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SAMACHEER KALVI, THE THREE-LANGUAGE FORMULA, AND FISCAL PRESSURE: CONSTITUTIONAL DIMENSIONS OF LINGUISTIC FEDERALISM IN INDIA

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Abstract

The controversy over Tamil Nadu's insistence on a two language policy and the union government's recurring effort to introduce the three language policy is a constitutional dispute that refuses to age. This article examines this dispute through three lenses; First legislative power over education between Parliament and the State Legislatures under the Seventh Schedule; the fundamental rights engaged when children are compelled to learn a language as a condition of accessing publicly funded education; and at last the fiscal architecture through which the Union exerts quiet but powerful normative pressure on State curriculum choices without passing a single line of legislation. The Samacheer Kalvi scheme, introduced by Tamil Nadu in 2010, serves as the concrete site of analysis. The article argues that the conventional 'voluntariness thesis', that States are free to decline grant conditions is constitutionally inadequate. It ignores the structural fiscal dependency created by Centrally Sponsored Schemes, the basic structure protection of federalism, and the co-operative federalism principle articulated by the Supreme Court in S R Bommai. The article closes with proposals for a more constitutionally honest framework for managing language policy in a multilingual federal State.

Keywords: *linguistic federalism; three-language formula; Samacheer Kalvi; Seventh Schedule; fiscal federalism; minority language rights*

1. Introduction

In the Constituent Assembly debates of September 1949, the tempers of delegates from the Hindi-speaking provinces and those from the Dravidian south came closest to boiling over.[807] The question that brought such tension was "which language should the Constitution designate as the official language of the Union?". The answer, as every student of Indian constitutional history knows, was Hindi. After extensive debates the compromise of a fifteen-year transition period and a set of language provisions namely Articles 343 to 351 were devised.

More than seventy years later, that unresolved tension has found a new battleground in the form of school curriculum. The three-language formula, the Union's longstanding directive that students in India's schools should learn three languages, ideally including Hindi has been accepted, modified, resisted, and ignored in roughly equal measure depending on where in the country one looks. Tamil Nadu has been the most consistent holdout. Since the anti-Hindi agitations of 1965

[807]Constituent Assembly Debates, vol IX (Lok Sabha Secretariat 1949) 1302–1416 (debates of 12–14 September 1949 on the official language provisions).

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and the formal adoption of a two-language policy in 1968, successive State governments have declined to teach Hindi as a compulsory subject in government schools, regardless of the language in which the Union has framed its recommendation.

The Samacheer Kalvi scheme, introduced in 2010, gave this longstanding policy a new institutional form by standardising the curriculum across all categories of schools.[808] The scheme attracted immediate legal challenge; the Madras High Court ultimately upheld its core features but left open important constitutional questions about the relationship between State curriculum autonomy and Union fiscal conditionality.[809]

The National Education Policy 2020 brought those questions back to the surface.[810] NEP 2020's reaffirmation of the three language policy along with suggestions that its implementation be linked to disbursement of funds by the centre prompted the Taminadu government to pass a resolution in 2022 reasserting the two-language position and framing the dispute explicitly in constitutional terms. The State's argument, in essence, is that the Union cannot use fiscal conditionality to accomplish something where it lacks legislative authority.

That argument deserves to be taken seriously, and it is the purpose of this article to examine how seriously the existing constitutional framework takes it. This article focuses on the constitutional dimension of the dispute, not its pedagogic or sociolinguistic merits. Whether the three-language formula produces better educational outcomes than a two-language policy, and whether the acquisition of Hindi is more or less valuable to a Tamil child than an additional classical language, are legitimate empirical questions but they are not the questions this article asks. The question here is narrower and, in the author's view, more fundamental: What does the Constitution actually permit the Union and the States to do in this domain, and what does it forbid?

2. Legal Context and Literature Review

2.1 The Constitutional Architecture of Language

Several contradictions arise while examining the constitutional provisions regarding the question of language. Part XVII (Articles 343–351) deals with the official language of the Union and the States, the language of communication between States,[811] the language of the courts,[812] and the promotion of Hindi.[813] Part III guarantees to linguistic minorities the right to conserve their language, script, and culture[814] and to establish educational institutions of their choice.[815] Article 350A imposes a positive obligation on every State to provide primary education in the mother tongue to children of linguistic minorities.[816] These provisions create a framework that simultaneously promotes Hindi as a national language, protects linguistic minorities, and leaves considerable space for States to determine the language of their own administration and education.

The difficulty is that article 351, which directs the Union to promote the spread of Hindi, can in principle pull against Article 29(1), which protects the right of any section of citizens with a distinct language to conserve that language. The Constitution fails to address which provision precedes the other in case of conflict.. Rajeev Dhavan, writing in the late 1980s, identified this ambivalence as a deliberate feature of the Constituent Assembly's compromise: the framers knew they were papering over a fault line, and they hoped that political goodwill and

[808]Government of Tamil Nadu, Samacheer Kalvi – Uniform System of School Education (Tamil Nadu Textbook and Educational Services Corporation, 2010).
[809]Samacheer Kalvi Moolam v State of Tamil Nadu (Madras HC) WP No 8635/2010 (decided 12 April 2010).
[810]National Education Policy 2020 (Ministry of Education, Government of India), paras 4.11–4.13.
[811]Constitution of India 1950, art 346.
[812]Constitution of India 1950, art 347.
[813]Constitution of India 1950, art 351.
[814]Constitution of India 1950, art 29(1)–(2).
[815]Constitution of India 1950, art 30(1).
[816]Constitution of India 1950, art 350A.

the passage of time would do the rest.[817] Several decades on, that hope looks optimistic.

Balveer Arora's work on asymmetric federalism provides a useful theoretical lens here.[818] His central observation is that the linguistic reorganisation of States in 1956 created powerful sub-national language identities that the constitutional framework must accommodate rather than override. The States of the south, and Tamil Nadu in particular, understand their linguistic identity not merely as a cultural preference but as a constitutionally recognised dimension of their statehood. When the Union's language promotion agenda is experienced as an assault on that identity, the resulting conflict is not merely political; it has a constitutional character.

2.2 The Three-Language Formula: A Policy That Keeps Returning

The three-language formula has a somewhat peculiar constitutional history. It was first articulated in the National Policy on Education 1968, which recommended that students learn Hindi, English, and a regional language.[819] The NPE 1986 reiterated the formula with minor modifications, acknowledging that due regard should be paid to regional sentiment.[820] Neither document was legislation. Both were executive policy resolutions of the Union Cabinet, drawing their authority not from any statute but from the Union's executive power under Article 73 read with Entry 25 of the Concurrent List.

NEP 2020 adopts a more nuanced formulation. It states that no language will be imposed on any student, that the choice of three languages will be left to States, regions, and students themselves. The internal tension in this formulation is not difficult to spot: if States retain genuine freedom of choice, Tamil Nadu's two-language preference should be unproblematic. When the policy is backed by grant conditionality then the 'choice' is considerably less free than the policy text suggests. Critics have argued, not without justification, that NEP 2020's language provisions are deliberately ambiguous, designed to maintain political plausibility in the south while preserving the option of pressure through funding.[821]

Tamil Nadu's institutional memory of the 1965 agitations in which at least two students died in protests against the imposition of Hindi gives the State's resistance a weight that purely legal analysis can understate. That history explains why any hint of mandatory Hindi tends to generate disproportionately strong political reactions in the State. The legal and political disputes are entangled in ways that cannot be neatly separated.

2.3 Samacheer Kalvi: What the Scheme Did and Why It Was Challenged

The Samacheer Kalvi scheme deserves closer examination than it typically receives in the constitutional literature. Its stated aims were equalisation and standardisation; by requiring all schools to follow the same curriculum and use the same textbooks, the scheme sought to eliminate the educational advantages that children in elite private schools enjoyed over their counterparts in government schools. In terms of social policy, this was an ambitious and broadly progressive intervention.

The scheme attracted legal challenges primarily from two directions. First, the managements of private unaided schools, particularly those affiliated with Christian and other minority communities, argued that mandatory adherence to a State-prescribed curriculum violated their rights under Article 30(1) to administer their institutions in accordance with their community's educational traditions. Second, and more relevant to the

[817]Rajeev Dhavan, 'Language Rights of Minorities' in Rajeev Dhavan (ed), Minorities and the Law (NM Tripathi 1987) 43–67.
[818]Balveer Arora, 'Language Policy in a Federal Polity' in Bidyut Chakrabarty (ed), Communal Identity in India (OUP 2003) 188, 196.
[819]National Policy on Education 1968 (Ministry of Education, Government of India).
[820]National Policy on Education 1986 (Ministry of Education, Government of India), para 3.4.
[821]M P Singh, 'Federalism, Nationalism and Development in India' in Yogesh Atal (ed), Sociology and Economics of Development (Abhinav Publications 1986) 211, 218–221.

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argument of this article, certain school federations contended that the scheme's language provisions which implemented Tamil Nadu's two-language policy across all school types were incompatible with NEP requirements that conditioned the release of Samagra Shiksha grants. The Madras High Court's judgment in Samacheer Kalvi Moolam, decided in April 2010, upheld the scheme's core features while accommodating some modifications for minority institutions.[822] However the Court's reasoning on the language-federalism dimension was less than fully satisfying. The judgment confirmed that the State was constitutionally entitled to prescribe a common curriculum, but did not engage in depth with the question of whether Union grant conditionality could lawfully require the State to modify that curriculum.

3. Legislative Competences Over Language-in-Education

3.1 The Concurrent List and Its Consequences

The starting point for any analysis of Union-State relations in education is the Seventh Schedule. Entry 25 of the Concurrent List vests both Parliament and the State Legislatures with the power to legislate on 'education, including technical education, medical education and universities', subject to the Union's exclusive control over certain central institutions listed in Entries 63 to 66 of the Union List.[823] This concurrent arrangement is the product of a significant constitutional amendment: education was originally a State List subject under Entry 11 of List II, and was moved to the Concurrent List by the Constitution (Forty-second Amendment) Act 1976.[824]

The 1976 amendment has had consequences that its framers may not have fully anticipated. By opening the field of education to parliamentary legislation, it created the structural possibility of Union intervention in the detail of school curriculum, not merely in matters of national importance or broad standards, but in the granular questions of which languages children should learn and at what stage. The question is whether that possibility has been exercised through legislation, and if not through legislation, whether it can be exercised through executive policy or, more indirectly, through fiscal conditionality.

The answer to the first question is relatively clear. Parliament has not enacted legislation prescribing a three-language curriculum for State schools. The RTE Act 2009, which is the most significant piece of legislation in the field, explicitly defers to the State on the question of medium of instruction, requiring the 'appropriate authority' to prescribe the curriculum and specifying only that the medium of instruction should as far as practicable be the child's mother tongue.[825] The three-language formula has never been enacted. It exists solely as executive policy.

3.2 Can Executive Policy Override State Competence?

This is the single most important legal question in the Samacheer Kalvi dispute, and it has been treated with surprising casualness in most of the commentary. The answer should be no but the reasoning requires some care.

The Union's executive power under Article 73 extends to matters with respect to which Parliament has the power to make laws.[826] Since Parliament has the power to legislate on school education under Entry 25 of the Concurrent List, the Union has executive power in the field. But executive power is not the same as legislative supremacy. The Union's executive power does not displace a State's own executive or legislative choices in the concurrent field simply because the Union happens to hold a different policy preference. Under Article 254, it is parliamentary legislation and not executive

[822]Samacheer Kalvi Moolam v State of Tamil Nadu (Madras HC) WP No 8635/2010 (decided 12 April 2010).
[823]Constitution of India 1950, art 246 read with Seventh Schedule, List I Entries 63–66 and List III Entry 25.
[824]Constitution (Forty-second Amendment) Act 1976, s 57 (substituting 'Education' from List II Entry 11 to List III Entry 25).
[825]Right of Children to Free and Compulsory Education Act 2009, s 29(2)(f).
[826]Constitution of India 1950, arts 73 and 162.

policy that prevails over inconsistent State legislation in a concurrent field.[827] An executive policy directive issued by the Ministry of Education, however formally expressed, does not have the force of law and cannot override a State statute or a State executive decision implementing that statute.

V N Shukla's commentary makes this point with characteristic precision: the practical administration of school education, including curriculum and medium of instruction, remains a core State function, and Union executive action that purports to override State choices in this field must either find legislative authority or remain recommendatory.[828]

3.3 The RTE Act and the Mother Tongue Principle

The Right of Children to Free and Compulsory Education Act 2009, passed pursuant to the right guaranteed by Article 21A,[829] is worth examining more carefully. Section 29(2)(f) of the Act requires the curriculum and evaluation procedure prescribed by the 'appropriate authority' which, for school education, means the State government or a State body to provide for the medium of instruction to be in the child's mother tongue as far as practicable.[830]

This provision is doing more than it might initially appear to do. By entrusting medium of instruction decisions to the State 'appropriate authority' and directing that authority towards the mother tongue principle, it is in effect endorsing State primacy in language of education decisions and setting a normative standard that cuts against any requirement to teach a language that is not the child's mother tongue. The three-language formula, to the extent it requires learning a third language as a compulsory subject, operates in tension with this standard. The National Curriculum Framework 2005 makes the same point from the pedagogic side, cautioning against treating the learning of any additional language as a burden.[831] NCF 2005 is not legislation, but as an authoritative statement of the Union's own educational philosophy, it is at minimum awkward for a funding condition that compels a third language.

4. Fundamental Rights and Compulsory Language Mandates

4.1 Article 29 and the Limits of Assimilatory Education

Article 29(1) guarantees any section of citizens having a distinct language, script, or culture the right to conserve the same. The provision is deceptively simple. Its application to the three-language-formula dispute is not immediately obvious, because the language that is arguably under threat in Tamil Nadu is Tamil - the majority language of the State, spoken by some sixty million people rather than the language of a minority. Can Article 29(1) protect the linguistic environment of a State majority?

The better view in the author's opinion is that it can, the Supreme Court's judgment in Tamil Nadu v Adhiyaman Educational and Research Institute provides useful support for this position, in Adhiyaman the Court confirmed that Article 29 is not limited to protecting minority languages in a numerical sense; it protects the right of any constitutionally recognised linguistic community to conserve and develop its linguistic identity in the educational sphere.[832] The Tamil-speaking community of Tamil Nadu constitutes just such a community. A funding condition that effectively requires Tamil Nadu schools to devote a portion of instructional time towards a third language, on pain of losing central grants, could reasonably be characterised as an exertion of pressure against the State's capacity to operate

[827]Constitution of India 1950, art 254.
[828]V N Shukla, Constitution of India (13th edn, Eastern Book Company 2017) A-120 – A-135.
[829]Constitution of India 1950, art 21A, inserted by the Constitution (Eighty-sixth Amendment) Act 2002.
[830]Right of Children to Free and Compulsory Education Act 2009, s 29(2)(f).
[831]National Curriculum Framework 2005 (NCERT) 50–53.
[832]Tamil Nadu v Adhiyaman Educational and Research Institute (1995) 4 SCC 104, paras 14–17 (Reddy J).

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an education system in which Tamil is the primary and uncontested medium.

There is also a minority dimension to Article 29 that operates in the opposite direction. Tamil Nadu's schools include significant numbers of students from linguistic minority communities such as Telugu-speaking, Kannada-speaking, Urdu-speaking, and others for whom Tamil itself is not the mother tongue. Article 350A requires the State to make provision for primary instruction in these children's mother tongues. A uniform curriculum that imposes Tamil-medium instruction on such children, without adequate provision for mother-tongue-based education, faces its own Article 350A difficulties. The Samacheer Kalvi scheme's proponents have tended to skirt this tension; it deserves fuller acknowledgment.

4.2 Article 30 and the Institutional Dimension

The Article 30(1) dimension of the Samacheer Kalvi litigation is by now relatively well trodden ground. T M A Pai Foundation and P A Inamdar between them established that minority educational institutions enjoy a protected sphere of institutional autonomy in matters of administration, including language of instruction, subject to the State's legitimate power to impose reasonable regulatory standards to maintain educational quality.[833][834] The Madras High Court's resolution of the Samacheer Kalvi challenge upholding the uniform curriculum while carving out space for minority identity features was broadly consistent with this framework.

What the litigation did not squarely address, is the relationship between minority institutional autonomy and the Union's language funding conditions. If a minority-managed school in Tamil Nadu, exercising its Article 30(1) rights, chooses to teach in a medium other than Tamil and to limit its language curriculum to Tamil and English, can it be penalised through the withdrawal of Samagra Shiksha grants because it has not included Hindi? The answer is far from obvious. Article 30(2) prohibits the State from discriminating against minority institutions in granting aid, and the principle of non-discrimination in grant-giving has been affirmed by the Supreme Court on multiple occasions. A funding condition that penalises both State schools and minority-managed schools alike for non-compliance with a language policy that those schools are constitutionally entitled to decline may run afoul of this guarantee.

4.3 Freedom of Expression and the Equality Objection

Two further constitutional provisions deserve mention, though neither has been directly litigated in this context. Article 19(1)(a) guarantees freedom of speech and expression.[835] The Supreme Court has interpreted this broadly to include the freedom to use one's own language in communication, and there is a persuasive argument that compulsory acquisition of a language as a condition of participation in publicly funded schooling constitutes a cognisable restriction on the freedom of linguistic expression. Such a restriction would need to satisfy the Article 19(2) standards of reasonableness, and it is not obvious that a funding condition directed at an entire State's curriculum would satisfy that test.

The Article 14 equality objection is, in some respects, more tractable.[836] If Tamil Nadu's non-compliance with the three-language formula results in reduced Samagra Shiksha funding compared to States that comply; this creates a differential treatment that is contingent entirely on the State's linguistic identity and constitutional position.[837] Such differential treatment between similarly situated schoolchildren in different States, driven by the Union's preference for a particular language policy that it lacks the legislative authority to

[833]T M A Pai Foundation v State of Karnataka (2002) 8 SCC 481, paras 55–62 (Kirpal CJ).
[834]P A Inamdar v State of Maharashtra (2005) 6 SCC 537, para 138.
[835]Constitution of India 1950, arts 19(1)(a) and 19(2).
[836]Constitution of India 1950, art 14.
[837]Indra Sawhney v Union of India AIR 1993 SC 477, paras 109–114 (Jeevan Reddy J) (discussing reasonable classification under art 14).

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impose, raises a legitimate equality concern that deserves judicial attention

5. Fiscal Architecture and the Limits of Article 282 Conditionality

5.1 How Samagra Shiksha Works in Practice

Samagra Shiksha is the Union government's flagship Scheme for school education, formed in 2018 through the merger of three earlier schemes. It funds a wide range of activities such as school infrastructure, teacher training, the Midday Meal scheme, learning materials, and special needs support. Its annual budget runs to tens of thousands of crores of rupees, disbursed to States on a cost-sharing basis between the Union and States, with a more favourable ratio for special category States. Tamil Nadu's annual share of Samagra Shiksha funding is substantial: for a State that prides itself on high educational spending, the scheme finances a significant portion of State's educational spending.

These grants are disbursed under Article 282 of the Constitution, which permits the Union and the States to make grants for any public purpose, provided that such purpose does not fall within their exclusive legislative domain.[838] Article 282 was originally conceived as a flexible instrument for intergovernmental financial co-operation, however it has evolved into something qualitatively different: an instrument through which the Union attaches policy conditions to large-scale financial transfers, effectively legislating by way of contract what it cannot legislate by statute.

The Fifteenth Finance Commission's report acknowledged this dynamic directly, noting that the proliferation of conditionalities has created what it described as structural fiscal dependency in several States — a condition where States' inability to finance their own social-sector programmes without Union grants makes it practically impossible to maintain divergent policies without incurring severe fiscal consequences.[839] Tamil Nadu is a vivid example. Its per-capita educational expenditure is among the highest of any Indian State; yet it cannot simply walk away from Samagra Shiksha transfers without accepting a financial gap that its own fiscal capacity, however strong by national standards, could not readily fill.

5.2 The Constitutional Case Against Coercive Conditionality

The prominent view among practitioners and many commentators is that Article 282 conditionality is legally unconstrained. The Union may attach whatever conditions it wishes to a discretionary grant, and a State that finds those conditions objectionable is free to decline the money. I want to argue that this 'voluntariness thesis' is constitutionally inadequate, for three distinct reasons.

The first reason is grounded in the basic structure doctrine. Kesavananda Bharati established that certain structural features of the Constitution are protected from amendment even by Parliament.[840] The logic of basic structure protection is that the federal balance between the Union and the States is a foundational commitment, not merely a statutory arrangement that the Union can modify at will. If the voluntariness thesis were correct, the Union could use its spending power to systematically undermine State autonomy in any concurrent-list field it chose, simply by conditioning large enough grants on compliance with its preferred policies. The result would be, in practical terms, the wholesale centralisation of concurrent-list governance without the constitutional amendment that such centralisation would formally require. That

[838]Constitution of India 1950, art 282.
[839]Finance Commission of India, Report of the Fifteenth Finance Commission: Volume I (Government of India, 2020) ch 8, paras 8.3–8.9.
[840]Kesavananda Bharati v State of Kerala (1973) 4 SCC 225, paras 1518–1521 (Khanna J, concurring).

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outcome is difficult to reconcile with the basic structure of federalism.

The second reason draws on the principle of co-operative federalism articulated by the Supreme Court in S R Bommai.[841] The majority judgment in Bommai, though primarily concerned with the dismissal of State governments under Article 356, contains broad statements about the constitutional status of State governments as essential institutional actors whose integrity the Union is obliged to respect. The principle of co-operative federalism, as Ramaswamy J and Sawant J in particular articulate it, is not merely political, it is a constitutional norm that informs the interpretation of Union powers. Using fiscal conditionality to override a State's democratically enacted curriculum policy when that policy is constitutionally lawful under the State's concurrent competence is difficult to reconcile with that norm.

The third reason is structural. The Finance Commission, constituted under Article 280,[842] exists precisely to determine the principles governing financial transfers between the Union and States through a transparent, formula-based process designed to ensure that the financial relationship is governed by constitutional criteria rather than by the Union's unilateral preferences.[843] The large-scale use of conditionality as an instrument of policy enforcement represents, in effect, an end-run around the Finance Commission's constitutional role. A significant portion of Union-State financial transfers is routed through centrally sponsored scheme channels that entirely bypass the Finance Commission's equitable formula and that bypass creates the structural conditions for exactly the kind of coercive conditionality that the constitutional design was intended to prevent.

5.3 Comparative Perspectives

The constitutional limits of federal spending power are not a uniquely Indian question. The United States Supreme Court's jurisprudence under the Spending Clause is instructive, even though the constitutional structures differ. In South Dakota v Dole, the Court upheld a condition on federal highway grants requiring States to raise the minimum drinking age, while acknowledging that conditions must be reasonably related to the federal interest and must not cross the line from 'encouragement' into 'coercion'.[844] In National Federation of Independent Business v Sebelius, a majority of the Court held that the Affordable Care Act's Medicaid expansion condition was unconstitutionally coercive because the withdrawal of all existing Medicaid funding for non-compliance was, in Roberts CJ's memorable phrase, 'a gun to the head'.[845]

The Indian constitutional structure differs from the American in important respects the Concurrent List creates a different kind of shared jurisdiction, and the Finance Commission's constitutional mandate has no direct American equivalent. But the underlying principle resonates; the spending power cannot be used to coerce States into surrendering their constitutionally protected legislative and executive domain. A Union grant condition that effectively requires a State to implement a language policy that the Union lacks the legislative authority to impose is, on any reasonable reading, an attempt to use financial leverage to achieve what constitutional text and structure deny through direct legal compulsion.

The German experience with fiscal equalisation offers a further comparative data point, though again with appropriate caution about direct transplantation. The German Federal Constitutional Court has repeatedly held that fiscal transfers from the Bund to the Länder must not be designed or operated so as to compromise Länder autonomy in matters within

[841]S R Bommai v Union of India (1994) 3 SCC 1, paras 249–253 (Ramaswamy J) and paras 421–425 (Sawant J).
[842]Constitution of India 1950, art 280.
[843]Constitution of India 1950, art 275.
[844]South Dakota v Dole 483 US 203 (1987).
[845]National Federation of Independent Business v Sebelius 567 US 519 (2012), 580–585 (Roberts CJ).

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their Basic Law competence. The structural principle that financial equalisation serves the federation and must not become an instrument of substantive policy centralisation is one that Indian constitutional law would do well to develop more explicitly.

6. Findings and Conclusions

6.1 What the Analysis Establishes

The analysis in the preceding sections yields conclusions that are, individually, not especially surprising, but which together amount to a fairly robust constitutional case for State autonomy in this domain.

First, the three-language formula has no legislative force. It exists as executive policy only, and executive policy however repeatedly stated and however sincerely held cannot override State legislative or executive choices in the concurrent field in the absence of parliamentary legislation operating through the Article 254. Tamil Nadu's two-language curriculum policy, implemented through the Samacheer Kalvi scheme, is constitutionally lawful. No court has found otherwise.

Second, Articles 14, 19(1)(a), 29(1), 30, and 350 create a set of constraints that any language funding condition must satisfy. A condition that penalises a State's entire school system for declining to implement a non-legislated language policy engages at minimum the Article 29(1) rights of the Tamil-speaking community, the Article 30(2) non-discrimination guarantee for minority institutions, and the Article 14 equality principle as applied to students across State lines. It is not obvious that these constraints can be satisfied by fiscal conditionality attached to a general educational grant.

Third, and most significantly, the constitutional limits of Article 282 conditionality are genuinely open and important. The voluntariness thesis which holds that fiscal conditionality raises no constitutional issues because States are free to decline the grants is inadequate as an account of what the Constitution actually requires. The basic structure protection of federalism, the co-operative federalism principle from S R Bommai, and the structural logic of the Finance Commission's constitutional mandate all point towards the conclusion that centrally sponsored scheme conditions must bear a substantial relationship to the purpose of the grant and must not function as a vehicle for displacing State competence in areas within the concurrent list.

6.2 Normative Proposals

Four normative proposals follow from the preceding analysis. The first is that the Union should seek parliamentary legislation under Entry 25 of List III if it genuinely believes that the three-language formula should be a binding national standard. This is the constitutionally honest route. It would trigger the Article 254 supremacy mechanism, provide a legislative basis that is judicially reviewable, and require Parliament to squarely confront the choice to impose a language requirement on States that have consistently objected to it. The fact that the Union has consistently chosen the executive-policy route over sixty years suggests it knows this route would be difficult. That difficulty is the constitutional system working as intended.

Second, the Supreme Court should be invited, in appropriate proceedings, to clarify the constitutional limits of Article 282 conditionality in the education sector. The Court's basic structure and co-operative federalism jurisprudence provides ample doctrinal foundation for a ruling that centrally sponsored scheme conditions in any concurrent list field must be proportionate, non-discriminatory as between States, and limited to matters directly related to the purpose of the grant. Such a ruling would not prevent the Union from promoting the three-language formula through incentives and encouragement; it would prevent the Union from using grant conditionality as a covert legislative weapon.

Third, Parliament should amend the Finance Commission's terms of reference to require the Commission to assess and report on the cumulative fiscal dependency created by centrally sponsored scheme transfers across all sectors. A Commission recommendation in favour of higher untied devolution in education replacing conditional transfers with higher formula-based grants that States may spend according to their own educational priorities would be more consistent with the constitutional design and would reduce the structural conditions for coercive conditionality.

Fourth, the Inter-State Council, constituted under Article 263,[846] should be revitalised specifically to address language policy co-ordination in education. The three-language formula's legitimate aspiration of promoting a degree of common linguistic understanding across India's diverse regions is not one that constitutional law should dismiss. It is one that constitutional law should require to be pursued through legitimate means: deliberation, consensus-building, and genuine co-operation rather than financial coercion. A standing forum within which Tamil Nadu, Hindi-speaking States, and the Union could genuinely negotiate a language policy framework would produce a more durable and constitutionally defensible outcome than any number of grant conditions.

6.3 A Final Observation

Tamil Nadu has been resisting the three-language formula for nearly sixty years. The Union has been insisting on it for nearly sixty years. Neither side has definitively prevailed, and the matter has never received the authoritative Supreme Court judgment it deserves. What this suggests is that both sides have, at some level, understood the constitutional argument to be genuinely contested and have preferred the ambiguity of an unresolved dispute to the finality of a definitive ruling.

That ambiguity has real costs. It leaves Tamil Nadu schoolchildren uncertain whether their State's curriculum choices will be penalised through grant conditions. It leaves minority-managed schools uncertain about the relationship between their Article 30(1) rights and Union funding expectations. And it leaves the constitutional law of fiscal federalism in a state of studied vagueness that ill-serves the federal compact.

India's linguistic plurality is one of its most distinctive features and one of its greatest achievements. The constitutional framework that governs the relationship between that plurality and the aspirations of national integration is sophisticated and it deserves to be engaged with seriously. The Samacheer Kalvi controversy, for all its local and political character, raises questions that go to the heart of what Indian federalism means. Courts and commentators should give those questions the sustained attention they have so far been denied.

References and Bibliography

A. Constitutional Provisions

Constitution of India 1950, arts 14, 19(1)(a), 21A, 29, 30, 73, 162, 246, 247, 263, 275, 280, 282, 343–351, Seventh Schedule (List I Entries 63–66; List III Entry 25), Eighth Schedule.

B. Legislation

Constitution (Forty-second Amendment) Act 1976.

Constitution (Eighty-sixth Amendment) Act 2002.

Right of Children to Free and Compulsory Education Act 2009.

C. Cases

Bal Patil v Union of India (2005) 6 SCC 690.

Indra Sawhney v Union of India AIR 1993 SC 477.

Kesavananda Bharati v State of Kerala (1973) 4 SCC 225.

National Federation of Independent Business v Sebelius 567 US 519 (2012).

[846] Constitution of India 1950, art 263.

P A Inamdar v State of Maharashtra (2005) 6 SCC 537.

Samacheer Kalvi Moolam v State of Tamil Nadu WP No 8635/2010 (Madras HC, 12 April 2010).

South Dakota v Dole 483 US 203 (1987).

S R Bommai v Union of India (1994) 3 SCC 1.

State of Madras v Champakam Dorairajan AIR 1951 SC 226.

T M A Pai Foundation v State of Karnataka (2002) 8 SCC 481.

Tamil Nadu v Adhiyaman Educational and Research Institute (1995) 4 SCC 104.

Unni Krishnan J P v State of Andhra Pradesh (1993) 1 SCC 645.

D. Official and Policy Documents

Constituent Assembly Debates (Lok Sabha Secretariat, 1949), vols VII and IX.

Finance Commission of India, Report of the Fifteenth Finance Commission: Volume I (Government of India, 2020).

Government of Tamil Nadu, Samacheer Kalvi – Uniform System of School Education (Tamil Nadu Textbook and Educational Services Corporation, 2010).

National Curriculum Framework 2005 (NCERT).

National Education Policy 2020 (Ministry of Education, Government of India).

National Policy on Education 1968 (Ministry of Education, Government of India).

National Policy on Education 1986 (Ministry of Education, Government of India).

E. Books

Arora B, 'Language Policy in a Federal Polity' in Bidyut Chakrabarty (ed), Communal Identity in India (OUP 2003).

Austin G, Working a Democratic Constitution: A History of the Indian Experience (OUP 1999).

Basu D D, Commentary on the Constitution of India (9th edn, LexisNexis 2017) vol 4.

Dhavan R, 'Language Rights of Minorities' in Rajeev Dhavan (ed), Minorities and the Law (NM Tripathi 1987).

Singh M P, 'Federalism, Nationalism and Development in India' in Yogesh Atal (ed), Sociology and Economics of Development (Abhinav Publications 1986).

Shukla V N, Constitution of India (13th edn, Eastern Book Company 2017).

F. Articles

Arora B, 'Negotiating Differences: Federal Coalitions and National Cohesion' in Francine Frankel and others (eds), Transforming India (OUP 2000).

Sathe S P, 'Judicial Activism: The Indian Experience' (2001) 6 Washington University Journal of Law and Policy 29.

Seervai H M, 'Language Policy and the Indian Constitution' (1966) 8 Journal of the Indian Law Institute

Sonntag S K, 'The Political Salience of Language in Bihar and Uttar Pradesh' (1996) 36(1) Journal of Commonwealth and Comparative Politics 1.

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