

COPY FOR PETITIONER.

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) No. 3002/2013

IN THE MATTER OF:

Sanskrit Shikshak Sangh,  
Through its President  
Shri Dheerendra Kumar Jha ... Petitioner

Versus

Union of India & Ors. ... Respondents

D.O.H. : 15.10.2014

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(VIKRAM JETLY)

Central Govt. Standing Counsel  
For Respondent No.1 (UOI)  
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New Delhi-110003  
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New Delhi  
Dated: 15.10.2014

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..... Respondents

SHORT AFFIDAVIT ON BEHALF OF THE UNION OF INDIA

I, Lakhmi Chand Mehra, S/o Late Shri Bhai Ram Mehra, aged about 58 years, working as Under Secretary, Government of India, Department of School Education & Literacy, Ministry of Human Resource Development, New Delhi do hereby solemnly affirm and state as under:-

1. That I am the Under Secretary in Ministry of Human Resource Development, Department of School Education & Literacy, and am well conversant with the facts of the case, as such am authorized and competent to swear to this short affidavit. The answering respondent craves leave of this Hon'ble Court to file this affidavit on behalf of the Union of India.

2. That the Petitioner has sought the relief from this Hon'ble Court for issue of a writ of Mandamus and /or any other writ:

- i) In nature of certiorari quashing notification No. 110332/7/2010/KVS/(HQ) /Acad dated 05/01/2011 issued by Assistant Commissioner, Kendriya Vidyalaya Sangathan to the Assistant Commissioner, Kendriya Vidyalaya Sangathan of all regions.
- ii) In the nature of mandamus directing the respondents to take effective measures for promotion and education of Sanskrit as provided in National Curriculum Framework for school education and also satisfying various provisions of the Constitution of India.

3. That the National Policy on Education inter-alia stipulates the Three Language Formula to be implemented in the country. The provisions of Para 4 (3)(b) read as under:

*"Three Language Formula: At the secondary stage, the State Governments should adopt and vigorously implement, the three-language formula which includes the study of a modern Indian language, preferably one of the southern languages, apart from Hindi and English in the Hindi-speaking States, and of Hindi along with the regional language and English in the Non-Hindi speaking States. Suitable courses in Hindi and/or English should also be available in universities and colleges with a view to improving the proficiency of students in these languages up to the prescribed university standards."*

As regards Sanskrit, the provisions of para 4(3) (d) of the National Policy on Education are as under:

*Sanskrit: 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 a more liberal scale. 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 languages, ancient Indian history, Indology and Indian philosophy) at the first and second degree stages, where such knowledge is useful.*

A copy of the relevant extracts of the National Policy on Education, 1986 and 1968 are placed at **Annexure-I**.

4. That the National Curriculum Framework, 2005 inter-alia lays down the guidelines for implementing the Three Language Formula. Relevant extracts from para 3.1.1 of the NCF, 2005 are reproduced below:

- *Children will receive multilingual education from the outset. The three language formula needs to be implemented in its spirit promoting multilingual communicative abilities for a multilingual country.*
- *In the non-Hindi-speaking States, children learn Hindi. In the case of Hindi speaking States children learn a language not*

spoken in their area. Sanskrit may also be studied as a Modern Indian Language (MIL) in addition to these languages.

- At later stages study of classical and foreign languages may be introduced.

5. Whereas vide letter dated 05/01/2011, KVS (HQ) had conveyed the decision of the competent authority to all its Regional offices for commencement of German language classes during the academic session 2011-12 in the Kendriya Vidyalayas subject to terms and conditions specified therein;

6. That, one of the conditions mentioned in the above communication is that "in classes VI to VIII the German language would be offered as an option to Sanskrit". This appears to be erroneously placed condition as it was contrary to the provisions of the three-language formula as enunciated in the National Policy on Education, in as much as the policy does not envisage replacement of Sanskrit by a foreign language as a third language option.

7. And whereas a working arrangement in the form of a Memorandum of Understanding (MoU) between Kendriya Vidyalaya Sangathan (KVS) and Goethe Institut- Max Mueller Bhavan had also been put in place on 23.09.2011 to facilitate teaching of German language in Kendriya Vidyalayas;

8. That, the MoU had become due for renewal in September, 2014 and had been referred by KVS to the Ministry of Human Resource Development seeking approval for its renewal vide note dated 02/09/2014;

9. That, during the course of examination of the proposed MoU, it was noticed that the original MoU concluded between KVS and Goethe Institut- Max Mueller Bhavan had not been referred to this Ministry of HRD at any stage for approval;

10. That, it was also observed that the following provisions of the MoU signed on 23.09.2011 between KVS and Goethe Institut- Max Mueller Bhavan were not consistent with the provisions of the National Policy on Education,

1968 and the National Curriculum Framework 2005 relating to three-language formula:

In the introductory paragraphs of the MoU above Aims and Objectives, it has been stated that the KVS has taken a decision to offer German as a third language in its schools.

In para 2.1 of the MoU – to introduce German language as one of the third languages from classes VI to VIII. (i) This is in violation of the three language formula mandated under the National Education Policy.

(ii) To identify teachers from within the KVS teaching staff e.g. Sanskrit teachers and primary teacher, who could be trained as German teachers. This has serious implications for preservation / promotion of Indian languages which include Sanskrit. As the MoU states that German is to be offered as a third language from VI to VIII by implication / corollary this would imply replacement of Sanskrit with German language wherever Sanskrit has been adopted as a third language.

11. In view of the above, the MoU has not been renewed and the matter has been remitted back to the KVS for consideration by its Board of Governors (BoG) *de novo* so as to align it with the provisions of the National Policy on Education, 1968 and the National Curriculum Framework 2005 relating to three language formula. A copy of the letter sent to Commissioner, KVS is placed at Annexure-II. Thus the prayers made by the Petitioner in para 25 (i) and (ii) of the WP seem to have been satisfied. Therefore, the pending writ petition can be disposed off.



DEPONENT

(लक्ष्मी चन्द मेहरा)  
(LAKHMI CHAND MEHRA)  
अपर सचिव/Under Secretary  
भारत सरकार/Govt. of India  
सा.श.वि. मन्त्रालय/Min. of H.R.  
स्कूल शिक्षा और साक्षरता विभाग  
D/o School Education & Litera-  
चय दिल्ली/New Delhi

1968 and the National Curriculum Framework 2005 relating to three-language formula:

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D/o School Education & Literacy  
नई दिल्ली/New Delhi

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VERIFICATION

I, the deponent above named do hereby verify the contents of paras 1 to 11 of the above Affidavit, are true and correct to my knowledge, based upon the official records, maintained by this Department. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 15<sup>th</sup> Oct, 2014.

  
DEPONENT

(लखमी चन्द मेहरा)  
(LAKHMI CHAND MEHRA)  
अवर सचिव/Under Secretary  
भारत सरकार/Govt. of India  
श.श.वि. मंत्रालय/Min. of P.R.  
स्कूल शिक्षा और साक्षरता विभाग  
O/o School Education & Literacy  
नई दिल्ली/New Delhi

regional languages are already in use as media of education at the primary and secondary stages. Urgent steps should now be taken to adopt them as media of education at the university stage.

(b) *Three-Language Formula:* At the secondary stage, the State Governments should adopt, and vigorously implement, the three-language formula which includes the study of a modern Indian language, preferably one of the southern languages, apart from Hindi and English in the Hindi-speaking States, and of Hindi along with the regional language and English in the Non-Hindi-speaking States. Suitable courses in Hindi and/or English should also be available in universities and colleges with a view to improving the proficiency of students in these languages up to the prescribed university standards.

(c) *Hindi:* Every effort should be made to promote the development of Hindi. In developing Hindi as the link language, due care should be taken to ensure that it will serve, as provided for in Article 351 of the Constitution, as a medium of expression for all the elements of the composite culture of India. The establishment, in non-Hindi States, of colleges and other institutions of higher education which use Hindi, as the medium of education should be encouraged.

(d) *Sanskrit:* 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 a more liberal scale. 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 languages, ancient Indian history, Indology and Indian philosophy) at the first and second degree stages, where such knowledge is useful.

(e) *International Languages:* Special emphasis needs to be laid on the study of English and other international languages. World knowledge is growing at a tremendous pace, especially in science and technology. India must not only keep up this growth but should also make her own significant contribution to it. For this purpose, study of English deserves to be specially strengthened.

(4) **Equalisation of Educational Opportunity:** Strenuous efforts should be made to equalise educational opportunity.



F.No.3-25/2014-UT-2  
Government of India  
Ministry of Human Resource Development  
Department of School Education and Literacy  
UT-2 Section

ANNEXURE-11

7

B-Wing, Ground Floor, Shastri Bhawan  
New Delhi, 14<sup>th</sup> October, 2014.

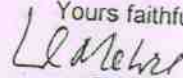
To,  
The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi - 110016

Subject: Renewal of the Memorandum of Understanding (MoU) between Kendriya Vidyalaya Sangathan and Goethe Institut-Max Muller Bhawan-reg.

Sir,

1. I am directed to refer to KVS's proposal sent vide reference No. 110332/7/2014/KVS(Hq)/Acad dated 02/09/20-14 on the above subject. The matter has been examined in this Department and it has been observed that the provisions of the MoU state that German will be offered in KV Schools as one of the third languages from classes VI to VIII. It has also been further noticed that German language is to be offered as a substitute to Sanskrit which is being taught in KVs as a third language. These provisions of the MoU are not consistent with the provisions of the National Policy on Education, 1968 relating to Three Language Formula as well as the provisions of the National Curriculum Framework, 2005.
2. The original Memorandum of Understanding signed between KVS and Goethe Institut-Max Muller Bhawan on 23.09.2011 was not examined and approved by this Ministry.
3. Separately, the Sanskrit Sikshak Sangh has also challenged the introduction of German in KVs through a Writ Petition (C) 3002/2013 in the Hon'ble High Court of Delhi. The matter is therefore *sub-judice* at present.
4. Keeping in view the above facts, it has been decided that the KVS may place the matter regarding teaching of foreign languages in the KVS system before its Board of Governors (BoG) for consideration *de novo* so as to align it with the provisions of the National Policy on Education, 1968 and the National Curriculum Framework 2005 relating to three language formula.

Yours faithfully



(Lakhmi Chand Mehra)

Under Secretary to the Govt. of India

Tele No. 23381434

T. R. E. Copy

