt`mQ- ms`Z, dvm Ges Bst`iR| evsjv fvlv mgZwôZ nlqi ce chš mwnwZ`K fvlv wntmte evsjv`tk ms`Z, wefb cvKZ. Ges Acâsk cPijZ wQj (bxvi, 1412 : 575)| w`yAvgt`j wePvi I ivRKvR ms`Z. I cvKZ. Ges g`yvg kvmbvg`j dvm fvlvi e'envi ntjI cieZx mgq weUk fviZi kvmtKiv mec\_g wePvi e'e`vq dvmi cvkvcmk evsjv cPj`bi c`f`c MnY KtiwQj| ejv hvq weUk kvmbvg`j t₁KB wePvi e'e`vq evsjv fvlvi cPjb i`i ntqQ| cieZxKv`j 1947 mv`j weUk kvmtbi Aemv ntjI wePvi e'e`vi tKv`bv D`jL`hM` c`ieZb NtUwb (kvqQz, 1997 : 10)|

evsjv`tki wePvi e'e`vq evsjv fvlvi e'envi i`i w`KwU`K Kt`qKwU kvmbvg`j fVM Kiv hvq-

kvmbvg`j	mgq	wePvi e'e`v	fvlv
fviZ w`y kvmbvg`j	wL÷ce 4_ kZvãx t ₁ K 1206 wL÷vã chš	wefb vax ivtR` wef <sup>3</sup> wQj Ges ctZ`KwU ivtR` ms`kó ivRvB wQj`b megq fvgZvi AwaKvix	ms`Z. I cvKZ. fvlv e'envi Kiv ntZv
fviZ g`yvg kvmbvg`j	1206 wL÷vã t ₁ K 1857 wL÷vã chš	ctZ`K ct`k, tRjv, ciMYv Ges Mv`g c <sub>2</sub> K Av`vjZ ciZwôZ wQj	dvm fvlv e'envi Kiv ntZv
fviZ weUk kvmbvg`j	1600 wL÷vã t <sub>1</sub> K 1947 wL÷vã chš	mycg tKvU, nvBtKvU, t`lqwb I tdsR`wi Av`vjZ wQj	dvmi cvkvcmk evsjv fvlvi cPjb wQj
cvK`vb kvmbvg`j	1947 wL÷vã t ₁ K 1971 wL÷vã chš	mycg tKvU, nvBtKvU, t`lqwb I tdsR`wi Av`vjZ wQj	evsjv fvlvi tPq Bst`iR fvlvi cPjb teik wQj
evsjv`k kvmbvg`j	1971 wL÷vã t ₁ K eZgv mgq chš	mycg tKvU, nvBtKvU, t`lqwb, tdsR`wi, kg Av`vjZ, ckvmibK UvBelyj cPijZ AvtQ	mycg tKvU nvBtKvU I Avicj wefvM Bst`iR cPijZ  tRjv I wbbt Av`vjZ evsjv Ges Bst`iR fvlv cPijZ

GB Avgj, t`jv wePvi e'e`vi t`f`f` m`úY c₂K wQj| wekI Kt`qKwU t`f`f` Qvov w`yAvgt`ji wePvi e'e`vi meB g`yvg Avgt`j MpxZ nqib| Avevi g`yvg Avgt`ji wePvi e'e`v weUk fviZi m`úB i`c MpxZ nqib| wefb kvmbvg`j wePvi e'e`vq c₂K fvlv cPijZ wQj| Zte weUk fviZ wePvi e'e`v cieZx `B Avgj ewnZ ntq Gt`mQ| evsjv`tk wePvi e'e`vi KwVtgv I Khc×wZ weUk fviZi wePvi e'e`vi mv`\_ A`bKvstKB mv`k`cY| thnZzteik fVM AvBb weUk fviZ weaex ntq vaxb evsjv`tk mstkwaz AvKv`i we`gvb, tmnZzePvi e'e`vi fvlvi ce aviviB AbgZbgv`I|

2.1. fviZ w`ykvmbvg`j: wePvi e'e`vi fvlv

- w`y`hM e`wB wQj cvq 1600 eQi (wL÷ce 4_ kZvãx t₁K 1206 wL÷vã chš)|
- cvPxb fviZ wefb vax ivtR` wef<sup>3</sup> wQj Ges ciwU ivtR` ivRvB wQj`b megq fvgZvi AwaKvix| wePvi e'e`vi w`wQZ ivRvi Dci AwcZ wQj|
- G mgq wePvi I ivRKvR ms`Z. I cvKZ. fvlv e'envi Kiv ntZv (Kulshreshtha, 1987: 4)|

2.2. fviZ g`yvg kvmbvg`j: wePvi e'e`vi fvlv

- fviZ Dcgnv`tk Z`K g`yvg`i Afhv`b w`yivRviv ciwRZ ntj g`yvg kvmtbi mPbv NtU|
- g`yvg h`M e`wB wQj 1206 wL÷vã t₁K 1857 wL÷vã chš|
- mgM g`yvg h`M m`yZwb I g`y kvmb ejer wQj|
- g`yvg kvmbvg`j ckvmibK wef³ Abm`ti ctZ`K ct`k, tRjv, ciMYv Ges Mv`g c₂K Av`vjZ ciZwôZ wQj thLv`b t`lqwb, tdsR`wi Ges ivR` gvgjvi wePvi ntZv (k`dKz, 2006 : 11)|
- g`yvg h`M m`yZwb I g`y Dfq kvmbvg`j Av`vjZ dvm fvlv e'envi Kiv ntZv|
- dvm fvlv mvariY gvyli tevaMg` wQj bv| iayivRKg I wePvi KvR RwoZ e`w³ iv PvKwii Rb` GB fvlv wKLZ|

2.3. fviZ weUk kvmbvg`j: wePvi e'e`vi fvlv

fviZ weUk kvmbvg`j wePvi e'e`vq evsjv fvlv cPj`bi Rb` wefb c`f`c MnY KtiwQj|

2.3.1 mβ`k kZK

weUk fvi`Zi kvm`Kiv mec_g wePvi e'e`vq dwmi cvkvcwk evsjv fvlv cPj`bi c`tkc MnY K`iQ`j`b| c_g MfYi tRbv`ij lqv`ib tnv`÷`smi kvmvgt`j th mKj c`tkc MnY Kiv n`qQj| Zv n`jv-

- mec_g evsjv fvlvq AvB`bi Abv` Kiv nq|
- 1774 wL÷v`ã KjKvZvq mycg tKVU ciZôvi ci hLb bZb K`i t`lqvib, tđR`wi l ivR` AvBb cYxZ nq, ZLbB dwmi l evsjv fvlvq G mKj AvB`bi Abv` Kivi c`qvRbxqZv Abv`Z nq|
- 1797 wL÷v`ã G t`kxq`i t`q`i c`hvR` AvBb, wea, Aa`v`k l cweavbmgn evsjv fvlvq Abv` K`i tm,`jv tQ`c cKvk Kivi wbgg Kiv n`qQj (Gev`y, 1998 : 91)|

2.3.2. Aóv`k kZK

- 1837 wL÷v`ã t`_K dwmi cie`Z Bst`iR`K ivRfvlv wntm`te tNviYv Kiv nq|
- Aóv`k kZ`Ki tkl cvš t`\_KB wgbw`iMY evsjv fvlx AÂjmg`n evsjvq Bst`iR w`k`lvi cPvi `i` K`i (Avã`vn, 2005 : 122)|
- evsjv AÂjmg`n tRjv Av`vjZ,`jv`Z dwmi cie`Z evsjv fvlv PvjyKiv nq|

2.3.3. Ebiesk kZK

- Dbiesk kZ`Ki c\_g t`_KB AvBb weiqK M`ši evsjv Abv` `i` nq |
- G mgq evsjv fvlvq Abv`Z AvBb weiqK M`ši msL`v l Rb`icqZv ew`x`c`Z v`K|
- t`lqvib Kvhweai 137 avivq t`lqvib Av`vjZ Bst`iR fvlvi mv`\_ evsjv fvlvi e`envi xKZ.nq|
- tđR`wi Kvhweai 558 avivq Aa`b tđR`wi Av`vjZi e`envh fvlv wbavi`Yi qgZv miKvi`K t`lqv nq|

2.3.4. weUk wePvi e'e`vq evsjv fvlvi cPj`b

- 1837 wL÷v`ã t`_K dwmi cie`Z Bst`iR`K `vBwiK fvlv Kiv n`j l Av`vjZ evsjvi cPj`b A`q`y t`_K hvq|
- wbg Av`vjZ Av`iR, Reve, `iLv` BZ`w` evsjvq t`jLv n`j l mv`xi Revbe` l Av`vjZi ivq Bst`iR fvlvZ t`jLv n`Zv|
- m`i Av`vjZ A`vr D`P Av`vjZ gvgjvi mKj chv`q Bst`iR fvlvi e`envi n`Zv (Gev`y, 1998 : 220)|

2.4. cwk`vb kvmvgt`j: wePvi e'e`vi fvlv

- 1947 wL÷v`ã weUk kvm`bi Aemv n`j l wePvi e'e`vi tKv`bv D`jL`thvM` cieZb N`Uib| c`Z`K c`tk wePvi e'e`vi fvlv weUk kvmvgt`j e'eüZ fvlvi Abv`c`Qj|
- cwk`vb Bst`iR fvlvZ Av`iR Reve UvBc K`i `wLj Kiv n`Zv| evsjv fvlvq Av`iR `iLv` `Z` ^Zi Kiv thZ bv e`j A`b`KB Bst`iR fvlv mnR g`b Ki`Zv|
- 1947 wL÷v`ã XvKv gd`j kni t`\_K cv`kK ivRavb`Z DbxZ n`lqvi ci l XvKv bMixi Aa`b`lqvib l tđR`wi Av`vjZi evsjv fvlvi tP`q Bst`iR fvlv cPvjZ v`K teik (Gev`y, 1998 : 324)| 1956 wL÷v`ã cwk`vbi c_g msweavb Abv`q` t`tk GKU mycg tKVU Ges c`Z`K c`tk GKU K`i nvB`KVU wQj| mycg tKv`Ui tK`xq miKvi ev cv`kK miKv`ii weev` msuvš weiqv` m`ú`K ivq t`lqvi qgZv wQj| GmKj Av`vjZ Bst`iR fvlvq ivq t`lqv n`Zv |

2.4.1. cwk`vb msweavb evsjv fvlvi xKvZ.

atgi wfi`Z cwk`vb bivgK iv`oi Rb` n`j l vaxb cwk`vb ivófvlv wbev`bi c`k w`awef<sup>3</sup> n`q c`o| cwk`vbi msL`vM`iô Awaevmx (56.4%) evOwji gvZfvlv D`c`q`v K`i D`jK (3.27% t`jv`Ki gvZfvlv) cwk`vbi GKgv l ivófvlv Kivi nxb c`Póv n`Z v`K (gvne`gi, 2006 : 86)| 1956 m`b cwk`vbi msweavb evsjv fvlv Ab`Zg ivófvlv wntm`te msweavbK xKvZ. jvf K`i| msweavb ivófvlv msuvš 214 (1) Abv`Q` ejv nq, òcwk`vbi ivófvlv n`te D`yl evsjvó| msweavb D`yl evsjv`K ivófvlv wntm`te xKvZ. t`qv n`j l cieZx 20 eQi Awd`m Bst`iR PvjyivLvi weavb v`K (t`iRvqv, 2006 : 316)| Avevi 1962 m`bi msweavb D`yl evsjv`K RvZxqfvlv wntm`te xKvZ. t`lqv n`j l ejv nq, GB Abv`Q` Bst`iRi e`envi`K w`b`iva Ki`te bv Ges 1972 m`b ivócvZ `vBwiK fvlv Bst`iR ciZ`v`Mi e`vcviUv cix`q`v K`i w`icvU t`lqvi Rb` GKU Kigkb w`b`qM Ki`teb (nvexey, 2005 : `w`bK c_g Av`jv)| 1967 m`b XvKv wekve`vj`q Bst`iRi cvkvcwk evsjv`Kl w`k`lvi gva`g wntm`te xKvZ. t`lqvq ZrKvjxb AvBb gnwe`vj`q,`jv`Z evsjvq AvBb w`k`lvi t`lqvi c_g myg nq| d`j Aa`b Av`vjZi evsjvi e`envi μgk evo`Z v`K| Gfvte evOwji gvZfvlvi `we ciZôvi Rb` Rieb t`q Ges cwk`vbi ce l ciđg As`k wZ<sup>3</sup> Zv m`ú`Z fvlv mgm`v gl` f`gKv cijb K`i (Ave`y, 1991 : 86)|

2.5. ʱvaxb evsjvʔʰk: ʱePvi e'e⁻vi fvlv

1971 mʔbi 16 ʱWʔmʔʔii ʱeRʔqi ci ʱvaxb evsjvʔʰk evsjv miKwi fvlvi ghv⁻ jvf Kʔi| Zʔe hʔ cieZx ʔʰk Ri⁻ʱi Ae⁻vi tgvKwejv Kivi Rb⁻ ivóciZi kZwaK Avʔʰk BʔʔiR fvlvʔZB Rwi Kiv nʔqʔQ| evsjvʔʰk ʱvaxb nIqvi ciI ʱeUkymbvgʔj cʱZiôZ Ges cwmK⁻vb Avgʔj cPjZ Aa⁻b Av⁻vjZ, ʱji MVb, GLʱZqvi I fvlv e'envʔii ʱeʔkl ʔKvʔbv ciieZb nqib (kvqQʔ, 1997 : 332)| evsjvʔʰki Aa⁻b ʔʰlqwb I ʔdʔR⁻wi Av⁻vjZ, ʱji GLʱZqvi I Kvhiwa h⁻vμʔg 1908 mvʔji ʔʰlqwb Kvhiwa I 1898 mvʔji ʔdʔR⁻wi Kvhiwai ʱeavb Øviv ʱbqiʔZ nq (Mafizul, 2004 : 3)|

2.5.1. ʱvaxbZvi ci evsjvʔʰk ʱePvi e'e⁻vq evsjv fvlvi e'envi

- ʱvaxbZvi ci evsjvʔʰk miKwi Avʔʰk me⁻ʔi evsjv fvlvi e'envi ii⁻ nʔjI evsjv fvlvq AvBʔbi Abʔv⁻ bv ʱvKvq mʱcg ʔKvʔUi ʱePvi ciZʔ⁻i ivq BʔʔiR fvlvʔZB ʔjLv nʔZ ʱvʔK|
- D⁻P Av⁻vjZ cZxKx e'envi ʱnʔmʔe ʱʱwbK ʔbwi ZwiKv evsjvq cKvk nʔZ ʱvʔK| KvY D⁻P Av⁻vjZ evsjvi e'envi ʱQj bv|
- ʔRjv ev Aa⁻b ʔʰlqwb I ʔdʔR⁻wi Av⁻vjZ, ʱjiZ evsjv Ges BʔʔiR DfqB fvlvB PjʔZ ʱvʔK (kvqQʔ, 1997 : 689)|
- ʱbg Av⁻vjZ evsjv fvlv e'eüZ nʔZ ʱvʔK|

evsjvʔʰk ʔh mKj AvBʔb ʱePvie'e⁻vi fvlv ʱelʔq ejv nʔqʔQ, Zv nʔjv -

1. MYcRvZʔx evsjvʔʰki msʱeavb, 1972, Abʔv⁻Q⁻ 3 I 153 (2) I (3)
2. evsjv fvlv cPjb AvBb, 1987
3. ʔʰlqwb Kvhiwa, 1908, aviv 137 I 138
4. ʔdʔR⁻wi Kvhiwa, 1898, aviv 221 (6), 356, 357, 360(3), 361(1), 364, 367, 371, 372 Ges 558

2.5.1.1. mʱsʱeavbK ʱeavb

Øivófvlv evsjv PvbØ GUvB ʱQj 1952 mvʔji ʔKvMvb| me⁻ʔi evsjv fvlvi cʔqM Pvb, GUvB ʱQj ʱve| GB ʔKvMvb Ges ʱve ʱxKvZ ʔcʔqʔQ MYcRvZʔx evsjvʔʰki msʱeavbʔi ZZxq Abʔv⁻Q⁻| msʱeavbʔi 3 Abʔv⁻Q⁻ tgvZvʔeK cRvZʔʔi ivófvlv evsjv| msʱeavbʔi 153 (3) Abʔv⁻Q⁻ ejv nʔqʔQ, ʔhʔʔʔi BʔʔiR cvʔVi mvʔ_ evsjv cvʔVi ʱeʔiva nʔe, ʔmʔʔʔi evsjv cvv cvarb⁻ cvʔe| GQvov msʱeavbʔi 3 Abʔv⁻Q⁻ʔK KvhiKi KiʔZ 7 (2) Abʔv⁻Q⁻ Avʔiv ejv

nʔqʔQ, RbMʔYi Aʱfcvʔqi cig Aʱfe⁻ʱ³ iʔc GB msʱeavb cRvZʔʔi mʔev⁻P AvBb Ges Ab⁻ ʔKvʔbv AvBb| hʱ⁻ GB msʱeavbʔi mvʔ_ ʔKvʔbv AvBb AmvgÄm⁻ nq, Zvʔj ʔmB AvBʔbi hZLwb AmvgÄm⁻cʔ, ZZLwb ewZj nʔe| DʔjL⁻, evsjvʔʰki msʱeavb evsjv fvlvq cYxZ nʔqʔQ Ges BʔʔiRʔZ Abʔv⁻Z GKvU ʱbfiʔhM⁻ Abʔv⁻ʱ⁻Z cvʔVi ʱeavb AvʔQ| ʱKʔ BʔʔiR cvʔVi evsjv fvlvq iʱPZ cvʔVi ʔ_ʔK cvarb⁻ cvqib|

msʱeavb ejer nIqvi ci Gme ʱbʔʰk mvgʔb ʔiʔL evsjvʔʰki cʔqRbxq me⁻ ʔi evsjv fvlv cʔqʔMi Rb⁻ KvR PjʔZ ʱvʔK| ʱy, KʔjR I ʱekʱe⁻vʔjʔq gʱyʔq KʔqKvU ʱelq ev⁻ ʱʔq cvq mKj ʱelʔq evsjv fvlv Pvjynq| miKwi-temiKwi AʱdʔmI cvq me KvR-Kg evsjv fvlvq ii⁻ nq| ʱPvKrmv cʔKʔkj cfʱZ ʱelʔq chwʔ cyʔKi Afʔe Aek⁻ Avkvbyc evsjv Pvjynqib| miKwi Avʔʰk me⁻ʔi evsjv fvlvi e'enviʔii ʔciYv ii⁻ nʔjI evsjvq chwʔ cyʔKi Afʔe Ges Avʔiv KvZcʔ KvʔY D⁻P Av⁻vjZ BʔʔiR fvlv PjʔZ ʱvʔK| ʱKʔy ʱbg Av⁻vjZ cvarbZ evsjv fvlvB e'eüZ nʔZ ʱvʔK (Latifur, 2005 : 11)|

2.5.1.2. evsjv fvlv cPjb AvBb, 1987

evsjvʔʰki Aʱdm Av⁻vjZ evsjv fvlvi cPjb ʱbʱôZ Kivi jʔʔ⁻ Ges mʱsʱeavbK ʱeavbvejx cYiʔc KvhiKi Kivi Rb⁻ 1987 mvʔj evsjv fvlv cPjb AvBb cYqb Kiv nq| GB AvBʔbi 3 avivq AvBbʱUi ceZb I KvhiKix e'e⁻v mʱóʔK ejv nʔqʔQ, G AvBb ceZʔbi ci evsjvʔʰki meʔ Z⁻v miKwi Aʱdm, Av⁻vjZ, AvavmiKwi, ʱvqĖKvmmZ cʱZôvb KZK ʱeʔʰki mʔ½ ʔhvmʔhvm e⁻ZxZ Ab⁻vb⁻ mKj ʔʔʔi bʱ⁻ I ʱPvVcĖ, AvBb Av⁻vjZi mIqvj Reve Ges Ab⁻vb⁻ AvBbMZ Kvhejx Aek⁻B evsjvq ʔjLv nʔe| hʱ⁻ ʔKvʔbv e⁻ʱ³ evsjv fvlv e⁻ZxZ Ab⁻ ʔKvʔbv fvlvq Avʔe⁻b ev Aʱvcj Kʔib, Zvʔj ʔmU te-AvBb I AKvhiKi eʔj MY⁻ nʔe| Av hʱ⁻ ʔKvʔbv KgKZv ev KgPvix G AvBb Agvb⁻ Kʔib, Zvʔj ʔm KvʔRi Rb⁻ ʱZwb miKwi KgPvix kʔLjv I Aʱvcj ʱeai Aaxʔb Am⁻vPiY KʔiʔQb eʔj MY⁻ nʔe|

GQvov 4 avivq ejv nʔqʔQ ʔh, G AvBʔbi DʔʔK⁻ cʔYKʔi miKvi ʱeai cYqb KiʔZ cvʔe| ʱKʔ miKvi GLb chʔ G ʱelʔq ʔKvʔbv ʱeai cYqb Kʔiwb| ʔm KvʔY Avgvʔi ʔʰk G AvBb ceZʔbi ciI ʱePvi e'e⁻vq evsjv fvlvi e'enviʔii cvkvicwk BʔʔiRi e'envi cPjb iʔqʔQ| e⁻Z G AvBb cvm I cPjʔbi ci mKj AvBb Aa⁻vʔʰk, ʱeai ʱeavb I cÁvcb cfʱZʔZ evsjv fvlvi e'envi ii⁻ nʔqʔQ| Zʔe GLbI D⁻PAv⁻vjZ AvivR, Reve, ʔiLv⁻ BZ⁻ʱ⁻ʔZ BʔʔiRi e'envi AʱʔZ iʔqʔQ| GB AvBʔb ØAb⁻ AvBʔb

hv wKQy wKk bv tKb, GB AvBtbi weavb KvHKi nteŀ Ggb wbt`kbv bv vKvq Av`vjZi KvHm`tg evsjv e`envt`i i eva`evaKZv m`p`nqib|

2.5.1.3. t`Iqwb KvHwelai weavb

1908 mv`ji t`Iqwb KvHwelai 137 avivq Aa`b Av`vjZi fvlv m`u`K ejv n`q`Q, th chš miKvi Ab` tKv`bv wbt`k c`vb bv Kti tm chš nvBtKvUi Aaxb` th Av`vjZ th fvlv cPijZ Av`Q, tm Av`vjZ tmB fvlvB cPijZ vKte|

GQov t`Iqwb KvHwelai 138 avivq mv`j BstiR fvlvq wjw`cex Kivi Rb` nvBtKvU wefv`Mi Av`k c`vbi wlgZv c`vb Kiv n`q`Q| tKv`bv wePviK h` Dch` KviY D<sup>3</sup> wbt`k cvjb KiZ bv cvtib, Zte wZib tm KviY wjw`cex Kti Av`vjZ mv`xi Revbe` wjw`cex Kivteb|

2.5.1.4. t`dSR`wi KvHwelai weavb

1898 mv`ji t`dSR`wi KvHwelai 221(6) avivq Awfthv`Mi fvlv m`u`K ejv n`q`Q, Awfthv` BstiR`Z A`ev Av`vjZi fvlvq t`jLv nte| 356 avivq ejv n`q`Q, Z`š i t`jL g`vRt`÷U l`vqiv RR c`Z`KwU mv`xi mv`j Av`vjZi fvlvq wbt`R wj`L tbt`eb| mv`xi mv`j BstiR fvlvq t`Iq n`j g`vRt`÷U l`vqiv RR Zv wR nvZ D<sup>3</sup> fvlvq wj`L tbt`eb Ges Avmwig BstiR fvlv bv Rvbt`j ev Av`vjZi fvlv BstiR bv n`j Av`vjZi fvlvq D<sup>3</sup> mv`j`i GKwU Abt`g`Z Abt`g` b`i Askit`c MY` nte|ŀ

357 avivq mv`j wjw`cex Kivi fvlv wlt`q ejv Av`Q| G aviv tgvZv`eK g`vRt`÷U l`vqiv RR Revbe` BstiR ev Av`vjZi fvlvq wjw`cex Kivi Rb` miKvi wbt`k w`Z cvtib| 360(3) avivq ejv n`q`Q, mv`j th fvlvq mv`j w`q`Q, Zv wfb Ab` tKv`bv fvlvq mv`j wjw`cex Kiv n`j Ges mv`j Zv ešZ bv cvtib, tm`j`i th fvlvq mv`j`x mv`j w`q`Q tm fvlvq ev th fvlv tm ešZ cvtib tm fvlvq ešZ w`Z nte| 371 avivq Av`Q th, Avmwig Avte`b Kiti ivti GKwU bKj Zvi wbt`Ri fvlvq ev Av`vjZi fvlvi GKwU Abt`g` Zv`K w`Z nte| 372 aviv tgvZv`eK gvgjvi g`j ivq Av`vjZi fvlv Qov Ab` fvlvq wjw`cex Kiv n`j Zv Av`vjZi fvlvq Abt`g` Kti msh` KiZ nte| nvBtKvU e`Z`Z Ab`vb` Av`vjZi fvlv Kx nte Zv GB KvHwelai 558 aviv g`Z miKvi waviY KiZ cvtib| Gfvte t`dSR`wi Av`vjZ Avmwig Revbe`, mv`j wjw`cex, Z`š BZ`w` Av`vjZi fvlvq ev BstiR`Z e`envt`i wbt`k w`j`l evsjv fvlv k`wU GKwU evi l` D`jL nqib|

t`Iqwb l` t`dSR`wi KvHwelaiZ Av`vjZ fvlv m`u`K wefb avivq th weavb eY`Z n`q`Q, tmLv`b evsjv fvlv K`wU GKevil D`jL Kiv nqib| GQov Av`vjZi fvlv ejZ tKv fvlv tevSv`bv n`q`Q, tm m`u`K tKv`bv w`u` wbt`kbv t`Iq nqib| AvBbv`w`q fvlv m`k`d weavb KvHKi KiZ n`j miKviK c`Avcb Rwi KiZ nte| t`dSR`wi KvHwelai Abt`g`q miKvi Gi`c c`Avcb Rwi wlgZv`v n`j l` ev`te Gmte`i c`q`M j`Y`q bq|

3. wePvi e`e`vq evsjv fvlv cwiw`wZ

evsjv`tki mte`vP chv`q A`vr m`cg tKv`Ui Awc`j wefv`M G chš tKv`bv ivq evsjv fvlvq nqib, Zte nvBtKvU wefv`M wKQy`g`jvi ivq evsjv fvlvq c`vb Kiv n`q`Q| beY`B`k`K D`P Av`vjZi KwZc`q wePvic`Z evsjv ivq c`vbi D``M MnY KitiQ`jb| 1998 mv`j wePvic`Z KvRx Gev`y` nK Ges wePvic`Z tgv` nwg`y` nK nvBtKvU wefv`M evsjv ivq c`vb Kti evsjv`tki AvBtbi Bz`nv`m GKwU bZ`b g`v`l thv`M KitiQ`b| nvBtKvU wefv`M th mKj wePvic`Z evsjv ivq c`vb KitiQ`b Zvivun`jb– wePvic`Z KvRx Gev`y` nK, wePvic`Z tgv` nwg`y` nK, wePvic`Z G`tK e`i`j nK, wePvic`Z Av`y` K`j, wePvic`Z G`e Gg Lvqi`j nK, wePvic`Z Gd Gg wRq`Dj Kwig, wePvic`Z Av`y` AvDqv`j Ges wePvic`Z tgv` Avey`Z`wiK| D`P Av`vjZ D`j`LZ wePvic`Z M`Yi g`a` wePvic`Z G`e Gg Lvqi`j nK evsjv b`Ri m`p`Kvix ivq meP`t`q te`k c`vb KitiQ`b| nvBtKvU wefv`M evsjv c`E` ivqm`g` wbt`Pi mviY`Z D`jL Kiv n`jv|

GK bR`i nvBtKvU wefv`M evsjv fvlvq c`E` ivq

(XvKv j w`i`cvU (wGj`Avi), evsjv`k j UvBg`m (wGj`wU) w`tgBb`÷g j w`i`cvUm (GgJ`Avi), t`j`K m`M`p`xZ)

wePvic`Zi bvg	gvgjvi c`j	iv`qi Zwi`L	cKv`Kvj
1. wePvic`Z KvRx Gev`y` nK wePvic`Z tgv` nwg`y` nK	bRi`j Bmjvg ebvg ivó (t`dSR`wi w`i`fkb gvgjv)	12 tde`qwi, 1998	XvKv j w`i`cvU, LÊ 50, 1998, c., 103-109
2. wePvic`Z KvRx Gev`y` nK wePvic`Z tgv`	Av`y` AvRR ebvg t`mKv` l` Avj`x Ges Ab`vb` (t`dSR`wi	12 tde`qwi, 1998	XvKv j w`i`cvU, LÊ 50, 1998, c., 111-115

wePvicwZi bvg	gvvjvi c¶	ivqi ZwiL	cKvkKvj
nwg`y nK	wifkb gvgjv)		
3. wePvicwZ KvRx Gev`y nK wePvicwZ G tk e`l`j nK	Avãÿ iv¾vK ZvjK`vi ebvg ivó (tdsR`wi wifkb gvgjv)	26 tde`qwi, 1998	XvKv j wi`cvU, LÊ 51, 1999, c., 83-90
4. wePvicwZ KvRx Gev`y nK wePvicwZ Avãÿ Kžÿ	meÿ Avjg Ges Ab`vb` ebvg ivó (tdsR`vix wifkb gvgjv)	16 Rly, 1998	XvKv j wi`cvU, LÊ 51, 1999, c., 16-23
5. wePvicwZ KvRx Gev`y nK	nweeÿ ingvb L`Kvi ebvg tmivRy Bmjvg L`Kvi (t`lqwb wifkb gvgjv)	21 RyvB, 1998	XvKv j wi`cvU LÊ 51, 1999, c., 147-149
6. wePvicwZ G we Gg Lvqi`j nK wePvicwZ Gd Gg wRqvDj Kwig	tgvi³vi tnvmb ebvg evsjv`k l Ab`vb` weev`x (mvsweavbK gvgjv)	7 Rly, 2007	XvKv j wi`cvU, LÊ 59, 2007, c., 535-539 evsjv`k j UvBgm, f`jqg 15, RyvB, 2007, c., 349-350
7. wePvicwZ G we Gg Lvqi`j nK wePvicwZ Gd Gg wRqvDj Kwig	G GBP Gg by`j Bmjvg ebvg `bwZ `gb Kigkb Ms (`bwZ `gb msµvš gvgjv)	9 AvM÷, 2000	XvKv j wi`cvU, LÊ 60, 2008, c., 472-480

8. wePvicwZ G weGg Lvqi`j nK	tgvt gwZqvi ingvb li`d tgvt gwZqvi ingvb wgv ebvg tgvmvqvr Avmqv LvZb Ms (t`lqwb wifkb gvgjv)	11 tde`qwi, 2007	evsjv`k j UvBgm, LÊ 15, RyvB 2007, c., 313-318
9. wePvicwZ G we Gg Lvqi`j nK wePvicwZ wmg`wRqvDj Kwig	W. kvnØxb gwjK, A`wtfv`KU ebvg evsjv`k miKvi l Ab`vb` (mvsweavbK gvgjv)	4 l 5 Rly, 2007	`tgBb÷g j wi`cvUm, b`fai 2007, f`jqg-12, c., 369-389
10. wePvicwZ G we Gg Lvqi`j nK wePvicwZ Gd Gg wRqvDj Kwig	A`wtfv`KU i`ûj Kžÿ Ges Ab`vb` ebvg wePvicwZ Gg Gd AvRR Ges Ab`vb` (mvsweavbK gvgjv)	12 Wtmai, 2007	XvKv j wi`cvU, LÊ 60, 2008, c., 511-573
11. wePvicwZ G we Gg Lvqi`j nK wePvicwZ Avãÿ AvDqvj	evsjv`k wjM`vj GBW GÜ mwffmm Uv÷ Ms ebvg tmµUvix, AvBb wePvi l msm` weIqK gšYvjg Ms (wiU ciUkb)	20 tde`qwi, 2008	`tgBb÷g j wi`cvUm, LÊ 13, b`fai, 2008c., 413- 417
12. wePvicwZ G we Gg Lvqi`j nK wePvicwZ Avãÿ AvDqvj	evsjv`k miKvi ebvg ivó gšYvjg Ms (tgUi hvbevntbi MwZmxgv wbgšY msµvš wiU gvgjv)	10 gvP, 2008	XvKv j wi`cvU, LÊ 60, 2008, c., 694-700
13. wePvicwZ G we Gg Lvqi`j nK wePvicwZ tgvt AveyZwiK	cxiRv`v`mq` kwiqZžvn Ms ebvg evsjv`k Ms (wiU ciUkb)	13 RyvB, 2008	`tgBb÷g j wi`cvUm, LÊ 14, Ryvix 2009, c., 1-29

vaxbZvi GZ, tju eQi AvZewwZ n`j I D`P Av`vjZ nvZ tMvbn K`qKwU ivq evsjvq t`lqv n`qQ| Zte wbe Av`vjZ gvgjvi Revbe, mvt`i mvt`, ivqmn mKj Kvhug evsjv fvlvq cwiPwjZ nq| wKš hLb wbe Av`vjZi tKvbn gvgjv D`P Av`vjZ iayBstiwRZ ivq c`vbi KviY Awc`ji ivq mvaviY RbM`Yi Rb` `eva` n`q cto|

4. wePvi e`e`vq evsjv fvlv cPj`bi c`_ Ašivq

eZgvb evsjv`tki Rwg-Rgv ev ivR` msμvš `wjj, weevni Kwebbvq BZ`w` evsjvfvlvZ wjwLZ| AvB`bi Abv` Ges cwi fvlv A`bKvsk mgx n`qQ| wKš Av`vjZ evsjv fvlv e`envi AvBbRex`i A`bKi Abxvi KviY BstiwR fvlv cPjZ AvQ| 1987 mvt`ji evsjv fvlv cPjb AvB`bi wbt`kbv tgvZvteK mweKfvte Av`vjZ evsjv e`envi Kivi t`l`i th me Aš ivq AvQ Zv mst`ic D`jL Kiv n`jv Ń

- 1987 mvt`ji evsjv fvlv cPjb AvB`b Ab` hv-B \_vKx bv tKb, ōGB AvB`bi weavb KvHKi n`e0 aiYi evK`i tKvbn D`jL tbB| d`j Av`vjZi Kvhug evsjv e`envi eva`evaKZv m`o nqib, eis evsjvi cvkvcwk BstiwR e`envi c`_ tLvju i`qQ|
- 1908 mvt`ji t`lqv Kvhwai 137 avivK AKvhKi Kiv nqib| 137 avivq `úo ejv AvQ th, th chš miKvi Ab` tKvbn wbt`k bv t`b tm chš nvB`KvUi Aaxb` th Av`vjZ th fvlv cPjZ AvQ, tmB Av`vjZ tmB fvlvB cPjZ _vKte| d`j evsjv I BstiwR Dfq fvlvi `eaZv i`q tM`Q| evsjv fvlv cPjb AvBb Rwi AvM AvwR, `iL` cfZ evsjv Ges BstiwR Dfq fvlvZB t`jLv n`Zv Ges tm, wjZ tKvbn Avc`E Kiv n`Zv bv|
- t`lqv Kvhwai 137(2) aviv Abv`i miKvii wbt`k c`vbi t`gZv tgvZvteK Av`vjZ BstiwR fvlvi e`envi wMZ tNviYv K`i miKvi G chš tKvbn c`vcb Rwi K`iwb| A_P t`dSR`wi Kvhwai 558 aviv Abv`x miKvi Gi`c c`vcb Rwi t`gZvcvB (AwbQy, 2003 : 29)| t`lqv Kvhwai 137 aviv Abv`x fvlv m`uK tKvbn tNviYv bv t`lqv Av`vjZ BstiwR fvlv e`envi eÜ nqib| tm KviY BstiwR fvlvq wjwLZ AvwR Akea bq| t`lqv I t`dSR`wi Kvhwai D`jwLZ avivmg`n ōAv`vjZi fvlv kã `yU e`eÜZ n`j I Gi A\_ `úo bq| Av`vjZi fvlv ejZ tKv fvlv tevSvbn n`qQ, Zv m`yúo nqib| GgbK tKvbn avivZ m`o fvt`e ōevsjv fvlv I D`jL, tbB|

- wmwfj i`jm GÜ Awim-Gi 11 weatZ D`jL Kiv n`qQ th gvgjvi c`MY AvwR, eYbv BZ`w` Ges Gid`Wwfu BstiwR fvlvq `wLj Ki`e (Kigv`v, 2001 : 11)| G ai`bi weavb msleav`bi mvt`\_ AmsMwZc` n`j I GL`bv cPjZ AvQ|
- cwK`v Avgt`j cYxZ nvB`KvU weagvjv, 1958 GLbI cPjZ AvQ Ges tm weagvjvi 2q L`Ei PZz cwi`Q`i 1 weatZ nvB`KvU wefvM BstiwR fvlv e`envi th weavb Kiv n`qQj Zv GLbI Ae`vnZ AvQ| G weagvjv nvB`KvU wefvM BstiwR fvlv e`envi tKvbn wfi`E n`Z cv`i bv, KviY GwU evsjv`tki msleav`bi 3 Abv`Q`i cwi`cš| msleav`bi mvt`_ AmsMwZc` AvBb ev weavb KvHKi \_vKZ cv`i bv (Ge`y, 2009: `wbK c_g Av`jv)|
- evsjv fvlv cPjb AvBb, 1987 ceZ`bi ci Av`vjZi fvlv GKgvĬ evsjvB n`e wK bv tm weitq nvB`KvU nvmgZ`v evbv AvRgxix weiei ga`Kvi gvgjvq (XvKv j wi`cvU. 1992 : 332) 28 b`fai 1991 Zwi`L ivq c`v Kiv n`qQ th, evsjvi cvkvcwk BstiwR I Pj`e |

5. MnYxq wKQyc``c

1952 mvt`ji 21 t`de`qwi I cieZx K`qK w`b XvKvi ivRc`_ evOwv gZf.vlv ciZôvi Rb` e`Ki i`3 tX`j w`tqQj| tm Nubvi 47 eQi ci 1999 mvt`ji 17 b`fai BD`b`v 21 t`de`qwi K AvSRwZK gZf.vlv w`e`mi `xKwZ. t`q| d`j cWZ eQi we`ki 158wU t`k 21t`k t`de`qwi ō AvSRwZK gZf.vlv w`em0 i`c cWjZ n`Q| wKš AZ`š cwiZv`ci weiq th, ivóxfvte evsjv fvlv GLbI Avek`Kxq t`l`i, t`jvZ m`yZiôZ nqib| wePvi e`e`vq Av`vjZi fvlv wnt`te evsjv fvlvK AvBbMZfvte eva`Zvg`K Kiv nqib| GwU Ab`xKv th RvZxq `v\_ m`y`vi Rb` BstiwR RvbZ n`e wKš Zv KLbB evsjv fvlvi weibgtq bq| evsjv t`Kej Avgv`i gZf.vlv bq, ivófvlv| Avek`Kxq me`i Gi cPj`b mKj bvMwK A`xKvive`| GB m`fB Av`vjZi t`l`i GwU KvHKix Kiv AZ`š Ri`i (Avby2001 : 40)| G Ae`vq Av`vjZ evsjv fvlv cPj`bi Rb` wbgw`LZ e`e`v MnY Kiv t`Z cv`i Ń

- MYcRvZš evsjv`tki msleavb t`tki m`ev`P AvBb| mec_g ZvB mvsleavbK weavb cYi`c ev`evqb KiZ n`e| msleav`bi weavb Abv`x msleav`bi mvt`\_ AmsMwZc` AvBb ev weavb KvHKi _vKZ cv`i bv| ZvB cwi`cš AvBb ev weavb AKvhKi KiZ n`e|

- 1987 mv`jji evsjv fvlv cPjb AvBb Ges cvm<sup>4</sup>/<sub>2</sub>K weavbmgr ev`evq`bi t`f`f` th mKj cWZeÜKZv Av`Q Zv WPyZ Kti Zvi ms`kvab Ges c`qvRbg`Zv bZb AvBb, wea I weÁwß Rwi Kiv c`qvRb| we`kl Kti evsjv fvlv cPjb AvB`bi KvhKwiZvi weav ms`kvab Kiv AZ`Š Ri`wi| GB AvBb cYi`c KvhKi Kivi Rb`B t` lqwb Kvhwea, 1908 Ges Ges tdŠR`wi Kvhwea, 1898 Gil c`qvRbxq ms`kvab Avek`K|
- t`tk mg` AvBb evsjv fvlvq iPbv I cKvk Ki`Z nte Ges weUk kvmbvg`j cYxZ mKj AvBbI evsjv fvlvq Abv` Ki`Z nte|
- mycg tKv`Ui nvB`KvU I Awicj wefv`Mi wbgvejx ms`kvab Kti evsjvq Awicj, `iLv` BZ`w` `wL`ji mge`e`v MnY Ki`Z nte (Gev`y, 1998 : 325)|
- AvB`bi wefb aviv, wea ev k`āi e`vLvI Rb` wePviKe,` I AvBbRxeMY th mKi bwiRim`ši Dci wbfI Kti v`Kb, tm mKj MŠ evsjv fvlvq Abv` Ki`Z nte| AvB`bi cii fvlv mgn`vi DēiY NUv`Z nte (Kvgv`f, 2001 : 12)|
- m`evci evsjv fvlv e`env`ii gvbwmKZvi Dbqb NUv`Z nte, KviY gvb`yi t`k tPZbvq fvlv Ab`Zg cavb Drm|

Dcmsnvi

gvZf.vlv Rwi Zi AvZ`ciP`qi mPK| evsjv`tki gvb`yi gvZf.vlv cWZ fvt`jvevmv I `vqexZvi BwZnmI `xNKv`ji| evsjv fvlvK ivó fvlv Kivi Rb` th msMvg, Zv cW, exi BwZnm weijcvq GKwU NUb| ivó I mgvR Rxe`bi me`ti evsjv c`qvM Gt`tki bwmK`i GKwU mvsleavwbK AwaKvi Ges G AwaKvi fvlv Av`vjb I vaxbZv h`xi tPZbvi m`ú`K| bwmK`i mvsleavwbK AwaKvi ev`evq`b wePvi wefvM`K cvjb Ki`Z nq mμq f`gKv| 1952 mv`jji fvlv Av`vjb ci 57 eQi Ges vaxbZvi ci 37 eQi AwZewnZ ntq`Q| Z`wc mycg tKvUmn evsjv`tki mKj Av`vj`Z evsjv fvlv cPjb eva`Zvg`K Kiv hvqib| wePvi e`e`vi mKj weiq bwmK`i fevaMg` fvlvq cPjb Kiv ntj AvBb m`ú`K bwmK`i m`PZbZv ex` cvte Ges AvB`bi kvmb ciZóv mnRZi nte| mvariY RbM`Yi b`vqiePvi cwißi t`f`f` wePviK`i cikvcwk AvBbRxe`i i i`q`Q h`ó, i`ZcY f`gKv| 2007 mv`j webevn wefvM t`K wePvi wefvM cW, KxKi`Yi`d`j cvq 130 eQi a`i P`j Avmv wePvi e`e`vi t`g`jK ciieZbI mwaZ ntq`Q| GLb AvKvLv iayGi h`v ev`evqb| wePvi e`e`vi meI evsjv fvlvi GKK e`envi ZvB AvB`bi cY kvmb ciZóvi Rb`B AZxe Ri`wi| KvrU hZ `Z Kiv m`eci nte, ZZB g¹/₂j|

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