

CULTURAL ETHOS OF THE SANSKRIT LANGUAGE: A STUDY IN THE LIGHT OF SANTOSH KUMAR V. SECRETARY, MINISTRY OF HUMAN RESOURCES DEVELOPMENT AIR 1995 SC 293: (1994) 6SCC 579

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The Sanskrit language is considered as the ancient and Vedic language which has a great and inherent cultural ethos in the soul of Indian language. The Santosh Kumar v. Secretary, Ministry of Human Resource Development, is one of the most introspective judgments which had demonstrated the cultural heritage of India through the path of justice by upholding the cultural, traditional and linguistic essence of the Sanskrit language. The present judicial pronouncement examines whether the CBSE was justified in refusing to comply with judicial directions regarding the inclusion of Sanskrit as an elective subject. The judgment, inter alia, raises the broader issues concerning the limits of administrative discretion, the State's obligations under Article 351 of the Constitution, and the balancing of linguistic equality and national educational standards.

Introduction

The philanthropic judicial pronouncement of the Supreme Court of India, *Santosh Kumar & v. Secretary, Ministry of Human Resources Development*, AIR 1995 SC 293,¹ has immense academic significance in the constitutional history of India. The prime reason for the litigation was that the petitioner challenged the Central Board of Secondary Education's (CBSE) decisions for the exclusion of Sanskrit from the list of elective languages available to the students of secondary school.

Facts of the Case

The Petitioners (students/parents and educationally concerned parties) challenged the syllabus framed by the CBSE for secondary education that, as framed at the

relevant time, did not include Sanskrit as an elective language alongside regional and scheduled languages. The petitioners sought a writ directing the Board to include Sanskrit among the elective languages. The matter came before a two-judge bench, which issued an order directing the inclusion of Sanskrit within three months and dismissed other ancillary objections.

Legal Issues Presented

Although the case is short, it raises several legal and policy questions that the Court considered implicitly or explicitly:

1. Whether the CBSE's exclusion of Sanskrit as an elective language was arbitrary or contrary to educational policy and constitutional duties.
2. Whether promoting Sanskrit in the school curriculum would violate the constitutional principle of secularism by privileging a language associated with a particular religious or cultural tradition.

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3. The extent to which official education policy and constitutional provisions (including recognition of languages in the Eighth Schedule and Article 351) inform curricular decisions by statutory educational authorities.

Court's Reasoning and Ratio:

The argument presented by the Court takes place in three primary threads, *viz.*

- the cultural or educational significance of Sanskrit;
- the statutory or policy justification of teaching Sanskrit; and
- the secularism objection.

The Hon'ble bench projects the importance of Sanskrit to the Indian civilizational tradition and its importance as the carrier of foundational literature (Vedas, Upanishads, classical literature), and its phylogenetic location within the Indo-Aryan family of languages:

1. The Court repeats the historic and intellectual authorities (even mentioning the Sanskrit Commission and the names of great personalities such as Sir William Jones and Jawaharlal Nehru) to prove that Sanskrit is not only a sectarian language but also a repository of national heritage and scholarship. This cultural framing serves to justify preferential curricular treatment.

2. The bench relies on the Centre's own education policies (1968,1986), which specifically recommended liberal provision for Sanskrit instruction, and on constitutional texts such as Article 351 (the Union's duty regarding Hindi to draw on Sanskrit vocabulary) and the inclusion of Sanskrit within the Eighth Schedule. The Court treats these policies and constitutional articulations as supportive of a reasoned decision to include Sanskrit as an elective. It also places the present matter within the broader recognition that secondary education is formative and thereby worthy of protection and positive guidance.

3. A central objection advanced by the Board and pressed by the Additional Solicitor General was that privileging Sanskrit might violate secularism or compel the Board to include other languages (Arabic, Persian) on parity. The Court engages with the constitutional conception of secularism (as explained in *S.R. Bommai* and related dicta) and rejects the contention that offering Sanskrit as an elective would offend the secular character of the State. The bench reasons that secularism in India means state neutrality and equal treatment of religions, not an exclusion of languages that form part of national cultural heritage; offering Sanskrit does not constitute state

promotion of a religion. Moreover, the Court distinguishes between recognising Sanskrit's unique cultural-linguistic status and any obligation to accord identical curricular treatment to every language in existence. On these bases, the Court ordered the Board to include Sanskrit as an elective language in the challenged syllabus, with a direction to amend the syllabus within three months. The writ petitions were allowed, and no costs were ordered.

- It has also been analysed the Court that weather teaching of Sanskrit against secularism or not as propounded in the Constitution of India under the Constitution of India. Hence:
- The Court has carefully examined whether including Sanskrit as an elective subject in the CBSE curriculum would violate the State's constitutional obligation to maintain secularism.
- It has been argued that if Sanskrit were allowed as an elective subject, Arabic and Persian would also need to be included, whereas other objections, such as including French, German, or Lepcha, were dismissed as irrelevant.
- Referring to *Bommai Judgment*,² the Court reiterated that secularism means neutrality of the State toward all religions, not hostility or favouritism. The State may engage with cultural heritage without violating secularism.
- The Court had opined that secularism is not anti-religion, is compatible with religious devotion, and is essential for cultural and social advancement³.
- The Court has used the conclusions of the Sanskrit Commission which talked about Sanskrit being the culture of the Indians, a force and a common heritage among the different language and geographical boundaries- not a religious one.
- According to the constitutionality and cultural factors, the Court decided that the addition of Sanskrit as an optional topic does not breach the concept of secularism, as Sanskrit itself is national cultural solidarity rather than bias towards religion.

Academic Evaluation

The decision places the curricular decisions within the constitutional values and national policy as opposed to syllabi being viewed as administrative details. The bench circumvents judicial micromanagement by appealing to the formative nature of education and referring to given policy, but still demands compliance with the expressed national priorities based on reason⁴.

Treatment of secularism by the Court is delicate and subtle. It opposes the absolutist separatist view of educational activity that would regard any culturally based educational project as non-secular. This is in agreement with the precedents that have acknowledged secularism as non-hostility and equal treatment as opposed to hostility and cultural inheritance of religion. The dependence of the order on the Sanskrit Commission and historical-cultural rhetoric, rhetorically successful as they are, might be interpreted as the promotion of one form of cultural nationalism without adequately addressing pluralist pedagogic concerns. To illustrate, the bench rejects the parity argument (that the inclusion of Sanskrit would entail the inclusion of Arabic, Persian, Lepcha, etc.) based on analysis of limited scope of doctrinal content; a broader discussion of the principles of equality, reasonable classification, and administrative practicability would have given the reasoning against possible accusations of cultural favouritism a greater degree of strength. Further, the case does not provide procedural answers regarding the manner in which boards ought to balance competing demands of scarce curricular space and resources. The Court prescribes inclusion and leaves no comment on the safeguards against implementation (availability of teachers, standardisation of syllabus, allocation of resources), which are part of meaningful access. Therefore, although it is corrective, the order is short and serves more as a statement of declaration than a guide to be followed in the administration of education⁵.

Significance and Implications

Santosh Kumar Judgment has various practical and doctrinal implications of education law in India which are as follows:

- It establishes that the courts are free to direct that educational authorities adopt the proclaimed national policies and constitutional acknowledgement of languages in the construction of the curricula. This applies to petitions that want the inclusion of classical or regional languages in school syllabus⁶.
- The ruling adds to the court of authority that views secularism as state indifference as opposed to the compulsory exclusion of culturally or religiously affiliated practices. It thus provides space in the curriculum choices that embrace cultural heritage without contravening the secular provision of the Constitution.
- The case depicts the readiness of the judiciary to act where administrative action is not seen to

conform to the national education policy as well as constitutional undertakings. It shows how the balance between the non-interference of pedagogic autonomy and the non-interference of the statutory authorities to act within the policy and constitutional framework are the attempts of the courts.

*While interpreting the significance of the Sanskrit Language the Hon'ble Apex Court had opined that "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 and elective subject, will not conceding the status of Arabic or Persian would in any way militate against the basic tenet of secularism"*⁷.

Conclusion

Santosh Kumar Judgment is signifying a very eloquent role in the Indian education system of Sanskrit and interplay of cultural heritage and constitutional values. Although the order might have included more exploration of the logistics involved in implementing such a curriculum and a more thorough analysis of the doctrine of parity objection, it rightly grounds the inclusion of a particular language in the curriculum in proclaimed policy and constitutional reality and makes it clear that encouraging the use of a language of cultural significance does not mean the curricular inclusion process infringes on secularism. As an example of judicial intervention into the normative principles of curriculum making, the case will be of interest to students of education law, constitutional theory, and cultural policy. □

References

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