

**THE
KERALA EDUCATION ACT
AND ITS OPPONENTS**



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GOVERNMENT'S RESPONSIBILITY FOR EDUCATION

The adoption of the rules framed under the Education Act, with such modifications as were found necessary by the Legislature, and the notification of the Act itself in accordance with the provisions made in that behalf, have ended one chapter of the Government's efforts at reforming the educational system of the State. The legislation to which the teachers have for long been looking forward have at last been put on the Statute Book.

ADJUSTMENTS AND ACCOMMODATIONS

The Government is, and has always been, aware that this legislation is not looked upon with favour by the managers whose powers are being curtailed by it. The Government is also aware that, quite apart from the managers whose interests are directly affected by this legislation, there are certain sections of the people who have apprehensions about State control over the educational system. That was why the Government expressed its willingness to accept many proposals made by the opposition when the Bill was being considered by the Legislature.

Even with regard to the most controversial Section of the Bill—Sec. 11—providing for curtailing the authority of the managers in the matter of appointment of teachers, the Government went a few steps in the direction pointed out by the Opposition. The original provision necessitating choice of candidates by local authority was given up in favour of the suggestion made by the opposition that managers should be free to choose candidates from a list prepared by the Public Service Commission. This attitude of the Government was welcomed by several speakers on the side of the Opposition as well as certain newspapers. For example, the "Indian Express" wrote as follows on August 21, 1957:

"The Government has acted wisely in withdrawing it (the original provision) in deference to public opinion".

Shri K. R. Narayanan, a Member of the Legislature belonging to the Congress, spoke in the Assembly as follows:—

"I am glad at the welcome change made by the Government which has agreed to give up the original idea of a panel and to accept the provision of appointment from a list prepared by the P.S.C..... The Government has gone ten steps forward. I would request them to go twelve steps forward. That would do no harm, but would help us to get this Section (Sec. 11) passed."

It will thus be clear that the Government had done its best to make adjustments and accommodations with the views of the Opposition in order to evolve a formula which receives the broadest possible measure of agreement from all sections of public opinion in the Legislature and outside.

UNHELPFUL ATTITUDE OF MANAGERS

The Government pursued the same attitude even after the Bill was put on the Statute Book. The Government asked the Director of Public Instruction to convene a conference of school managers with a view to finding out from them how the Government could accommodate the desires and convenience of the managers in the actual implementation of the Act. The idea was that, if even at this stage some agreement could be arrived at with the managers on the question of appointment of teachers, that agreement could be incorporated in the rules that were to be framed in accordance with the provisions of the Act. Unfortunately, however, the most organised section of the managers thought it useless to attend this conference, since they were opposed to the whole Act and were not prepared to cooperate with the Government in its implementation. They formed the so-called Action Council of the managers and took decisions to non-cooperate with the Government in implementing the Act, and as part of this non-cooperation to stop the running of their schools till the Act was withdrawn.

Even after getting reports of these decisions of the managers the Government considered it necessary to leave

no stone unturned to make them desist from the step they contemplated to take. The Chief Minister, therefore, wrote to them inviting them for a conference to discuss the questions in dispute. To this invitation of the Government, too, there was no response from the managers.

In the meanwhile, friends like Shri K. A. Mathew, K. K. Chandy, etc., approached the Chief Minister and his colleagues with a view to finding out whether it would be possible for the Government to convene a conference of representatives of the managers, the teachers, and other interested sections of the people to explore possibilities of solving the problem. They told the Ministers that they understood from the managers that the reason for their failure to respond to the Government's invitation was that no useful purpose would, according to them, be served by holding a conference which would not be free to discuss suitable amendments to the Act itself. It was, therefore, suggested that the Government should make it clear that it would be within the scope of the conference to discuss even amendments to the Act if that becomes necessary.

Suggestions more or less to the same effect were made on the floor of the Legislature during the discussion of the rules relating to the implementation of Section 11 of the Act. The Leader of the Opposition stated that he took the Government's unpreparedness to accept the amendments as an indication of "uncompromising attitude" on the part of the Government. This, he said, would lead to trouble in the educational field.

The Government would, therefore, like to place before the public the issues involved in this whole agitation, the extent to which the Government is prepared to accommodate the managers and the reason for not accepting all their demands. In doing so, the Government would like to express its considered view that it is the organisers of the school closure movement, and not the Government, that stand in the way of efforts at reaching an agreement which receives the broadest possible measure of agreement from the various sections of the people.

GOVERNMENT'S RESPONSIBILITY

Our Constitution places on the Government the full responsibility for organising free and compulsory primary education and other (secondary, university, technical, professional, etc.) education on such terms and conditions as appear to the Government practicable. Our Government joins with other State Governments and the Central Government in their determination to discharge this responsibility within the financial and other means and resources at its disposal.

If the above responsibility of the Government is accepted, it follows that the Government should be entrusted with corresponding powers to discharge those responsibilities. Organising free and compulsory primary education and making all possible and necessary arrangements for secondary, university, technical, professional and other education involves the use of public money and of the machinery of public administration. If this should be done, the Government obviously should have necessary authority over the organisations through which these different forms of education are imparted.

It is this concept of *Government's responsibility for education accompanied by corresponding power to discharge that responsibility* that forms the basis of all educational reforms that are being introduced in the various States of India. One may, in this connection, quote the example of Andhra whose Government proposes to take over the overwhelming majority of private schools functioning in the State; of Madras where the Government has introduced the system of free primary education which forces the private managers to run their schools without collecting any fee from the pupils; of the Punjab whose Chief Minister recently declared that his Government proposed to nationalise all private schools, etc. etc. Educational reform of one kind or another has been, and is being, considered by the various State Governments of India.

The Kerala Education Act, too, is intended to carry out these important objectives of educational reform. The Government proposes through this Act to pay the full salary of the

teachers plus reasonable maintenance expenses to the managers. The Government is thus taking full financial responsibility for primary and secondary education. The difference between the fees collected from secondary schools (that too after deducting concessions of various kinds to pupils belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, families of N. G. Os. etc.) and the total amount that has to be paid by way of salary and maintenance expenses is met from public treasury and amounts to more than 13 of the annual State Budget. The shouldering of such responsibility by the Government should naturally be accompanied by corresponding powers and authority for the Government to discharge those responsibilities. It is this responsibility to finance and corresponding power to control, the educational institutions that have been incorporated in various provisions of the Act.

APPOINTMENT OF TEACHERS

The much-debated Section 11 naturally flows from this concept. It stands to reason that, *when it is the people that pay the teacher, the right of deciding as to who should be teacher should rest on somebody who acts on behalf of the people.* That is why all sections of the Legislature agreed, at the time of the discussion on this clause, that teachers should be selected from a list prepared by the P. S. C. No better authority in support of this stand can be quoted than Shri. Mannathu Padmanabhan who had stated that managers belonging to certain communities appointing whomsoever they liked as teachers, whose salary is to be paid by the Government was, in effect, looting the treasury for the benefit of those communities who are more fortunate than others in having schools belonging to them.

It was this natural desire of all sections of the Legislature that the people who pay the teacher should have a share in his appointment that was reflected in the unanimous decision of the Legislature that the P. S. C. in preparing the list should base itself on the communal ratio.

Those who oppose the Education Act appear to hold the view that, while the Government should take the financial responsibility of running the educational institutions, it

should not have any authority or control over the management of these schools or the appointment of teachers. It is for the people of this State, as well as in the rest of the country, to decide whether it is for the managers to demand that the Government should make all the payments but yet should allow the managers to do as they please.

Taking the specific question of appointment, why is it that our Constitution lays down that appointments to Government service should be made by an independent P. S. C., and not by the executive authority? Why is that our State has gone further than most other States in applying this provision of the Constitution and brought even the appointment of last grade Government employees within the purview of the Commission? Obviously for the reason that there should be no room for favouritism in the matter of appointments to posts whose incumbents are to be paid out of public treasury. If this is a sound principle, why should it be opposed when it comes to a question of appointment of teachers whose full salary is to be paid out of the public treasury? If Secretaries to Government, Heads of Departments, and Collectors should not be allowed to make appointments except on the advice of the P. S. C. how can managers of private schools be singled out and allowed to make appointments without reference to P. S. C.?

It is sometimes stated in reply to these questions that teachers are not Government servants and that selection by the P. S. C. is to be made only in the matter of appointments of Government servants. The Government certainly concedes that there is a difference between Government servants in the full sense of the term and teachers in private schools whose full salary is paid by the Government. That is why it is provided in the Education Act that the manner of appointing teachers in private schools will be different from that of appointing Government servants: for the latter, the P. S. C. advises (and the appointing authority accepts the advice) that so and so shall be appointed to such and such a post; in the former, however, the P. S. C. only draws up a list of persons out of which it is for the manager to select the candidate. Furthermore, the list itself is so prepared that it will have a fair margin left for the manager to select

from. It was the extent of this margin and the manner in which it can be utilised by the manager that the Government wanted to discuss with the managers whose representatives were called for consultation first by the Director of Public Instruction and then by the Chief Minister. Their refusal to respond to this invitation is an indication that what is demanded is not sufficient freedom of choice within the general framework of public control over appointments, but the withdrawal of all public control over appointments.

OPPOSITION LEADER'S AMENDMENT

Mention may, in this connection, be made to the amendment proposed by the Leader of the Opposition both to the Bill when it was being discussed nearly two years ago, and to the rules which were recently discussed in the Legislature. That amendment formally accepted the principle of appointment from a list prepared by the P. S. C. It, however, made it obligatory for the P. S. C. to include everyone who was eligible for appointment in the list that it prepares. This is a position which nullifies the role of the P. S. C. in selecting candidates. As the Law Minister stated in his speech recently, the role assigned to the P. S. C. in the amendment moved by the Leader of the Opposition is neither of advising the appointing authority as to who should be appointed (as in the case of appointments of Government servants) nor of selecting a list of candidates as is envisaged in the Education Act, but a mere collection of names which could have been done by any clerk and which, therefore, does not require the services of the P. S. C. The amendment is thus a negation of the essential basis of the educational reform—entrusting the Government with responsibility for the education of the people and clothing the Government with the authority necessary to discharge that responsibility. The amendment would leave it to the manager to appoint whomsoever he chooses while freeing him from any financial responsibility of running the school.

AIDED SCHOOLS AND RECOGNISED SCHOOLS

Some of the opponents of the Education Act advance the argument that the implementation of the Act and the rules framed thereunder would bring all the educational

institutions in the State under the straight-jacket of Governmental control and that it would deprive those sections of the people, who want to run their own schools, of their right to do so. The right of the religious and cultural minorities are particularly mentioned in this connection. This, however, is far from true; it is not obligatory for every private school to come within the scheme of Governmental control. Any one of the existing educational institutions can easily free itself from what their managers consider to be the enthralling grip of Governmental authority, provided they do not require financial assistance from the Government in running their institutions. There are two broad categories of schools envisaged in the Act—Aided and Recognised. It is only with regard to the former that such provisions of the Act as are considered obnoxious by the managers (particularly Section 11) apply. As for the Recognised schools, the Government does not come anywhere near them in the matter of appointment of teachers, payment of salary, Governmental supervision over the management of schools, etc. It is, therefore, quite open for any manager to convert his school from an Aided School to a Recognised School. It would, however, appear that what the managers demand is that they should have all the privileges accorded under the Act to Aided schools, while they would have only such obligations as are laid on Recognised schools. It is for the people of Kerala and of the rest of the country to decide whether this is a fair demand.

The Chief Minister, therefore, told the friends who suggested the convening of a round table conference with the managers, teachers, etc., that *the Government sticks to this basic principle, the principle of the Government's responsibility with corresponding authority in the matter of running educational institutions—which has been laid down in the Constitution and is sought to be implemented through the Education Act and the Rules framed thereunder. The Government is prepared to discuss any question of adjustment and accommodation within the framework of this essential principle. It, however, cannot depart from this, since it would be a failure to carry out the most important aspect of educational reform.*

THE SCHOOL CLOSURE AGITATION

The Government regrets to note that all this has left one section of managers unconvinced and that they propose to persist in their campaign of keeping their schools closed till such time as the Government withdraws what they consider to be the "objectionable provisions" of the Education Act. The Government also regrets that many of their spokesmen make declarations to the effect that they would not only keep their own schools closed but would (a) force the Government schools, and such private schools as are kept open, also to be closed, (b) prevent the establishment of alternate schools in place of those which are kept closed by them, and (c) resort to such forms of direct action as picketing of Government offices, march into Trivandrum and then to the Secretariat building etc. Their leader has repeatedly declared that he would not withdraw the agitation unless the present Government is removed from their office. This is an attitude which shows scant respect for the authority of the constitutionally-established Government of the country. It is also a challenge to the right of the people to have their children educated. The Government is confident that our people will not tolerate these activities of those who challenge the validity of a legislation which has passed through all the processes envisaged, by the Constitution.

The Government notes that volunteers are being enlisted on a large scale for purposes of "defending schools" and courting arrest in case attempts are made to open schools by force". The Government do not see any justification for the formation of these volunteer forces if their purpose is only "to prevent the use of force in opening schools that remain closed". The Government do not think that anybody is thinking of using force against schools that are closed by the managers. The Government, however, has reason to suspect that, organised for the ostensible purpose of defending schools that are closed by the managers, these volunteer forces will, in actual practice, be used against schools that are kept open. In that case the Government wants to make it clear, the police would not stand idly by, but would take firm and timely action to protect the schools that are kept

open. The Government also wants to make it clear that, if the overwhelming majority of the people of a local area wants to make alternate arrangements in place of the schools that are closed by their managers, the Government would give all possible help to them in doing so, within the financial resources available.

CALL TO CRUSADE ENTIRELY UNJUSTIFIED

By

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Minister for Education, Kerala.

To the nearly 22 lakhs of Roman Catholics of Kerala who must have read the Pastoral Letter jointly issued early this month by four Archbishops, eleven Bishops and a Church Administrator, the lurid picture of "religious persecution" by the present Communist Government, drawn by the high ecclesiastical dignitaries, must, by force of mental habit, be the gospel truth and Their Graces' impassioned call to martyrdom, imperative and irresistible. For, have not Their Graces assured the Faithful that "blessed are those who are tortured in the cause of Justice, for theirs is the Kingdom of God"?

Not only to the Roman Catholics of Kerala, but to their brethren all over the world and (although to a lesser degree) to the rest of the 35 lakhs of Christians of Kerala, the clarion call "to defend our Faith", issued by the prelates of the Kerala Church would be a summons to action. The Bishops' cry of "religion in danger", far from ceasing to echo among the Christians of Kerala, is deliberately intended to strike sympathetic chords among all the credulous religious groups in India, and to start waves of propaganda in the international sphere. For the benefit of those who wish to know the truth about the present agitation engineered in Kerala behind the facade of opposition to the Educational Act, it is necessary to present the following facts.

NO RESTRAINT ON RELIGION

There is no restraint whatsoever in Kerala on the pursuit or propagation of religion by any section of the community; the individual's right to worship is as untrammelled as ever. A Government elected to power by the free will and choice of the people is in power in Kerala, it has taken office and is ruling under an oath of conformity to the Constitution. The Pastoral Letter, while declaring that "the

godless and anti-religious Communists who are against all that we consider sacred have come to power in Kerala", has not instanced a single case of State interference with the individual's right to worship. As a matter of fact, a large number of churches and chapels of various denominations have been newly constructed in Kerala since April 1957. In the pre-Independence era, this was an extremely difficult thing to achieve, thanks to the British rulers' concern for the religious sentiments of all classes of "Her Majesty's subjects". Even the present charge-sheet by the Bishops does not, except by referring broadly to the Education Act and saying that "the autocratic rulers have moved forward in their attempt to grab our sacred educational institutions", make any specific allegation of State interference with the right to worship.

MADRAS EXAMPLE

The Bishops have stated that "it is impossible to conduct private schools under the present law implemented by the Government". Even at the risk of reiteration it has to be stated that neither the Kerala Education Act nor the Rules made thereunder prevent the free functioning of educational institutions by any group or section of the people for promoting its religious or cultural interests so long as they do not seek financial aid from Government. If, however, any group or section of the people desire to run schools of the regular educational pattern obtaining in the State, Government recognition and aid will not be withheld from them so long as the provisions of the Act and Rules made thereunder for the administration of the general education in the State are observed. The Kerala Education Act and the Rules framed thereunder were freely debated in the Press, on the platform and in the Legislature and has been duly passed into law. The Act and the Rules have for their aim and purpose the efficient organisation and conduct of educational institutions up to the college standard. Full payment of salaries to the teachers direct by Government is a measure intended to ensure that those whose profession is to teach shall not be deprived of the legitimate reward for their labours. It is strange that the Kerala Church leaders take

objection to this system of direct payment to teachers; exactly the same system is being implemented in the neighbouring State of Madras, under the Congress Government. What is right under the Congress regime cannot become wrong under the Communist Government. It is also certain that the system of payment of teachers' salaries direct by Government, now enshrined in law, can never be withdrawn by any Government in future. Are the Archbishops prepared to have referendum on this matter among the Christian teachers working in the educational institutions conducted by them? Would they be willing to ascertain the "majority" test among their own teachers, let alone the question of majority public opinion which they claim as being against the Act?

It has to be remembered that the entire cost of expenditure recurring year after year for running the aided (including those managed by sectional and denominational interests) has to be met from the Public exchequer, i.e., from the revenues of the State including taxes paid by the common man. It is, therefore, only reasonable and proper that Government should have a broad control over the utilisation of the funds made available to such schools. It is also essential in the public interest that the curriculum of studies suggested by the Department and approved by Government should be followed by the schools receiving State aid. There is nothing in the present Education Act or Rules which seeks to go further than this. There is no provision in the Act or Rules which prevent the Management of any recognised school from imparting religious or moral instruction or organising activities of special religious or cultural character outside the regular class hours; there is no provision which prevents the use of the school buildings and premises or the employment of any teacher or others for such activities. There is, therefore, no violation, on account of the passing of the Education Act or the Rules framed thereunder, of the right guaranteed by the Constitution to any section of the people to start and conduct educational institutions of their choice.

Accusing the Government of Kerala with seeking to impose "unjustified control" over recognised schools, the Pastoral Letter says that Government have unfairly prescribed a ceiling on the levy of fees. The ceiling has been fixed in order to provide for reasonable protection of the salaries and conditions of service of the teachers in recognised schools. Indeed, this ceiling has been fixed on the basis of suggestions offered in writing by prominent educationists in the private sector. Miss P. Brookesmith of the Balikamatom High School for Girls, Thiruvalla, and Miss Hester Smith of the Kraistava Mahalayam School, Alwaye, are among those who made this specific suggestion.

INDOCTRINATION CHARGE BASELESS

Their Excellencies have vehemently condemned what they describe as the attempt of the Kerala Government to "spread Communism through text books". This is ironic in the extreme, coming as it does from spokesmen for a world religion which has sought, through the centuries, to enforce its dogmas and punish (by physical and mental torture) those who question or challenge them, besides forbidding the Faithful from reading books arbitrarily "put on the Index". As for the text books prescribed by the present Government of Kerala on the recommendation of a panel of prominent educationists in the State (none of whom is a Communist) there has been no attempt to indoctrinate or wean away the youth from the well-trodden paths. Selections from prose and poetry with deeply religious flavour, such as for example, "Unni Yesu" (Baby Jesus) by Mary John of Koothattukulam and lessons such as "Christmas" and "Missionarimarude Sambhavanakal" ("Missionaries' Contributions") have been included in the text books, presenting Christianity in favourable light. It is true that certain chapters in certain books have attempted to give a correct picture of countries hitherto unknown to our students except in the geography class. But there has been no belittling of the great role of Indian patriots and statesmen in winning freedom and building up the Indian Republic. It is not known to many that Kerala is perhaps the only State in the Indian Union which has prescribed as

text books, both in the English and regional language versions, the publication issued by the Government of India entitled "We Plan for Prosperity". More than one lakh copies of this publication have been bought by the Government of Kerala for use in the schools in the State. Is this the attempt to inculcate "Communism through text books" to which the Catholic hierarchy takes exception?

In a deliberate attempt to inflame communal frenzy, the Church leaders have been stating that the taking over provisions of the Kerala Education Act empower the Kerala Government to seize church properties also. This is grossly untrue. Whereas sub-section 5 of section 15 of the Act specifically exempts minority schools from the provisions for taking over aided schools, clause 16 provides that:

The Government shall, while taking over the management of any school or acquiring the properties of any school under section 14 or section 15, exempt any immovable property from being so taken over or acquired, if such property is intended and is being used for any religious purpose or, if the Government are satisfied that such property, on account of its proximity to any place of religious worship, should be exempted.....

The simple truth of the matter is that the present agitation is engineered by vested interests, not so much to defend the cause of education as to keep their own century-old privileges intact, even at the expense of progress or the greatest good of the greatest number. If the present opponents of Government had really the interests of the "tender children" at heart they would have welcomed the Education Act which seeks to provide a charter of rights for teachers (in order to ensure a cadre of well-treated and therefore enthusiastic preceptors) and an efficient non-denominational educational system for the benefit of the rising generation. Aware of the fact that the changes in the system inevitable on account of the functioning of the Act would be unpalatable to a section of private agencies which have sought material (or other) benefits out of the business of managing schools, Government have given the assurance that in the actual working of the Act and the application of

the Rules, there would be a great deal of latitude and give-and-take, in the spirit of accommodation and liberality. This should satisfy all genuine educational entrepreneurs.

The Pastoral Letter is, it is sad to note, disingenuous and for the most part unworthy of its eminent authors. It is a thousand pities that the leaders of the Church do not realise that they are unleashing forces which they would not be able to control. As for the truth about their cry of; "religion in danger", it is good to note that not all of them subscribe to this distorted view. The INDIAN EXPRESS, in its issue dated the 17th May 1959, carried a despatch from its Kuala Lumpur correspondent quoting His Grace Alexander Mar Theophilus, a Bishop of the Mar Thoma Church in Kerala, as having stated that there was no real or direct threat to Christian Churches in Kerala. As for "indirect threats" to religion implied in the Bishop's utterance, one can only find them, at the moment, in richly imaginative ecclesiastical phantasies.
