



W.P.(MD)No.5295 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.5295 of 2021

M.Selvakumar

.. Petitioner

Versus

- 1.Union of India,
Rep. by its Secretary of Home Ministry,
Lok Nayak Bhavan,
New Delhi - 110 003.
- 2.Union of India,
Rep. by its Secretary of (HRD) Education
Ministry,
Lok Nayak Bhavan, New Delhi - 110 003.
- 3.Union of India,
Rep. by its Secretary of Finance Department,
Lok Nayak Bhavan, New Delhi - 110 003.
- 4.The Director,
Central Institute of Classical Tamil,
Tharamani, Chennai - 600 113.
- 5.State of Tamil Nadu,
Rep. by its Tamil Development Department,
Secretariat,
Fort St. George, Chennai - 600 009.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus (i) Directing the respondents 1 to 3 to allocate the Central Institute of Classical Tamil, Rs.643.85 Crores on par with Sanskrit within a time of one month,



and it increase the fund allocation to Tamil to 1000 Crores every year and to accord the above mentioned 'Central Institute for Classical Tamil' special status as deemed university status as has been given to three Sanskrit Universities in this year by a Central Act.

(ii) Not to shift the Central Institute of Classical Tamil situated in Taramani, Chennai, Tamil Nadu to any other State in India and a status quo has to be maintained.

(iii) And further directing the respondents 1 to 6 to take immediate step to fill up all the vacancies of Central Institute of Classical Tamil at Chennai and to set up its branches of Tamil Development Institutions in all the States of India as done to 27 Sanskrit Institutions spread across all over the country.

For Petitioner : M.Selvakumar
(Party-in-person)

For Respondents : Mr.V.Malaiyandran, Standing Counsel for R1 to R4
Mr.P.Thilak Kumar
Government Pleader for R5

ORDER

R. MAHADEVAN, J.

Indisputably, Tamil is an ancient and one of the oldest languages in the world. The official language of Tamil Nadu, has its roots date back to several thousand years. From various literary works and archaeological evidence in the form of inscriptions, literature and history of classic Tamil Sangams, a meeting of scholars for debate and display of their creation, date back to several centuries before BCE. Ancient literary works of Tamil language in the first Century AD speak about the ancient Tamil Sangams all attended by various poets, the first of which is said to have been held for



4400 years, the second of which lasted for 3700 years and the third Sangam for about 1850 years. Various theories on Lemuria or Kumari Kandam, a vast extent of land in South of Indian Ocean, considered to be submerged around 16000 BCE is claimed to be the cradle of Tamil Civilization. Various ancient texts in Tamil and Sanskrit speak about the existences of such Kumari Kandam. Tholkappiam, a treatise on Tamil grammar, which also deals with morals, syllable, structure of words, formation of words, was arguably written in the 3rd Century BCE. Thirukkural, an undisputed and widely preached literature, dealing with all aspects of life, accepted throughout the world and the world's third most translated work after the Bible and Quran, was written between 3rd Century BCE to 1st Century BCE. The "Purananuru", a literary work, which is a part of curriculum in schools, was written between 1st Century BCE to 5th Century BCE. The "Akananuru", a poetic work forming part of the eight anthologies in Tamil literature was written between 2nd Century BCE to 5th Century BCE. Since then, Tamil has been more than a language. One of the oldest forms of literature in the world is also said to be in Tamil and includes not only prose but also poems. With such appreciation for the literary arts, it became the founding language for several literary movements. The Sangam literature movement began to stabilize Tamil as a source of language and culture. It spoke of topics including love, war, philosophy, ethics, politics and provided the foundations for the Bhakti movement. Here, epics and moral literature written by Nayanmars (Shaivites) and Alvars (Vaishnavites) gained prominence. With such diverse subjects, soon such pieces of literature and poetry, founded and developed social, economic, political and cultural



fields in the region. They were immensely used by ruling empires such as the Cholas and the Pandyas. The Tamil Language as it was and the Tamil Culture, which in its original form is indivisible from the language itself, transcended boundaries and reached many Asian countries. As times passed, Tamil literature began getting influenced by the Persian, European, Buddhist and Jain cultures. However, its revival began in the late 18th century and carried forward to a new level, when ancient religious and philosophical works were re-written for the common public to understand. This movement that began with the efforts of the multifaceted nationalists, poets and authors, who used power of literature as a tool to influence the masses. With this, Tamil Literature bloomed and evolved into short stories, novels and cinemas. In this way, the influence of Tamil language and culture is not limited only to India, but also in other countries, including Sri Lanka, Singapore, Malaysia, South Africa and Mauritius. Its culture and heritage must always be safeguarded and its influence must be allowed to evolve and flourish, to set new foundations in today's modern world.

2.In this writ petition, the petitioner claims himself to be a fond lover of Tamil language. He averred that Tamil is one of the oldest languages in the world, possessing a several thousand years of history and unique characteristics both in spoken and written forms. It is believed to be the first language to emerge in the Universe. It is further stated that Tamil was granted "Classical Language" status by the Government of India *vide* its notification dated 12.10.2004 and thereafter,



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Sanskrit, Telugu, Kannada, Malayalam and Odiya received classical language status. It is also stated that the Central Institute of Indian Languages was established at Mysore for the purpose of developing five classical languages including Tamil; and a Central Institute of Classical Tamil was established at Taramani, Chennai, in 2008 with the sole purpose of propagating, promoting and developing the classical language 'Tamil'.

3.Through the documents enclosed in the typed set of papers, the petitioner pointed out that despite the fact that Tamil is the mother tongue and spoken by more than 100 million people throughout the world, the Central Government allotted only a sum of Rs.22 crores for developmental activities, whereas for the Sanskrit language, which is spoken only by 14,135 out of 600 crore people throughout the world, a sum of Rs.645.43 crores has been allocated during the last three financial years.

4.The petitioner also stated that the Hon'ble Prime Minister of India, in his speech at UN conference, IIT's graduation function, Ladak Region, etc., quoting with Thirukkural, exclaimed that "Tamil is the oldest language in the world". However, the Ministry of Human Resource Development is rendering least financial assistance to Tamil language and its Development. Therefore, according to the petitioner, allocation of less fund to Tamil comparing to Sanskrit, is arbitrary and unreasonable as it violates Article 14 of the Constitution of India.



5. In support of his claim, the petitioner placed reliance on the following decisions of the Hon'ble Supreme Court in ***Bachan Singh v. State of Punjab [AIR 1982 SC 1325]***, in which, it was held that "the rule of law which permeates the entire fabric of Indian Constitution excludes arbitrariness. Wherever we find arbitrariness or unreasonableness there is denial of rule of law. Article 14 enacts primarily guarantee against arbitrariness and inhibits state action, whether legislative or executive, which suffers from the view of arbitrariness. Even state action must be non-arbitrary and reasonable. otherwise, the Court would strike it down as invalid". In ***Mahesh Chandra v. Regional Manager, U.P. Financial Corporation [AIR 1993 SC 935]***, it was held that "Equality and arbitrariness are sworn enemies. Article 14 strikes arbitrariness in state action and ensures fairness and equality of treatment". In ***A.P. Aggarwal v. Government of NCT of Delhi [AIR 2000 SC 205]***, it was pointed out by the Hon'ble Supreme Court that "Article 14 outlaws arbitrary administrative action. When there is arbitrariness in the state action, Article 14 springs into action and Court strike down such actions. Arbitrary state action infringes Article 14".

6. Narrating all the above facts, the petitioner made representations to the respondent authorities on 16.03.2020, 14.04.2020, 06.11.2020 and finally 18.11.2020, requesting to remove the parity and allocate sufficient funds to Tamil, besides other claims *qua* filling up of the vacancies in Central Institute of Classical Tamil (CICT), etc. However, none of the representations yielded any positive response. Therefore, he has preferred this writ petition for the following reliefs:



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(i) to issue a writ of mandamus directing the respondent authorities

(a) to allocate Rs.643.85 Crores to the Central Institute of Classical Tamil within a period of one month and increase it to Rs.1000 Crores every year; and (b) accord special status of deemed University to the said 'Central Institute for Classical Tamil' as has been given to three Sanskrit Universities by the Central Act;

(ii) not to shift the Central Institute of Classical Tamil situated at Taramani, Chennai, Tamil Nadu to any other State in India and to maintain *status quo*; and

(iii) to take immediate steps to fill up all the vacancies of Central Institute of Classical Tamil at Chennai and set up the branches of Tamil Development Institutions in all the States of India as done to 27 Sanskrit Institutions.

7. Upon notice, a detailed counter affidavit has been filed on behalf of the respondents 1 to 4, *inter alia* stating that the Tamil language is the oldest language which is spoken by millions of the people all around the world and therefore, the Government of India has given classical status to Tamil language and established an autonomous institution for the development of classical Tamil not only in India, but also in abroad, besides making the Tamil language as National language is a policy decision of the Government of India. It is also stated that the Government of India has given keen interest in the development of classical Tamil by sanctioning grants every year and increasing the total grant for the development of various activities carried out by the Central Institute of Classical Tamil; there is no data on the allocation of funds to Sanskrit institutions; and the Government of India will extend its



financial support to the CICT; and hence, there is no discriminatory treatment to Tamil language, as alleged by the petitioner.

8.The counter affidavit further proceeds to state that the Government of Tamil Nadu has allotted 17.5 acres of land to CICT in the year 2007 and sanctioned Rs.1.5 crores for earth filling of the land; the Government of India has sanctioned Rs.3.5 crores for construction of compound wall to the land and Rs.24.65 crores for construction of administrative building; on 12.01.2022, the building of the Central Institute of Classical Tamil at Perumbakkam, Chennai was inaugurated and on 02.04.2022, the office of CICT was shifted to new campus from the rented building at Taramani, Chennai; and thus, there is no proposal or any attempt to shift the CICT, Chennai to Central Institute of Indian Languages, Mysore.

9.Continuing further, the learned standing counsel appearing for the respondents 1 to 4, submitted that the Central Institute of Classical Tamil (CICT) since its establishment, has operated many schemes and activities of converting all the 41 texts of classical Tamil into publication in the form of Books, Digital texts, CDs., etc.; this institute has extended financial assistance to the aspiring Tamil students through Junior Research Fellowships and Post-doctoral Fellowships; CICT has undertaking translation of all the 41 texts in the leading Indian and foreign languages by offering short term/long term projects to ancillary fields which are closely related to classical Tamil texts; CICT has established with well-equipped Multimedia Studio, On-line



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Teaching Studio, Digital Library and Pavendhar Library at its campus of Perumbakkam, Chennai; Every year, CICT is giving Presidential Awards of Tolkappiyar, Kuralpeedam, and Young Scholar Awards to the eminent scholars who contribute for the development of Classical Tamil. It is also stated in the counter affidavit that CICT's authorities are appointed by the Government of India and they will act in accordance with the Rules and Regulations and directions of the Government of India for the development of the Classical Tamil with its activities. There is a proposal for setting up a nodal centres in Tamil Nadu, other Indian States and Tamil speaking nations all over the world for the development of Classical Tamil. Thus, the CICT is in the process of setting up of Tamil Chairs in all the Central Universities of other States and Universities of Tamil speaking nations; and the funds from the Government of India will increase once the nodal centres are set up. That apart, it is stated therein that the Ministry of Education, Government of India, has appointed a Director to CICT on 01.06.2020; originally, as per its order dated 25.06.2010, 41 posts were sanctioned for the institute and as on date, the recruitment process for 22 vacancies are withheld by this Court. Thus, the CICT has taken necessary steps to fill up the vacancies, which are not under the litigation. Further, as per the resolution of Governing Board of CICT, the expertise of the Scholars who are aged about 60 years, was utilized by engaging them as consultants for the projects undertaken by the institute. The recruitment to all the posts in the institute shall be made on the recommendation of a duly constituted selection / promotion committee as specified in the regulations of the Institute. With these



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averments, the respondents stated that the Government of India has given equal treatment to the Tamil language as that of Sanskrit language and there is no violation or discrimination, as alleged by the petitioner.

10.This court considered the submissions made by all the parties and perused the materials carefully and meticulously.

11.At the outset, the genesis of the Central Institute of Classical Tamil (CICT), as could be seen from the website, is required to be looked into, for considering the claim of the petitioner herein. The CICT is an autonomous institution under the Ministry of Human Resource Development, Department of Higher Education, Government of India. 'Tamil' is the first language declared as 'Classical Language' status with effect from 12.10.2004. Thereafter, a separate wing called as Centre of Excellence for Classical Tamil, was set up in the year 2005, for promotion of classical Tamil and the same was attached to the Central Institute of Indian Languages at Mysore. In continuation of the same, the Central Institute of Classical Tamil was established at Taramani, Chennai on 19.05.2008 and it was registered as a Society under the Tamil Nadu Societies Registration Act, 1975, on 21.01.2009 with the sole object of carrying out research work relating to the classical phase of Tamil (from the early period to 600 AD), which addresses the vital issues of the antiquity and uniqueness of the Tamil language. The functions of the CICT are as follows:



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• To provide high-quality teaching and research and for the advancement of knowledge and its dissemination through various research programmes undertaken in-house by a substantial number of full-time research scholars (Postdoctoral) in Tamilology and Classical Tamil in particular.

• To provide higher education leading to excellence and innovations in such branches of knowledge as may be deemed fit primarily at post-graduate level devoted to Classical Tamil in association with the Central University of Tamilnadu.

• To act as a nodal agency for the Government of India to implement its policies and programmes for the development of Tamil language.

• To implement of schemes of the Ministry of Education for the promotion of Tamil language by conducting and coordinating research work in various disciplines of Tamil language.

• To Institute and award visitorships, fellowships, scholarships, stipends, prizes and medals for the propagation of Tamil language.

• To support research projects received from universities and established institutions and also support such field studies as may be relevant.

• To organize national and international Conferences, Seminars and Workshops and support similar efforts in universities and established academic institutions.

• To support publication of research studies.

• To support publication of ancient Tamil work in the original and their translations in English and Indian languages.



- To promote and encourage studies in the composite nature of Indian culture, with focus on Dravidian component in the Indian civilization and heritage.
- To provide for instruction and training in such branches of learning as it may deem fit.
- To collect Classical Tamil Texts for the Pavendhar Library (Palm leaf manuscripts, rare books and digitization of rare books and manuscripts).
- To support publication of higher research in Tamilology.
- To realize its objectives, the CICT has undertaken by establishment of Research Chairs in various Universities for promoting research for the cause of Classical Tamil literature.
- To serve as a clearing house of information pertaining to Classical Tamil.

12.The grievance expressed by the petitioner herein is that the Government has not provided equal treatment for Tamil language as that of Sanskrit language. He produced extensive materials to demonstrate that the respondents allocated more funds for promotion of Sanskrit and framed schemes for overall development of Sanskrit language and education. Pointing out the same, the petitioner sought appropriate directions to the authorities in respect of allocation of funds to CICT on par with Sanskrit, according special status of deemed university as has been given to Sanskrit Universities, not to shift CICT to any other State, filling up the vacancies in CICT and setting up its branches in all the States.



13.Regarding the shifting of Central Institute of Classical Tamil at Taramani to any other State, it is the categorical stand of the respondents in their counter affidavit that the administrative building of the CICT is now, functioning at Perumbakkam, Chennai, and the Union Government has no proposal to shift the CICT, Chennai, to CIIL, Mysore, or any other State, as alleged by the petitioner.

14.With respect to filling up the vacancies in CICT, Chennai, it is evident from the counter affidavit and the documents produced on the side of the respondents that the Director (Languages), Department of Higher Education, Ministry of Human Resource Development, Government of India, has sanctioned academic posts numbering 22 and non-academic posts numbering 19 to CICT *vide* F.No.8-64/2008 L-II dated 25.06.2010; and out of 41 posts, the post of Director was filled up on 01.6.2020 and the recruitment process for 22 vacancies is withheld, in view of the pendency of the court proceedings. It is also evident that the CICT has taken necessary steps to resolve the litigations and to fill up the vacancies, which are not under the litigation. It is further stated in the counter affidavit that as per the resolution of Governing Board of CICT, the expertise of the Scholars who are aged about 60 years, will be utilized by engaging them as consultants for the projects undertaken by the institute; and the recruitment to all posts shall be made on the recommendation of a duly constituted selection / promotion committee as specified in the regulations of the institute.



14.1. In the light of the averments so made, this court directs the authority concerned to expedite the recruitment process and fill up the posts which are not under litigation. Insofar as the posts which are the subject matter of dispute before this Court, dealt by another Bench, it is open to the parties to approach this court for early disposal of the cases.

15. Insofar as the claim of the petitioner relating to establishment of branches of Tamil Development Institutions in all states, it is specifically stated in the counter affidavit that the Tamil language is the oldest language, which is spoken by millions of the people all over the world. Taking note of the same, the Government of India has given Classical Status to Tamil language on 12.10.2004 and established an autonomous institution for the development of Classical Tamil not only in India and also in abroad. It is further stated therein that the mission of the Central Institute of Classical Tamil is to exclusively concentrate on research works relating to the classical phase of Tamil (from the early period to 600 AD). It is also averred that the Hon'ble Prime Minister of India is always interested in the development of classical Tamil language and he refers the uniqueness and antiquity of the Tamil language to the general public throughout the world wherever possible.

15.1. The writ petition was filed in the year 2021. The counter affidavit has been filed on 10.11.2022. Though it is evident that the Central Government is clearly interested in preserving and promoting the Tamil language, no concrete material has been produced to substantiate the steps taken on behalf of the respondents to



achieve their noble objects projected by them in their counter. Having regard to the admitted fact that the Tamil is the oldest language in the world and it has its own uniqueness and antiquity, this court directs the respondent authorities to take initiative, if not already taken, to set up the branches of Tamil Development Institutions in all the States of India as well as abroad, as expeditiously as possible.

16.Coming to the first limb of the prayer made by the petitioner viz., allocation of funds to the CICT and accord special status as deemed university, on par with the Sanskrit institutions, it is submitted on the side of the respondent authorities that there is no data on the allocation of funds to Sanskrit language and its institutions. On the other hand, the petitioner drew the attention of this court to the statistical data obtained through website. This court is not inclined to place much reliance on the same. However, the materials produced would go to show that the Union Government constituted a committee to suggest a long term vision and road map for the development of Sanskrit and framed schemes for promotion of Sanskrit language and education, besides granting financial assistance for the same. Whereas, such promotional and visionary activities are yet to be initiated in respect of the Tamil language. It is not to be forgotten that Tamil is a better established language and spoken throughout the world; and the funds allocated for the promotion of Sanskrit, will be an intelligible differentia to negate the claim of arbitrariness in the allocation of funds. However, it is also not to be forgotten that the writ petitioner has not challenged the allocation of more funds, but rather wants more funds to be allocated



for the promotion of Tamil. Therefore, the question would be the adequacy of the steps taken to promote Tamil.

16.1. As stated at the first instance, the State of Tamil Nadu has a long and rich cultural heritage which dates back to several centuries; the language of Tamil is one of the oldest classical languages in India and is a source of pride for the people of Tamil Nadu. As claimed in the counter affidavit of the respondents and in their arguments, though the ancientness of Tamil and importance of “Thirukkural” are frequently spoken by the central government in many public meetings, that by itself would not promote the language, unless adequate steps are taken to create opportunity for the public to learn the language by establishing departments in central universities, other states and chairs for promotion of the language. As stated in the prelude of this order, the literary and poetry works in Tamil are much more in number than most other languages in the world. The preaching’s in such ancient literature, which are directed towards betterment of individual as well as the society, are ever relevant. The culture and civilization of original Tamil Nadu is very ancient and varied in view of such diversity and extent of the landscape. The study of language with such different dialects, also would include the study of different communities and cultures in this land. At this juncture, it may be relevant to refer to the decision of a Full Bench of this Court in ***K.Senthil Mallar v. The Government of Tamil Nadu [2017 (6) CTC 225 : 2017-2-Writ LR 804]***, in which, one of us (RMDJ) was a member, wherein, while dealing with the ancientness and diversity of people of Tamil Nadu, it was held as follows:



"20. This land of Tamil Nadu was predominantly ruled by chera, chola and pandiya kings. The other rulers included the pallava, the vijayanagara and nayakar dynasty. Thereafter, the Mughals and the Europeans came. Chera kings reigned the western part of the present Tamil Nadu including Kerala, while the Chola dynasty spread over the central and northern part and the pandiyas ruled the southern part. It could be arguably said that the chola dynasty at its peak extended their dominance to other parts of the state also defeating the Pandiya kings and extending their rule even beyond the present day India. History would reveal that the Pandiya reign goes back to Before Common Era and that they lost control over most part of present day Tamil Nadu mainly to the chola dynasty for considerable period and could come back to power only during the 13th Century. Thereafter, the rise of the Nayakars, Vijayanagara Empire and the domination of the Mughals, diminished any or negligible chances of revival. Then, after the British rule, the present day States were formed.

21. This land is the home to the oldest language, culture and civilization. From the time immemorial, this land has had the culture of describing a person, based on his occupation and place of residence. Thus, they formed a community which slowly evolved into a caste. However, the necessities of life forced people to venture into new areas of work, whereby one's identity based on work, could not be fixed and turned out to be evolving or in other words, people whose caste was once determined, based on a particular job, sprouted a new caste based on their new area of employment. The caste and sub-caste systems were increased tremendously and as on date, it exceeds 362 excluding the general/forward category."

16.2. The diverse Tamil culture united by the common thread of language, comprises of the ideas, art, faith, customary practice, social behaviour, as propounded in the various literary works is an integral part of the culture of this country. Whiles, it is more incumbent upon the Union Government to allocate enough funds for the development and promotion of Tamil language and its related activities on par with Sanskrit, as because the literature and the values they bring cannot be reached to different sections of the society, states and countries, with the funds so far allocated. However, there cannot be any omnibus direction to the respondents to allocate a specific amount, as the same is to be made after scientific study of the steps to be taken for promotion of Tamil by taking similar visionary steps proposed for promoting Sanskrit, which will not be limited to translating the literary works in other languages,



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establishing departments in the other states and Tamil Chairs in other countries and the budgetary allocation would depend on the result of the study and report.

16.3. Thus, considering the fact that "Tamil" is one of the six languages enjoying the status of a 'classical language' and is spoken by a large number of people all over the world and has a unique and special status due to its historical and cultural importance; that, it has an incredibly rich and diverse literature, which is reflective of its deep roots in India's culture and history; and that, the land and the language have contributed immensely to arts and literature, this Court directs the respondent authorities to consider the representation of the petitioner with regard to allocation of more and sufficient funds to the Central Institute of Classical Tamil and accord special status of deemed University and pass appropriate orders.

17. In fine, this writ petition stands disposed of, in the terms as stated in paragraph nos.14.1, 15.1, and 16.3. The directions so issued by this court shall be complied with by the respondent authorities within a period of sixteen weeks from the date of receipt of a copy of this order. There is no order as to costs.

[R.M.D., J.] [J.S.N.P., J.]
28.04.2023

r n s
Speaking / Non-speaking order
Internet : Yes.



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Index : Yes /No

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To

- 1.The Secretary of Home Ministry,
Union of India,
Lok Nayak Bhavan,
New Delhi - 110 003.
- 2.The Secretary of (HRD) Education Ministry,
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Lok Nayak Bhavan, New Delhi - 110 003.
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