
(1994) 10 SC CK 0049

In the Supreme Court Of India

Case No : Writ Petition (C) No. 299 of 1989 with W.P. (C) No's. 1303, 1184, 601, 571 and 1041 of 1989.

Santosh Kumar and others etc.,

APPELLANT

Vs

The Secretary, Ministry of Human Resources Development
and another

RESPONDENT

Date of Decision : 04-10-1994

Acts Referred:

Constitution of India, 1950 — Article 351

Citation : AIR 1995 SC 293 : (1994) 6 JT 454 : (1995) 1 LW 196 : (1995) 1 PLJR 35 : (1994) 4 SCALE 391 : (1994) 6 SCC 579 : (1994) 4 SCR 139 Supp : (1995) 1 UJ 165

Hon'ble Judges : Kuldip Singh, J;B.L. Hansaria, J

Bench : Division Bench

Advocate : V.J. Francis, V. Subramaniam, A.K. Goel, Sheela Goel and Rajiv Dutta, for the Appellant;

Final Decision : Allowed

Judgement

B.L. Hansaria, J.—A professor of Cambridge University is deeply engrossed in his studies in his clam chamber. An agitated English soldier enters the study room and accuses the professor in not sharing the trauma of war which he and many others like him are facing while fighting Germans. The professor calmly asks the young soldier for whom he is fighting for. Quick conies the reply that it is to defend the country. The wise man wants to know what is that country to defend which he is prepared to shed his blood. The soldier replies it is the territory and its people. On further questioning the soldier says it is not only this but the culture of the country which he wants to defend. The professor quietly states that he is contributing to that culture. The soldier clams down and bows in respect to the professors and vows to defend with more vigour the cultural heritage of his country.

2. This is what is said to have happened during the Second World War when

England was fighting almost a last ditch battle of survival and all Englishmen contributed in their own way to the ultimate victory of England.

3. The above shows the concern for culture evinced even by the westerners. So far as "We, the people of India" are concerned, they have always held in high esteem the cultural heritage of this ancient land. And to foretell our views, learning of Sanskrit is undoubtedly necessary for protection of this heritage. The stream of our culture would get dried if we were to discourage the study of Sanskrit, and that too on the most untenable ground that if the Central Board of Secondary Education (for short 'the Board') were to do so, it would have to make facilities available for learning of Arabic and Persian-these being also classical languages, which is the ground advanced by Addl. Solicitor General, Shri Tulsi, appearing for the Board, in it not being in a position to accept the prima facie view expressed by us on 19.7.94, when these cases had come up for hearing, that Sanskrit should be included by the Board as one of the elective subjects in the syllabus alongwith Assamese, Bengali etc., which are the languages specified in the Eight Schedule of our Constitution, mentioning about Sanskrit being also an Eighth Schedule language. The desire to keep Sanskrit out does not stop here, as the submission also is that if Sanskrit comes, the Board shall have to bring in language like French and German. This is not all, as it is contended by the Addl. Solicitor General that the Board feels that arrangement may have then to be made for imparting education even in Lepcha, a language whose name many of the Indians might not have even heard.

4. We fail to appreciate at all the stand taken by a responsible body like the Board, who has been entrusted with the onerous duty of educating the youths of this country "in whose hands quiver the destinies of the future", as the same is wholly untenable. Without the learning of Sanskrit it is not possible to decipher the Indian philosophy on which our culture and heritage are based.

5. The question raised being important requires us, to answer it appropriately, to first know what our policy makers have said about the importance of Sanskrit. We shall then apprise ourselves about the place of Sanskrit in our educational ethos and shall finally see whether teaching of Sanskrit is against secularism?

Our education policy qua Sanskrit.

6. Being called upon to decide whether Sanskrit is required to be included in the syllabus of the Board as an elective subject so far as teaching in secondary school is concerned, may we say at the threshold a few words on the importance of education as such. This point is not required to be laboured by us in view of the Constitution Bench decision of this Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., in which the majority Judges well brought home the importance of education. It would be enough to mention what Mohan, J. (as a majority Judge) stated in that judgment. According to the learned Judge, education is a preparation of living and for life here and hereafter and education is at once a social and political necessity. It was also observed that

victories are gained, peace is preserved, progress is achieved, civilisation is built up and history is made, not in the battle-fields but in educational institutions which are seed-beds of culture. Education was, therefore, regarded as enlightenment and one that lends dignity to a man.

7. As we are concerned in these cases with the teaching in the secondary schools, we may say something about the importance of education in its early stages. It has been well recognised that it is this education which lays the foundation for a full and intense life and so this education must carefully keep alive the spark of curiosity and fan it into a beautiful, bright flame whenever it comes. It has been stated that it is the education received in early stages which widens the contacts of child or youth with the surroundings of the world; and with every new and fruitful contacts with the world of things, the world of men and the world of ideas, life of the young becomes richer and broader. It is early education which seeks to broaden the mind by exposing the learner to the world of thought and reflection, which can inspire him with lofty idealism by giving him the glimpses of a good life which a worthy education is capable of bringing.

8. We may now advert to the broad framework of our education policy as accepted by the Central Government. For our purpose it would be enough if we refer to the policies as formulated in 1968 and 1986. Here again, we would confine our attention to what was stated in these policies regarding Sanskrit. In the 1968 policy the following found place qua this language :

Considering the special importance of Sanskrit to the growth and development of Indian languages and its unique contribution to the cultural unity of the country, facilities for its teaching at the school and university stages should be offered on more liberal basis. Development of new methods of teaching the language should be encouraged, and the possibility explored of including the study of Sanskrit in those courses (such as modern Indian philosophy) at the first and second degree stages, where such knowledge is useful.

9. The 1986 policy has to say as below in this regard in para 5.33:

Research in Indology, the humanities and Social Sciences will receive adequate support. To fulfill the need for the synthesis of knowledge, inter-disciplinary research will be encouraged. Efforts will be made to delve into India's ancient fund of knowledge and to relate it to contemporary reality. This effort will imply the development of facilities for the intensive study of Sanskrit.

(Emphasis supplied)

10. It would be of some interest to note that when Sir William Jones, one of the most brilliant men of 18th century, came to India in 1783 as a Judge of the then Supreme Court of Judicature at Fort Williams in Bengal, he got interested to learn Sanskrit and it grew so strong that within six years he not only became the master of the language but translated Kalidas's Shakuntla. After about two hundred years it has fallen to the Judges of the present Supreme Court to

highlight the importance of Sanskrit and to see that it finds its due place in the niche of our national life.

Place of Sanskrit in our educational ethos.

11. It is well known that Sanskrit is a mother of all Indo-Aryan languages and it is this language in which our Vedas, Puranas and Upanishadas have been written and in which Kalidas, Bhavbuti, Banbhata and Dandi wrote their classics. Teachings of Shankracharya, Ramanuj, Madhwacharya, Nimbark and Vallabhacharya would not have been woven into the fabric of Indian culture if Sanskrit would not have been available to them as a medium of expressing their thoughts.

12. The report of the Sanskrit Commission (set up by the Government of India) which was submitted in 1957 speaks eloquently about the importance of Sanskrit. We do not purpose to burden this judgment with all that was said by the Commission in this regard. It would be enough for our purpose if we take note of some passages finding place in the report which highlight the quality, substance, content and strength of Sanskrit. At page 71 of the report it has been mentioned that Sanskrit is one of the greatest languages of the world and it is the classical language par excellence not only of India but of a good part of Asia as well. At page 73 the report states that the Indian people and the Indian civilisation were born, so to say, in the lap of Sanskrit and it went "hand in hand with the historical development of the Indian people, and gave the noblest expression to their mind and culture which has come down to our day as an inheritance of priceless order for India, nay, for the entire world". The report further speaks at page 74 about the "great mental and spiritual link" of Sanskrit and of it being the elder sister of Greek and Latin, and cousin of English, French and Russian.

13. There is no need to dilate on the importance of Sanskrit further in our national ethos in view of what was stated by no less a person than the first Prime Minister of the country, Pandit Jawahar Lal Nehru, in which regard, which is as below :

If I was asked what is the greatest treasure which India possesses and what is her finest heritage, I would answer unhesitatingly - it is the Sanskrit language and literature, and all that it contains. This is a magnificent inheritance, and so long as this endures and influences the life of our people, so long the basic genius of India will continue.

Is teaching of Sanskrit against secularism?

14. Of the three objections mentioned by the Addl. Solicitor General regarding the inability of the Board in acting in accordance with the prima facie views expressed by us in our order dated 19.7.1994, the only objection which merits our close look is that if Sanskrit were to be included as an elective subject, Arabic and Persian shall also have to be so done. The two other objections, namely inclusion of French and German also in the syllabus and of language like

Lepcha do not deserve any consideration for obvious reasons.

15. The first objection needs our consideration because in some . quarter there may be a feeling that by conceding to Sanskrit alone as an elective subject, we would act against secularism, which has been accepted by a nine-judge Bench of this Court in S.R. Bommai and others Vs. Union of India and others etc. etc., , as a basic structure of our constitution. It is apparent that we cannot give any direction about which it can be said that it is against the secularist requirement of our Constitution.

16. For the disposal of the cases at hand it is not necessary to elaborately discuss what are the basic requirements of secularism inasmuch as in Bommai's case this exercise has been well done by the learned Judges. It would be enough for our purpose to note what some of the learned Judges said in this regard. Sawant, J., with whom one of us (Kuldip Singh, J.) agreed, quoted in para 147 of the report what Shri M.C. Setalvad had stated on secularism in his Patel Memorial Lectures, 1965. One of the observations made by Setalvad was that a secular State is not hostile to religion but holds itself neutral in matters of religion. The further observation in para 148 is that the State's tolerance of religion does not make it either a religious or a theocratic State. Remaswami, J. stated in para 179 that secularism represents faiths born out of the exercise of rational faculties and it enables to see the imperative requirements for human progress in all aspects and cultural and social advancement and indeed for human survival itself.

17. It would be profitable to note that according to Justice H.R. Khanna secularism is neither anti-God nor pro-God; it treats alike the devout, the agnostic and the atheist. According to him, secularism is not antithesis of religious devoutness. He would like to dispel the impression that if a person is devout Hindu or devout Muslim he ceases to be secular. This is illustrated by saying that Vivekanand and Gandhiji were the greatest Hindus yet their entire life and teachings embodied the essence of secularism (See his article 'The Spirit of Secularism' as printed in 'Secularism and India: Dilemmas and Challenges' edited by Shri MM Sankhdhar).

18. We also propose to refer to what was said by the Sanskrit Commission on the subject of "Sanskrit and National Solidarity" in Chapter IV of its report. The Commission has, in this context first stated that Sanskrit is the "embodiment of Indian culture and civilisation". It then observes that the Indian People look upon Sanskrit as the binding force for the different peoples of this great country, which was described as the greatest discovery which, the Commission made as it travelled from Kerala to Kashmir and from Kamarupa to Saurashtra. The Commission, while so travelling, found that though the people of this country differed in a number of ways, they all were proud to regard themselves as participants in a common heritage; and that heritage emphatically is the heritage of Sanskrit. According to the Commission one of the witnesses which appeared before it went to the length of suggesting that if the Sanskrit Commission had

come before the States Reorganisation Commission, many of the recent bickerings in our national life could have been avoided. (Pages 80 and 81).

19. From what has been stated above, we entertain no doubt in our mind that teaching of Sanskrit alone as an elective subject can in no way be regarded as against secularism. Indeed, our Constitution requires giving of fillip to Sanskrit because of what has been stated in Article 351, in which while dealing with the duty of the Union to promote the spread of Hindi it has been provided that it would draw, whenever necessary or desirable, for its vocabulary, primarily on Sanskrit. Encouragement to Sanskrit is also necessary because of it being one of the languages included in the Eighth Schedule.

20. We, therefore, conclude by saying that in view of importance of Sanskrit for nurturing our cultural heritage, because of which even the official education policy has highlighted the need of study of Sanskrit, making of Sanskrit alone as an elective subject, while not conceding this status to Arabic and/or Persian, would not in any way militate against the basic tenet of secularism. There is thus no merit in the first objection raised by the Board.

21. In the aforesaid premises, we direct the Board to include Sanskrit as an elective subject in the syllabus under consideration. Necessary amendment in the syllabus shall be made within a period of three months from today.

22. The writ petitions are allowed accordingly. No order as to costs.