

[2026 LiveLaw \(SC\) 492](#)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
**VIKRAM NATH; J., SANDEEP MEHTA; J.**  
SLP (C) No. 1425 of 2025; MAY 12, 2026

**PADAM MEHTA AND ANOTHER *versus* STATE OF RAJASTHAN AND OTHERS**

**Constitution of India, 1950 - Article 19(1)(a) – Freedom of Speech and Expression – Right to Education in Mother Tongue/Language of Choice - The guarantee of freedom of speech and expression necessarily encompasses the right to receive information in a form that is both meaningful and comprehensible - The true value of this freedom lies in the ability to understand, internalize, and process information - Education, as a primary vehicle for transmitting knowledge, must be imparted in a language that the child understands best - A child, or a parent/guardian on their behalf, has a fundamental right to freedom of choice regarding the medium of instruction at the primary school stage, and the State cannot artificially restrict this choice. [Paras 42, 43]**

**Right of Children to Free and Compulsory Education Act, 2009 - Section 29(2)(f) – Curriculum and Evaluation Procedure – Medium of Instruction in Mother Tongue: Section 29(2)(f) is a key provision aimed at securing the delivery of quality education in a real and substantive sense - It proceeds on the well-established pedagogical premise that instruction imparted in the child's mother tongue or regional language significantly enhances comprehension and learning outcomes - Imparting education in an unfamiliar language impedes understanding, risks impairing foundational development, and engenders a sense of alienation or apprehension, thereby defeating the purpose of elementary education. [Paras 17 - 39]**

**National Education Policy (NEP), 2020 – Executive Policies vs. Ground Implementation - The NEP, 2020 underscores the primacy of the home, local, or regional language as a medium of instruction, recognizing that young children grasp complex concepts better in their mother tongue - there appears to be a substantial deficit in the actual implementation of these commitments by the State at the ground level - While frameworks and policies continue to be announced, their absence in the lived experience of the child renders the entire exercise hollow - A right that exists only on paper without corresponding administrative will or implementation is no right at all. [Paras 29-35, 40 - 45]**

**Eighth Schedule Technicality vs. Constitutional Imperative - The State cannot justify its continued inaction or lackadaisical approach on the technical premise that a regional language (such as Rajasthani) is not formally recognized in the Eighth Schedule to the Constitution - The absence of an administrative policy is an executive shortcoming warranting prompt rectification, not a valid ground to defend institutional inertia. [Para 46]**

**Pedantic Contradiction in Academic Recognition - Where a language is already being taught as an academic subject at the university level across the State, the argument that it lacks institutional or pedagogical acceptance for school education is highly pedantic and untenable - The State is obligated to translate constitutional assurances into concrete action by introducing such regional languages as a subject in schools in a phased and progressive manner.** [Relied on *State of Karnataka & Anr. v. Associated Management of English Medium Primary & Secondary Schools & Ors.*, (2014) 9 SCC 485; *English Medium Students Parents Assn. v. State of Karnataka & Ors.*, (1994) 1 SCC 550; *Devesh Sharma v. Union of India & Ors.*, (2023) 18 SCC 339; *State of U.P. & Anr. v. Anand Kumar Yadav & Ors.*, (2018) 13 SCC 560; Para 50, 51]

*For Petitioner(s): Dr. Manish Singhvi, Sr. Adv. Mr. Apurv Singhvi, Adv. Mr. D. K. Devesh, AOR Ms. Shalini Haldar, Adv. Mr. Jitesh Saluja, Adv. Mr. Shashank Kumar Saurav, Adv. Mr. Suprabh Kumar Roshan, Adv.*

*For Respondent(s): Mr. Shiv Mangal Sharma, A.A.G. Ms. Sonali Gaur, Adv. Mr. Saurabh Rajpal, Adv. Ms. Nidhi Jaswal, AOR Mr. Ajay Singh, AOR*

## **J U D G M E N T**

### **Mehta, J.**

1. Heard.
2. Leave granted.
3. The ability to understand and be understood in one's own language is not a matter of convenience, but a matter of existential rights, for comprehension must necessarily precede meaningful participation in the society and day to day life activities. It is in this context that language, being the means of expression, is the very essence of an individual. It serves as the medium through which thought takes shape and identity finds recognition. Therefore, in a society governed by law, the accessibility of language assumes constitutional significance.
4. In light of the foregoing reflection, which underscores the fundamental significance of language as the most powerful medium of comprehension and meaningful participation, we shall now proceed to examine the present controversy.
5. The appellants have approached this Court by way of the instant appeal, under Article 136 of the Constitution of India, 1950<sup>1</sup>, for assailing the impugned final order dated 27<sup>th</sup> November, 2024 passed by the High Court of Judicature for Rajasthan at Jodhpur<sup>2</sup> in D.B. Civil Writ Petition No. 5294 of 2021 whereby the High Court dismissed the Public Interest Litigation filed by the appellants.
6. The appellants, by way of the aforesaid Public Interest Litigation, had approached the High Court seeking a direction to the respondents to include the Rajasthani language in the examination syllabus for recruitment to the post of Teacher, Grade-III, Level-I and Level-II, under the Rajasthan Eligibility

---

<sup>1</sup> Hereinafter, referred to as "Constitution".

<sup>2</sup> Hereinafter, referred to as "High Court".

Examination for Teachers, 2021<sup>3</sup>. The appellants also sought a direction to the respondents to impart education to children in the Rajasthani language or the relevant local language.

7. The High Court dismissed the petition on the premise that a writ of mandamus can be issued only upon the petitioners/appellants establishing an enforceable legal right and demonstrating a corresponding failure on the part of the State authorities to discharge a statutory duty.

8. Being aggrieved, the appellants are before this Court by way of the present appeal by special leave.

9. Before advertent to the merits of the controversy, it would be apposite to briefly take note of certain foundational aspects pertaining to the role and significance of language, particularly in the context of education and constitutional guarantees, so as to place the issues arising in the present appeal in their true and wholesome perspective.

## **HISTORICAL BACKGROUND**

10. Language has existed in one form or other since times immemorial. It has served as the enduring thread through which successive generations have transmitted culture, knowledge, and values from one generation to the next.

11. The Constituent Assembly was deeply conscious of the pivotal role that language plays in shaping the unity and identity of a nation. The debates of the Assembly reflect an acute awareness of the unifying potential of language and its capacity to bind together the diverse cultural fabric of India, particularly in the context of education and nationbuilding.

12. The framers of the Constitution devoted an entire Part to the subject of language, being fully conscious of its profound bearing on national integration, cultural identity, and access to education and justice. Part XVII of the Constitution (Articles 343 to 351) delineates the constitutional framework governing the official languages of the Union and the States, while at the same time preserving and promoting India's rich linguistic diversity.

13. The Constitution, in its original form, recognized fourteen languages in the Eighth Schedule, reflecting the linguistic diversity of the newly independent nation. However, pursuant to successive constitutional amendments, the list of languages in the Eighth Schedule has been progressively expanded. As it stands today, the Eighth Schedule comprises twenty-two languages, embodying the constitutional recognition of India's plural linguistic heritage and its commitment to fostering unity in diversity.

14. In the deliberations of the Constituent Assembly of India, the question of language was not confined to matters of official usage, but extended to concerns of far-reaching import, including the use of the mother tongue at the primary stage of education, an issue of enduring relevance in every multilingual society

---

<sup>3</sup> Hereinafter, referred to as "REET, 2021".

characterised by substantial linguistic diversity, as well as the determination of the medium of instruction in universities and other institutions of higher learning.

**15.** The significance accorded to these concerns did not remain at the level of principle alone but found concrete constitutional expression in the years that followed. By virtue of the Seventh Amendment<sup>4</sup> to the Constitution, Article 350A came to be incorporated into the Constitution, with the avowed object of ensuring that the States shall provide adequate facilities for instruction in the mother tongue at the primary stage of education for children belonging to linguistic minority groups.

**16.** The constitutional recognition of the importance of the mother tongue in early education was further reinforced by subsequent policy developments at the national level, reflecting a consistent and evolving consensus on the issue. In this regard, the Education Commission (1964-66), famously known as D.S. Kothari Commission, was constituted by the Government of India to undertake a comprehensive review of the state of education and to recommend measures for its comprehensive reform. The Commission placed strong emphasis on the centrality of regional languages within the educational system and recommended a three language formula, under which the first language of instruction would ordinarily be the mother tongue or the regional language. It further underscored that the regional language ought to serve as the medium of education not only at the school level but should extend to higher stages of learning as well. The report of the Commission was subsequently adopted in the National Policy on Education, 1968, and its core recommendations came to be reiterated in the subsequent iterations of the National Policy on Education in 1986 and 1992, thereby lending enduring policy support to the constitutional vision.

**17.** In furtherance of the objective of securing inclusive and equitable education for all children between the age of six and fourteen years, Parliament enacted the pathbreaking statute i.e., the Right of Children to Free and Compulsory Education Act, 2009<sup>5</sup>, with a view to guarantee every child the right to full-time elementary education of satisfactory and equitable quality. Significantly, recognising the foundational role of the mother tongue in facilitating meaningful learning, the legislature incorporated Section 29(2)(f) therein, mandating that the academic authority, while formulating the curriculum and evaluation procedures, shall take into consideration that the medium of instruction shall, as far as practicable, be in the child's mother tongue, an expression of legislative intent whose full and faithful operationalisation would fall for consideration at a later stage. Section 29(2)(f) is extracted below for ease of reference: -

---

<sup>4</sup> Constitution (Seventh Amendment) Act, 1956, S. 21.

<sup>5</sup> Hereinafter, referred to as "RTE Act, 2009".

**“29. Curriculum and evaluation procedure.—**

- (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.
- (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—
- (a) conformity with the values enshrined in the Constitution;
  - (b) all round development of the child;
  - (c) building up child's knowledge, potentiality and talent;
  - (d) development of physical and mental abilities to the fullest extent;
  - (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
  - (f) **medium of instructions shall, as far as practicable, be in child's mother tongue;**
  - (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
  - (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.”

(Emphasis supplied)

**18.** This legislative mandate has been further strengthened and elaborated in contemporary policy frameworks. The National Education Policy, 2020<sup>6</sup>, which seeks to comprehensively reform the education system in the country, places marked emphasis on the primacy of the home, local, and regional language in early education. It acknowledges, on a considered pedagogical basis, that young children grasp and internalise complex concepts with greater ease when instructed in their mother tongue. Accordingly, the Policy recommends that, wherever feasible, the medium of instruction up to at least Grade V, and preferably up to Grade VIII and beyond, ought to be the home or regional language, while also envisaging its continued use as a subject of instruction thereafter. Notably, this framework is intended to be uniformly adhered to by both public and private educational institutions, thereby embedding linguistic inclusivity at the core of the instructional paradigm.

**19.** NEP, 2020 further contemplates the deployment of technology as an enabling instrument to bridge linguistic barriers, so as to facilitate more effective communication between teachers and students and to enhance comprehension by allowing instruction and learning to take place in the child's home or regional language, in furtherance of the overarching objective of mother tongue-based education. Such technological adaptations are intended to aid teachers in instructional delivery and assist students in comprehending complex concepts in their home or regional language and are to be piloted and implemented in a manner that strengthens the overarching objective of imparting instructions in mother-tongue.

---

<sup>6</sup> Hereinafter, referred to as “NEP, 2020”.

## **SUBMISSIONS ON BEHALF OF THE APPELLANTS**

**20.** Learned counsel appearing for the appellants submitted that Rajasthani speaking population squarely falls within the ambit of a “linguistic minority” for the purposes of Article 350A of the Constitution. The expression “linguistic minority” is not to be understood in a narrow or rigid sense, but in relation to the dominant or official language of the State. In the State of Rajasthan, where Hindi is the principal official language, Rajasthani, being a distinct mother tongue with its own rich linguistic identity and cultural heritage, clearly constitutes a minority language for the purposes of Article 350A of the Constitution.

**21.** Learned counsel submitted that the right to choose the medium of instruction, particularly the entitlement to receive education in one’s mother tongue, is implicit in Article 19(1)(a) of the Constitution, inasmuch as the freedom of speech and expression encompasses the right to receive and comprehend information in a meaningful manner. When read in conjunction with Article 21A of the Constitution, this forms a coherent interlinked constitutional guarantee, obligating the State to ensure that education is not merely formally imparted, but is intelligible and effective in substance, which necessarily entails instruction in a language understood by the child.

**22.** It was submitted that the State of Rajasthan has engaged in a form of hostile and invidious discrimination, inasmuch as languages such as Gujarati, Punjabi, and Sindhi are being included in the course curriculums prevailing in the schools, while Rajasthani stands conspicuously excluded, notwithstanding its widespread use and deep-rooted linguistic identity within the State. Such differential treatment, in the absence of any intelligible differentia or rational nexus with the object sought to be achieved, is manifestly arbitrary and falls foul of the equality mandate enshrined in Article 14 of the Constitution.

**23.** Learned counsel further submitted that the NEP, 2020, lends further reinforcement to this position by recognising that young children are able to grasp even complex concepts with greater ease when taught in their home language, and accordingly recommends that the medium of instruction should, as far as practicable, be the home language or mother tongue, at least until Grades I to V and VI to VIII.

**24.** On these grounds, learned counsel for the appellants, implored the Court to set aside the impugned order; allow the appeal and issue appropriate directions in terms of the reliefs prayed for.

## **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

**25.** *Per contra*, learned counsel appearing for the respondents submitted that education is presently imparted, and recruitment to teaching positions undertaken, only in respect of those languages which are formally recognised in the Eighth Schedule to the Constitution. It was contended that, as on date, Rajasthani has not been included in the said Schedule and hence, no policy decision has been taken, nor does any administrative framework presently exist, for its adoption either as a medium of instruction or a compulsory subject.

**26.** Learned counsel submitted that the reliance placed by the appellants on Article 350A of the Constitution is misconceived and misplaced, as speakers of Rajasthani language do not constitute a linguistic minority within the State of Rajasthan. It was further urged that Article 350A is merely directory in character, inasmuch as it casts an obligation upon the State only to endeavour to provide facilities for instruction in the mother tongue and does not give rise to justiciable or enforceable rights capable of being enforced by way of a writ of mandamus.

**27.** It was further submitted that the NEP, 2020 is merely an executive policy statement without statutory force and does not, by itself, create legally enforceable rights or corresponding duties. While the Policy recommends the use of the mother tongue as the medium of instruction, it does not mandate the same, nor does it circumscribe the State's administrative/executive discretion in the formulation of curricula or the structuring of recruitment syllabi.

**28.** In light of the submissions noted hereinabove, learned counsel appearing for the respondents urged that the present appeal, being devoid of merit, deserves to be dismissed.

### **ANALYSIS AND DISCUSSION**

**29.** We have given our thoughtful consideration to the submissions advanced at bar and have carefully gone through the impugned order and the material placed on record.

**30.** At the outset, it is necessary to note that the primary relief sought by the appellants, namely, the inclusion of the Rajasthani language in the examination syllabus for both levels, Classes I to V and Classes VI to VIII, of the REET-2021, does not survive for efficacious consideration at this stage. The said examination pertained to a recruitment process which has since been conducted and concluded, and the relief, in its present form, appears to have been rendered infructuous by efflux of time. This Court, therefore, finds that no effective direction can now be issued *qua* the said examination without unsettling a recruitment process that has attained finality long back.

**31.** However, the matter does not rest there. The issues raised by the appellants transcend the confines of the particular examination in question and touch upon broader questions of constitutional significance concerning the recognition of language in the sphere of education and public employment. To that extent, the grievance projected cannot be brushed aside as wholly academic and would require consideration in the larger context delineated hereinbelow.

**32.** Needless to state, the question of language in education transcends the confines of administrative convenience or pedagogical preference; it strikes at the very core of inclusivity, identity, and meaningful access to the learning process. Any adjudication in this domain must, therefore, proceed with due circumspection, bearing in mind the delicate balance between the domain of policy formulation entrusted to the State and the constitutional mandate of ensuring equality of opportunity alongside the preservation of linguistic diversity.

33. It cannot be gainsaid that education is the transformative force, capable of uplifting an individual from adverse circumstances and elevate him to the highest realms of personal, social, and economic development. It is not merely a means of acquiring knowledge and communication, but a tool for empowerment, enabling individuals to overcome systemic disadvantages, break cycles of poverty, and contribute meaningfully to the society. The influence of education extends beyond the individual, shaping families and successive generations by fostering awareness, critical thinking, and informed decision making. An educated person is thus equipped not only with intellectual acumen but also with the ethical, civic, and social consciousness necessary to participate effectively in a democratic society, uphold constitutional values, and contribute to nationbuilding.

34. Recognizing this, the Constitution of India, through Articles 21, 21A, 41, 45, 51A(k) and 350A, places a clear imprimatur on the right to education and the corresponding obligation of the State to ensure accessible, equitable, and quality education. These provisions, read harmoniously, affirm that education is not merely a policy objective, but a constitutional entitlement coupled with a public duty, integral to both individual dignity and the collective progress of the nation.

35. Significantly, the constitutional framework also recognises that the quality of education is inextricably linked to the medium through which it is imparted, reflecting the principle that education must be intelligible and accessible to the learner. Instruction that cannot be adequately grasped by the students due to language barriers or unfamiliar mediums of instruction cannot, in any meaningful sense, be regarded as quality education, for the very purpose of education is to equip the learner with knowledge, understanding, and skills. The constitutional mandate, thus, impels the State to adopt measures that facilitate effective learning through the use of child's chosen language, or mother tongue, thereby fulfilling both the spirit and the letter of the Constitution in delivering education that is truly substantive, inclusive, and empowering.

36. This Court has, on more than one occasion, underscored these principles. In ***State of U.P. & Anr. v. Anand Kumar Yadav & Ors.***<sup>7</sup>, while emphasizing the importance of quality education, the Court observed as follows:-

“23. At the outset, we may note that **fundamental right to free and compulsory education is one of the most important rights as without education one may never know his other rights. It goes without saying that right to education is right to quality education.** Concern for unsatisfactory quality of education has been expressed by this Court on several occasions...”

37. Parliament, being alive to the pivotal role of education as an instrument of social transformation and substantive equality, enacted RTE Act, 2009 with the avowed objective of ensuring free and compulsory elementary education of satisfactory quality to all children, particularly those belonging to disadvantaged and weaker sections of society. The enactment serves to operationalise the

---

<sup>7</sup> (2018) 13 SCC 560.

constitutional mandate flowing from Articles 21A, 45, and 51A(k) of the Constitution, and is designed to dismantle barriers to access, foster inclusivity, and secure the provision of education that is not merely formal but meaningful, effective, and equitable in substance.

**38.** This Court in *Devesh Sharma v. Union of India & Ors.*<sup>8</sup>, highlighted the transformative purpose of RTE Act, 2009 and the broad remedial purpose it seeks to achieve, and observed as follows:-

“18. In order to fulfil the above mandate the Right to Education Act, 2009, was passed by Parliament on 20-8-2009, which became effective from 1-4-2010. **The Object and Reasons of the Act declared loud and clear that what the Act seeks to achieve is not merely “free” and “compulsory” elementary education, but equally important would be the “Quality” of this education! The Preamble to the Act states “that every child has a right to be provided full-time elementary education of satisfactory and equitable “quality” in a formal school which satisfies certain essential norms and standards”.**

19. When the validity of the Act was challenged before this Court [ In *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 : 4 SCEC 453], this Court, while upholding its validity emphasised that the Act, was intended not only to impart “free” and “compulsory” education to children, but the purpose was also to impart “quality” education!

“8. ... The provisions of this Act are intended not only to guarantee right to free and compulsory education to children, but it also envisages imparting of “quality” education by providing required infrastructure and compliance with specified norms and standards in the schools.” [See p. 28, para 8, *Society for Unaided Private Schools of Rajasthan v. Union of India* [*Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 : 4 SCEC 453]

20. **As we can see, the purpose behind bringing this pathbreaking legislation was not to complete the formality of “free and compulsory” elementary education for children, but to make a qualitative difference in elementary education and to impart it in a meaningful manner.** Provisions like “Right to be admitted in a neighbourhood school” [ Section 3 of the Right to Education Act, 2009.], “No denial of admission” [ Section 15 of the Right to Education Act, 2009.] and “Prohibition of physical punishment and mental harassment” [ Section 17 of the Right to Education Act, 2009.], are some of the heartwarming provisions of the Act.

21. **The Act sets down certain norms and standards which have to be followed in elementary schools, and this is with the purpose of providing a meaningful and “quality” education...**

(Emphasis Supplied)

**39.** Section 29(2)(f) of the RTE Act, 2009, is a key provision aimed at securing the delivery of quality education in a real and substantive sense. Proceeding on the well-established pedagogical premise that instruction imparted in the child’s mother tongue or regional language significantly enhances comprehension and learning outcomes, the provision intends to obviate situations where students are unable to meaningfully grasp foundational concepts at the very threshold. Education imparted in a language unfamiliar to the learner not only impedes effective understanding but also risks impairing foundational development and

---

<sup>8</sup> (2023) 18 SCC 339.

engendering a sense of alienation or apprehension in the child, thereby defeating the very purpose of elementary education. By mandating that curricular design and evaluation frameworks duly account for the medium of instruction, Section 29(2)(f) reinforces the principle that quality education must be intelligible, inclusive, and conducive to the holistic development of the child.

**40.** It is also pertinent to note that the Central Government has, in furtherance of the constitutional mandate, formulated the National Education Policy, 2020, which, as discussed above, accords primacy to the use of the mother tongue, home language, local language or regional language as the medium of instruction, particularly at the foundational and preparatory stages of schooling. The Policy does not merely reiterate a pedagogical preference but reflects a considered legislative policy stance acknowledging that education imparted in a language familiar to the child substantially enhances conceptual clarity, cognitive development, and long-term learning outcomes. In that sense, NEP, 2020 serves to reinforce, at the executive level, the constitutional vision underlying Articles 19(1)(a), 21, 21A, 41, 45, 51A(k) and 350A, all of which cumulatively stress upon the imperative of ensuring education that is accessible, inclusive, and meaningful.

**41.** This position has also received judicial affirmation. In *English Medium Students Parents Assn. v. State of Karnataka & Ors.*<sup>9</sup>, this Court, while acknowledging the pivotal role played by mother-tongue instruction in the intellectual and emotional development of a child, underscored the constitutional obligation of the State to actively promote the language of the region. The Court emphasised that the mother tongue serves not merely as a medium of communication but also as a vital instrument for cognitive growth, cultural continuity and meaningful participation in the educational process and observed as follows: -

“**20.** All educational experts are uniformly of the opinion that pupils should begin their schooling through the medium of their mother tongue. There is great reason and justice behind this. Where the tender minds of the children are subject to an alien medium the learning process becomes unnatural. It inflicts a cruel strain on the children which makes the entire transaction mechanical. Besides, the educational process becomes artificial and torturous. The basic knowledge can easily be garnered through the mother tongue. The introduction of a foreign language tends to threaten to atrophy the development of mother tongue. When the pupil comes of age and reaches the Vth standard level, the second language is introduced. The child who has not taken Kannada as a first language is required to take it as a second language. At the secondary stage the three language formula is introduced. However, in cases of non-Kannada speaking students grace marks up to 15 are awarded. Certainly, it cannot be contended that a student studying in a school from Karnataka need not know the regional language. **It should be the endeavour of every State to promote the regional language of that State.** In fact, the Government of Karnataka has done commendably well in passing this GO Therefore, to contend that the imposition of study of Kannada throws an undue burden on the students is untenable. Again to quote Mahatma Gandhi:

---

<sup>9</sup> (1994) 1 SCC 550.

“The medium of instruction should be altered at once and at any cost, the provincial languages being given their rightful place. I would prefer temporary chaos in higher education to the criminal waste that is daily accumulating.”

(Emphasis Supplied)

**42.** At a more fundamental level, the right to receive education in one’s mother language finds its normative basis in Article 19(1)(a) of the Constitution, for the guarantee of freedom of speech and expression necessarily encompasses the right to receive information in a form that is both meaningful and comprehensible. The true value of this freedom lies not merely in the ability to communicate, but in the ability to understand, internalize, and process information so as to make informed choices. Viewed through this constitutional lens, it follows that education, being a primary vehicle for transmission of knowledge, must, to the extent practicable, be imparted in a language that the child understands best. Instruction in the mother language, or a language of choice, fortifies the learner’s conceptual clarity, ensures deeper cognitive engagement, and secures the constitutional promise of meaningful access to knowledge.

**43.** This position stands authoritatively affirmed by this Court in ***State of Karnataka & Anr. v. Associated Management of English Medium Primary & Secondary Schools & Ors.***<sup>10</sup>, wherein, upon an exhaustive analysis of the constitutional guarantee under Article 19(1)(a) of the Constitution, it was unequivocally affirmed that the said provision encompasses the freedom of a child to receive primary education in a language of his or her choice. The Court held as follows: -

“**39.** This Court also went into the question whether receiving information or education by a citizen was part of his right to freedom of speech and expression in *Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal* [(1995) 2 SCC 161] and held that the right to freedom of speech and expression in Article 19(1)(a) of the Constitution will not only include the right to impart information but also the right to receive information. In his opinion, P.B. Sawant, J. observed that the right to freedom of speech and expression also includes the right to educate, to inform and to entertain and also the right to be educated, informed and entertained.

**40.** In line with the earlier decisions of this Court, we are of the view that the right to freedom of speech and expression under Article 19(1)(a) of the Constitution includes the freedom of a child to be educated at the primary stage of school in a language of the choice of the child and the State cannot impose controls on such choice just because it thinks that it will be more beneficial for the child if he is taught in the primary stage of school in his mother tongue. **We, therefore, hold that a child or on his behalf his parent or guardian, has a right to freedom of choice with regard to the medium of instruction in which he would like to be educated at the primary stage in school. We cannot accept the submission of the learned Advocate General that the right to freedom of speech and expression in Article 19(1)(a) of the Constitution does not include the right of a child or on his behalf his parent or guardian, to choose the medium of instruction at the stage of primary school.**”

(Emphasis Supplied)

---

<sup>10</sup> (2014) 9 SCC 485.

**44.** However, what is a matter of serious concern is that despite such clear policy articulation by the Central Government, there appears to be a substantial deficit in the actual implementation of these commitments by the State at the ground level. Little demonstrable progress has been made in taking concrete and affirmative steps to ensure that students are effectively imparted instruction in the language of their choice, or at the very least, in the regional language, as constitutionally and legally mandated. This Court has categorically held that the medium of instruction at the primary level must subserve the objective of genuine comprehension and has further located this entitlement within the ambit of Article 19(1)(a) of the Constitution, recognising it as an intrinsic facet of the right to receive information in a form that facilitates understanding. Therefore, the continued inaction and inadequacy on the part of State Government in operationalising this mandate not only undermines statutory and policy directives but also risks infringing fundamental rights guaranteed under Part III of the Constitution.

**45.** While frameworks, schemes and policies continue to be announced with much fanfare and panache, their absence in the lived experience of the child renders the entire exercise hollow. A right that exists only on paper, without corresponding administrative will or implementation, is in effect no right at all. Such a gap between normative declarations and actual delivery strikes at the very heart of constitutional governance, which demands not only the articulation of high principles but their faithful and measurable implementation at the ground level.

**46.** In this backdrop, it is particularly disquieting that the State of Rajasthan has consciously tried to justify its continued inaction by adopting a myopic stance. It has been urged on behalf of the State that only those languages as are enumerated in the Eighth Schedule to the Constitution are presently taught as subjects in Government Primary and Upper Primary Schools, and that, consequently, there exists neither any policy decision nor administrative framework to recognise or adopt the language in question as a medium of instruction or as a subject for recruitment. This lackadaisical response, rather than meaningfully engaging with the constitutional imperative highlighted hereinabove, proceeds on a technical premise that effectively sidesteps it. The absence of a policy is thus projected not as a shortcoming warranting prompt rectification, but as a ground to defend the existing inertia. This approach cannot be regarded as satisfactory, for it reflects an utter failure to translate constitutional assurances into concrete action, and, if accepted, would risk reducing the rights recognised under the Constitution to a mere formality and the broader constitutional commitment to linguistic diversity and meaningful access to education.

**47.** Under these circumstances, this Court cannot remain a silent spectator to the stark dilution of rights so clearly recognised in constitutional text, legislative enactments, and binding precedents. While it is not the province of this Court to enter upon the arena of policy formulation, it is nonetheless its solemn constitutional duty to ensure that the guarantees enshrined in Part III of the

Constitution are not rendered illusory by executive inaction or indifference. Once the Union itself has, through legislative measures and policy frameworks, acknowledged the necessity of imparting education in a language intelligible to the child, a corresponding obligation arises for the States to take timely, effective and purposive steps towards its realisation. A failure to discharge such obligations cannot be countenanced, for constitutional rights, once recognised, must be translated into tangible outcomes and cannot be permitted to languish as mere abstractions.

**48.** In the absence of an appropriate policy framework, this Court would be failing in its constitutional duty were it to remain indifferent to the continued non-realisation of rights and obligations so clearly envisaged under the Constitution of India.

**49.** In light of the aforesaid discussion and having regard to the constitutional scheme, the legislative framework, and the policy directives noticed hereinabove, we deem it appropriate to direct the State of Rajasthan to formulate an appropriate and comprehensive policy for the effective implementation of the constitutional mandate relating to mother tongue-based education, particularly in the backdrop of the National Education Policy, 2020. The State shall take necessary measures to recognise and accord due status to the Rajasthani language as a local/regional language for educational purposes and to progressively facilitate its adoption as a medium of instruction, initially at the foundational and preparatory stages of schooling and progressively at higher levels, in a manner consistent with constitutional principles and pedagogical requirements.

**50.** We may note that Rajasthani is presently being taught as a subject in Universities across the State of Rajasthan, including Jai Narain Vyas University, Jodhpur (offering M.A. in Rajasthani Language), Maharaja Ganga Singh University, Bikaner (offering M.A. in Rajasthani), University of Rajasthan, Jaipur (offering B.A. and M.A. in Rajasthani Language). Yet, the procrastinating stand consistently taken by the State is that only those languages included in the Eighth Schedule to the Constitution are being taught as additional languages in Government Primary and Upper Primary Schools. Such a position, in our considered view, discloses an apparent pedantic approach, for the academic recognition of Rajasthani at the higher educational level itself belies all suggestions that the language lacks institutional or pedagogical acceptance. Accordingly, we also direct the State to take affirmative and time-bound steps towards introducing and providing Rajasthani as a subject in all schools, government and private, in a phased and progressive manner consistent with the constitutional and policy framework discussed hereinabove.

**51.** The aforesaid directions are necessitated by the palpable vacuum presently operating in an area of significant constitutional importance. Constitutional guarantees and policy declarations, particularly those bearing upon access to meaningful and inclusive education, cannot be permitted to remain dormant for want of executive action.

52. Accordingly, the impugned order is set aside and the appeal is allowed.
53. Pending application(s), if any, shall stand disposed of.
54. The State of Rajasthan shall file a compliance affidavit by 25<sup>th</sup> September, 2026. List on 30<sup>th</sup> September, 2026 for receiving the compliance affidavit.

---

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

\*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)