

(1993) 01 AHC CK 0018

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 29290 of 1990

Ramesh Upadhya and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 18-01-1993

Acts Referred:

Constitution of India, 1950 — Article 14, 351

Citation : (1993) 2 AWC 847 : (1993) 2 UPLBEC 945

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : R.G. Padia, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju, J.—This writ petition has been filed with a prayer for mandamus directing the Respondents to pay salary to the Petitioners in regular grade with effect from 1-10-1989 and to provide other consequential benefits to the Petitioners. The Petitioners are teachers of the primary section of Sri Alpeshwarnath Sanskrit Maha Vidyalaya, Janewar, Fatehganj, Jaunpur which is a recognised Sanskrit Institution imparting education for the primary section Junior High School, Purva Madhyama (High School), Uttar Madhyama (Intermediate) and Shastri (B.A.) sections. The Maha Vidyalaya is thus Imparting education from Class 1 upto graduate level and it is a recognised Institution affiliated to" Sampurnand Sanskrit University, Varanasi. The teachers of the institution teaching in the Junior High School Section, High School, Intermediate and Bachelor of Arts; Section are paid salary through State funds i.e. by the State Government. It is only teachers teaching in the primary section (such as the Petitioners) who are not paid salary through State funds, and they are paid salary through the private resources of the institution. The institution is on the maintenance grant in aid list of the State Government. The primary section of the institution has been duly approved by the District Inspector of Schools, Jaunpur on 23-4-1958. In this connection the certificate of the District Inspector

of Schools Jaunpur dated 17-3-1971 is Annexure-2 to the petition. The certificate of the Banaras Sanskrit Vishwa Vidyalaya stating that the institution recognised upto B.A. level (Shastri) is Annexure-3 to the petition. The Petitioners who are teaching in the primary section are getting salary of only Rs. 250/- per month as is evident from the certificate of the Manger dated 2-7-1990 (Annexure-4 to the petition). The State does not pay salary to the teachers of the primary section but it only gives some nominal compensation as is evident from Annexures-3 and 6. This compensation is clearly not sufficient to pay adequate salary to the teachers of the primary section. For example in the Petitioners' Institution the compensation grant for the year 1936-87 was Rs. 2844/- for the year 1987-88 was Rs. 2914/- and for 1988-89 was again Rs. 2914/-.

2. Learned Counsel for the Petitioners could not tell me whether there are any other teachers in the primary section apart from the two Petitioners, but even if there are no other such teachers the compensation would give the Petitioner about only Rs. 125/- per month, which in these hard days of inflation is next to nothing. The Petitioners have been teaching since 1972-73 i.e. for 20 years. Sanskrit is a great language of this country and to pay a salary of Rs. 230/- per month to a Sanskrit teacher is an intolerable insult to a great language and the teachers of such a great language. In this connection it has been stated in paragraph 10 of the writ petition that by a government order dated 6-9-1989, 339 institutions upto the level of High School and Intermediate in U.P. were approved by the State Government for payment of salary under the payment of Salaries Act, 1971. A true copy of the G.O. dated 6-9-1989 is Annexure-7 to the petition. The Petitioners have stated that in these 339 institutions teachers in Primary Section are now being paid by the State Government Salaries in accordance with the G.O. dated 28-2-1990 (which has prescribed the grade of Rs. 1160-1719 for high school trained teachers and of Rs. 950-1323 for junior high school trained teachers and the G.O. dated 6-9-99 (which has prescribed Rs. 850 P.M. for untrained teachers) but the teachers of primary sections of the Sanskrit institutions have not been given the same benefit, and thus they have been discriminated against. The Petitioners made representations to the authorities as stated in paragraph 12 of the writ petition, but to no avail.

3. A counter affidavit has been filed. In paragraph-4 thereof it has been stated that the demand of the Petitioners is a matter of policy of the State Government. In my opinion this is no reply to the allegations of the Petitioners. No policy can violate Article 14 of the Constitution. In the present case Article 14 of the Constitution has been violated since the Petitioners have been discriminated against in two ways. Firstly the teachers of the Sanskrit Institutions from Junior High School level upto post graduate level are admittedly being paid salary through the State Government, and hence there is no basis for not paying the primary section teachers also through the State. After all, the foundation of knowledge is laid in the primary section and if the foundation is weak the edifice built on it cannot be strong. Hence there is no rational basis for discriminating against primary section teachers in the matter of salaries, Secondly, there is no

Rood reason for discriminating against primary section teachers of Sanskrit institutions as against primary section teachers of other institutions.

4. I am constrained to say that in our country Sanskrit is hardly getting the respect it deserves. A language which was declared by that outstanding scholar. Sir William Jones, to be "more perfect than Greek, more copious than Latin, and more exquisitely refined than either" is today practically regarded as worthless, and its teachers are treated shabbily. This just shows the level of degradation to which we have fallen.

5. The word "Sanskrit" means "prepared, pure, refined or perfect". It was not for nothing that it was called the "deva vani" (Language of the gods). It has an outstanding place in our culture, and indeed was recognized as a language of rare sublimity by the whole world. Sanskrit was the language of our philosophers, our scientists, our mathematicians, our poets and play wrights, our grammarians, our jurists etc in grammar Panini and Patanjali (authors of Ashtadhyayi and the Manabhashya) have no equals in the world, in astronomy and mathematics the works of Aryabhatta, Brahma Gupta, and Bhaskar opened up new frontiers for mankind, as did the works of Charak and Sushurt in medicine; in philosophy Gautam (founder of the Nyaya System), Ashvaghosha (author of Budha Charita), Kupila (founder of the Sankhya System), Shankaracharya. Brihaspati etc. present the widest range of philosophical systems the world has ever seen, Jaimini's Mimansa Sutras laid, the foundation of a whole system of rational interpretation of texts which was used not only in religion but also in law. philosophy, grammar, etc In literature the contribution of Sanskrit is of the foremost order The works of Kalidas (Shakuntala, Meghadoot, Malvikagnimitra, etc) Bhavabhuti (Malti Mahav, Uttar Ramcharit. etc) and the epics of Valmiki, Vyas, etc are known all over the world. These, and countless other Sanskrit works, kept the light of learning ablaze In our country upto modern times.

6. In this connection I would like to quote from the Constituent Assembly debate that took place on 12-9-1949 in our Constituent Assembly:

The Hon"ble Shri Ghanshyam Singh Gupta-

We want to hear your views on Sanskrit

Mr. Naziruddin Ahmed. I am extremely thankful to the Hon"ble member, Mr. Gupta. If you have to adopt any language why should you not have the world's greatest language? It is today a matter of great regret that we do not know with what reveration Sanskrit is held in the outside world. I shall only quote a few brief remarks made about Sanskrit to show how this language is held in the civilized world Mr. W.C. Taylor says "Sanskrit is the language of unrivalled richness and purity.

Mr. President:-I would suggest you may leave that question alone, because I propose to call representatives who have given notice of amendments of a

fundamental character, and I will call upon a gentleman who has given notice about Sanskrit to speak about it.

Mr. Naziruddin Ahmed: Yes. Sir, I shall not stand in between. I will only give a few quotations. Prof. Max Muller says that Sanskrit is the "greatest language in the world, the most wonderful and the most perfect." Sir William Jones said "Whenever we direct our attention to the Sanskrit literature, the notion of infinity presents itself Surely the longest life would not suffice for a perusal of works that rise and swell, protuberant like the Himalayas, above the bulkiest compositions of every land beyond the confines of India". Then, Sir W. Hunter says that "the Grammar of Panini stands supreme among the grammars of the world. It stands forth as one of the most splendid achievements of human invention and Industry". Prof. Whitney Says "Its unequalled transparency of structure gives it (Sanskrit) undisputable right to the first place amongst the tongues of the Indo-European family". M Dubois says "Sanskrit is the origin of the modern languages of Europe". Prof. Weber says "Panini's grammar is universally admitted to be the shortest and fullest grammar in the world". Prof. Wilson says "No nation but the Hindu has yet been able to discover such a perfect system of phonetics". Prof. Thompson says "The arrangement of consonants in Sanskrit is a unique example of human genius". Dr Shahidullah professor of Dacca University, who has a world wide reputation as a Sanskrit Scholar, says "Sanskrit is the language of every man to whatever race he may belong".

An Hon'ble Member : What is your view?

Mr. Naziruddin Ahmed My own view is that it is one of the greatest languages, and... .

An Hon'ble Member : And should it be adopted as the National Language or not. It is not spoken by any one now.

Mr. Naziruddin Ahmed : Yes, and for the simple reason that it is impartially difficult to all Hindi is easy for the Hindi speaking areas, but it is difficult for other areas. I offer you a language which is the grandest and the greatest, and it is impartially difficult, equally difficult for all to learn. There should be some impartiality in the selection. If we have to adopt a language it must be grand, great and the best. Then why should we discard the clause of Sanskrit?

Pandit Lakshmi Kant Maitra : If today India has got an opportunity to shape her own destiny I ask in all seriousness if she is going to feel ashamed to recognize the Sanskrit Language--The revered grandmother of Languages of the world, still alive with full vigour, vitality? Are we going to deny her rightful place in Free India. That is a question which I solemnly ask. I know it will be said it is a dead language. Yes Dead to whom Dead to you because have become dead to all which is great and noble in your own old culture and civilization. You have been chasing the shadow and have never tried to grasp the substance which is contained in your great literature. If Sanskrit is dead may I say that Sanskrit is ruling us from her grave? Nobody can get away from Sanskrit in India.

7. The above were come of the speeches delivered in the Constituent Assembly, and though Sanskrit was not accepted as the national language it was placed in the 8th Schedule to tie Constitution, and is also referred to in Article 351.

8. The high development of the Sanskrit language was not accidental. It took place because a vehicle of expressing highly abstract, subtle and profound thoughts was required to fulfil the Intellectual needs of the educated people in India. As is well known, our ancestors were highly intelligent, and they questioned everything (like the ancient Greeks). Mathematics, Physics, Literature, Philosophy, Law etc became highly developed in our country, and hence a correspondingly highly developed and powerful vehicle of expression was required to communicate words or thoughts with elegance, precision and exactitude. Hence the crude Sanskrit of the Vedic Literature was refined and systematized by Panini and Patanjali who made it perhaps the most highly developed of all the languages of the world.

9. To give a simple example, the arrangement of the alphabets as given by Panini in his first fourteen sutras is so amazingly scientific that even learned men of the whole world are wonder struck. We may contrast this with the arrangement of alphabets in the English Language (from A to Z) which is arbitrary, unsystematic and unscientific. On the other hand the arrangement of the Sanskrit alphabets is not accidental or arbitrary. It has been done on a scientific pattern, obviously after close observation of the sounds in human speech. Thus, for example, the vowels A, Aa, E, Ee, U, Uu are arranged according to the shape of the mouth when these sounds are emitted A and Aa are pronounced from the throat. E and Ee from the plate, U and Uu from the lips etc. In the same way, consonants have been arranged in sequences on a scientific pattern. The ka barg (i.e. ka, kha, ga, gha, anga) are emitted from the throat, the (cha) barg from the palate, the (ta) barg from the roof of the mouth, the (ta) barg from the teeth, and the (pa) barg from the lips. These principles are given by Panini as follows:

1. Akuh bisarbani yanam kanthah:

2. Hachu yashanasha Taluah:

3. Ritu rashanam murdhana:

4. Lritu latatam danthah:

5. Upupadhaniyanam aushatm:

I venture to say that no language in the world has its alphabets arranged in such a rational and systematic manner. And when we see how deeply our ancestors went In the seemingly simple matter of arranging the alphabets we can realise how deeply they went in more advanced matters.

10. Real knowledge of Sanskrit shows that it was the language of an enquiring man which enquired into every aspect of life. It is for this reason that Sanskrit has been an excellent mode of expression and communication in all fields e. g.

Literature, Philosophy. Science, etc. In Philosophy Sanskrit was the language used not only by the metaphysical thinkers but also the materialist thinkers like the Nyayiks. Vaishashiks, Charvaks, etc. Thus, Sanskrit was the language of free thinkers, expressing the widest spectrum of thoughts.

11. Later on, due to ignorance of this language amongst the people, the vested interests made it the language of the clergy which exploited the ignorance of the people and used Sanskrit Shiokas as some sort of magical formulas. The Mantras, when translated in common language, express great thoughts (and also paltry though), but there is nothing magical in them. People in their ignorance thought that the words spoken in mantras were some sort of mumbo-jumbo which will grant them the desire of their hearts. This veil of ignorance has to be broken, and this great language rich in all fields must come to the people in its explicable forms. All aspects of our culture are indissolubly linked with it. Hence it is a national crime to treat this language with contempt by giving its primary section teachers a pittance of Rs. 250/- per month as salary. What interest in their work will such teachers take. Even a beggar may be earning more than that. Sweepers often get Rs. 700/- per month or more. It is equally a national crime to treat Sanskrit in a bigoted manner and regard it as a special preserve of the so-called Pandits who treat it as a source of livelihood.

12. Today our nation requires scientific thinking and the development of science and technology. For this we have to become disciples of the West because Modern Science is much more developed in the West than in India. We have therefore to learn English, since almost all our science books are in English. However, we must not reject the good things in our own culture. In this connection it may be mentioned that after the Russian Revolution took place in October, 1917 a School of thought known as proletcult (short for "Proletarian culture") sprang up in Russia, of which one of the foremost proponents was the famous poet Mayakovsky. The proletcult school asserted that the entire Russian culture of the period prior to the Revolution should be rejected, since it was the culture of exploiters and oppressors. Lenin, and his education minister Lunacharsky, however, resolutely opposed the proletcult school, and, proclaimed that the good part in the old culture should not be rejected, and only the bad or out dated part should be rejected. In my opinion we, too, should take a similar stand as Lenin. And one of the things in our culture which we should not reject is Sanskrit. Knowledge of Sanskrit and the great achievements of our ancestors will inspire us and give us the morale and courage to face up to our present difficulties and resolve them.

13. In my opinion alongwith Sanskrit Urdu should also be taught for at least 5 years in our schools (say up to class 8). Urdu is also a great language of our country and it was falsely given out to be the language of Muslims alone. The British wanted to divide our people, and hence they created the false propaganda that Hindi was the language of Hindus and Urdu of Muslims. In fact Urdu was the common language of the educated North Indian people, both

Hindus and Muslims. The great Urdu poets like Mir, Ghalib, Faiz, Firaq and Jesh were thoroughly secular, and their poetry is of the highest order.

14. Today our young generation is thoroughly deculturized. cynical, and lacking in all moorings. They are ignorant of two great languages of India, Sanskrit and Urdu. Hence if they are taught these languages for at least 5 years in schools it will provide the young generation at least a rudimentary knowledge of these great languages (which can later be increased by their own effort), and thus acquaint them with their own culture. This will also blunt the effort of the fundamentalists (both Hindu and Muslim) who are trying to divide our country on religious lines.

15. In the circumstances the writ petition is allowed and a mandamus is issued directing the Respondents to pay salary to the primary section teachers in Sanskrit institutions through the State as is done in the case of primary school teachers of High School and intermediate Colleges. Also, the salaries to be paid to the former must be the same as that paid to the latter, i.e. in accordance with the G.O. dated 28-2-90 and 6-9-90 as amended. The Petitioners will also be entitled to other consequential benefits like group insurance, General Provident Fund, retirement benefits etc. which are being made available to the Primary section teachers in High School and Intermediate Colleges.