

educational policy and achievements

(iv)

Shriman Narayan's outburst against the Kerala ministry was no isolated act, but was essentially the first shot fired by India's domestic reaction to subdue and subvert the Communist ministry. It echoed the panic and nervousness of the vested interests, which had already started taking up positions to assail the Communist ministry and pull it down. The Congress general secretary only helped the consolidation and coordination of their activities. The hand of reaction soon began to show itself. And the first battle came to be fought on the Kerala Education Bill. The following is how it came about.

The new Kerala State assembly met in May 1957 for the election of the union president and for fixing the salaries of ministers. The Communist ministers took a salary of only Rs. 350 per month and reduced other ministerial allowances. At the same time police *bandobust* and other pomp during ministerial tours were drastically curtailed. The ministry sought the permission of the centre not to fly the national flag on their cars, which was not only granted to them but became an example for the centre and other State ministries to emulate.

In June the State assembly again met to pass the budget, the only surplus one in India for the year 1957-58. The Congress and the PSP joined together in a concerted attack on the government. Two mutually conflicting views were expressed by the opposition. On the one hand, the Communists were criticised for the lack of anything new or revolutionary in their measures and activities and for just continuing what the Congress and PSP ministries had

done in the past. On the other hand, the Communists were accused of a deep and diabolical game of using their office to subvert the democratic system of the State and the government, to set at nought the rule of law and to set up a 'totalitarian' regime in the State. The funniest part of the story is that many of those making the charges exhibit this 'double thinking' in one and the same speech! How could continuation of the policies of the PSP and the Congress ministries and 'totalitarianism' and subversion of the Constitution proceed simultaneously is anybody's guess!

The State assembly met again in July-August to enact the University Bill and the Kerala Education Bill. The proposals of the Kerala government to introduce reforms in the field of education had been made known to the State even in May and had created an uproar among certain circles, specially the management of private schools comprising the Catholic hierarchy. The Catholic hierarchy met at Ernakulam on 28 May and decided upon a raging and tearing campaign against the Bill.

Indeed, the decision of the Catholic reaction to fight out the Communist ministry was arrived at just when Shriman Narayan had directed the Pradesh Congress at Ernakulam to fight the 'totalitarian' Communist ministry. It is not mere coincidence that since then the alliance of the reactionary Catholic with the Kerala Congress, which already was there, was considerably strengthened. Kerala Congress, already a handmaiden of Catholic-planter reaction, was further dominated by it.

Out of about 10,000 schools in the State, as many as 6,000 to 7,000 are under private management. Of these private schools, 2,200 are controlled by the Church and priesthood. All these years they had been running the schools as their private, profitable business concerns, and such was their power that even the strong Sir C. P. Ramaswamy Aiyar could not do anything against them, much as he wanted to. And even when the grievances of the poor teachers and the gross mismanagement in the schools were widely known, the ten years of Congress rule had failed to touch them, for each time any such move was mooted, the Catholic section within the Congress effectively scotched it. Naturally enough, the managements began to consider themselves as beyond the reach of the law. They came to believe that they could do anything with public

funds collected as school fees and as government grants-in-aid. It should be noted that government grants-in-aid to the schools in the T-C area, which is educationally more advanced than Malabar, steadily increased from a small portion to as much as fourteen annas in the rupee; and finally the grants-in-aid was sixteen annas in the rupee; and so when private management, especially those of Catholic denominations who were the worst in the treatment of teachers, found a serious challenge presented to their almost traditional vested interests, they became extremely irate. Their opposition was not to the educational schemes of the government as such, but to the government's decision to guarantee security of service to teachers in private-managed schools. As the Ernakulam bishop's conference put it 'for the efficient running of schools, it is necessary that the managements have all the powers in the matter of schools.' And soon enough the cry of infringement of minority rights as guaranteed by the Constitution was raised.

Before proceeding further it is necessary to narrate briefly the evils of the educational system against which the Kerala Education Bill was directed. As the leading Malayalam pro-Congress daily *Mathrubhoomi* put it, the attitude of the managers in relation to the schools under their management was that of a profitable business concern. Appointments to schools became a sort of an auction, the job going to the highest bidder. Impartial opinion in Kerala unanimously recognises this evil. The manager considered it his right to put the squeeze on the applicant to a post. In a State where the average per capita income is Rs. 15 a month, a starting salary of Rs. 40 for a young man who had passed SSLC and teachers training was certainly not unattractive. Educated unemployment in Kerala being what it is, the rush for teachers' job, and the auctioning of it and the manager's squeeze upon the applicant and the appointee became a matter of course.

Every type of injustice was perpetrated in the matter of appointments—previous claims were ignored, persons without proper qualifications who could pull the necessary strings and were able to satisfy the monetary demands of the managers were given preference. There was hardly any accepted service conditions for teachers and they had no security of service, no provident fund benefit, etc. A teacher could be dismissed on the flimsiest of grounds and

without notice. There have been innumerable cases when teachers had been suddenly dismissed on the ground that the appointment had only been temporary, or that someone else had been promoted. Under the circumstances, it is hardly surprising that the teachers, whose welfare and respected status should be the basis of any civilised society, were always anxious to be in the good books of the management. They flattered and kow-towed to the managers, who treated them almost as their domestic servants.

What is said above is not true for all private schools. Nor can the role which private and Catholic church managements played in earlier days in building the network of schools and in maintaining the high level of education be denied. But the evil had no doubt become widespread, becoming almost the rule. The teachers were in fact paid out of the government grants-in-aid given to the managements, yet the government had no voice in their appointment or service conditions.

It should be noted that about a third of the total State budget is set apart for education. There are more than a hundred thousand people in the educational sector. The education department has institutions, officers and workers spread throughout the State. A major department expending nearly nine crores of rupees per year had been permitted to drift and degenerate into utter disorder in the ten years of Congress rule. For years, the grievances of the teachers had remained unredressed, and even the orders that were sometimes passed by the government remained on paper, the managements being in no way bound to accept them. There was no legal basis for enforcing the decisions of the educational authorities.

And so, the miseries of the Kerala teachers were unlimited. Poverty and want was their lot. Teachers dying in harness leaving behind starving children became a common feature. Indeed, they were the unhappiest among their Indian fraternity. Very rightly, therefore, the State's education minister, Joseph Mundassery, declared: 'The government intends to put an end to the indignities which the teachers of this State have suffered till now. The Bill will end the disgraceful situation in which they were treated as servants of the management.'

Indeed, it was poetic justice that Joseph Mundassery is the architect of the Kerala Education Bill. He himself had

been a teacher in St. Thomas College of Trichur for 27 long years. Joseph Mundassery witnessed in his institution the tragedy of his colleagues. He saw professors with whom he had worked for 25 years die in harness leaving behind large families but not even enough cash to bury the dead person. The chemistry and physics professors, the history teacher and many of his other colleagues met such an unhappy end. Mundassery's soul revolted against the tyranny of the church and against the priest-principal. His agonised heart found expression in a literary piece, a novel in Malayalam called 'Professor.' Its impact was terrific. Public conscience was roused. Soon after its publication the St. Thomas College instituted a system of provident fund for its teachers.

Mundassery is a veteran by all standards. EMS studied in his intermediate classes at St. Thomas College when Mundassery was already teaching there. There are about a dozen of his students in the State assembly today, both in the Communist and the opposition benches, among them C. Achutha Menon, the finance minister. He has been a participant in the teachers' movement of the State for more than 25 years. It may not be an exaggeration to say that no other State in India can boast of an education minister more experienced and better fitted for handling the educational portfolio.

Besides his long experience as a teacher, Mundassery is also a legislator of ten years standing. He was a member of the Cochin assembly when it was formed in 1948, and was also consequently a member of the State assembly of the integrated T-C State. He has been a classmate of Panampally Govinda Menon, who got him to stand on Congress ticket for the Cochin assembly. Soon he found himself in sharp disagreement with the ways of Kerala Congress assembly party and resigned his seat. In 1954 he was elected as an independent with Communist support.

It is not surprising, therefore, that his Bill struck at the very root of the educational malady in Kerala, and at the same time evoked the greatest support of the teachers and the greatest hostility of the private managements. And the Catholic church, being the worst affected, was the loudest in its denunciations. It is not surprising that an attempt was made to murder Mundassery.

What, after all, does the Kerala Education Bill seek to

do? But for the hue and cry, it may not have become so famous, for it sought to do nothing more than provide for the better organisation of general education in the State and give it a statutory basis. Similar actions by some other State governments, e.g. Andhra, went unnoticed, and even New Delhi never thought them as fit subjects for reference to the supreme court. In fact, almost three years ago, in Kerala itself, a Congress conference at Manjeri had raised such a demand. The difference was that a Communist-led government was sponsoring the move and not a Congress government.

It may be of interest here to refer to a view of late President Franklin D. Roosevelt bearing on the subject. The famous journalist, Edgar Snow, who had some interviews with him in 1942, has reported as follows. In the course of a global review, India featured in the conversation which revealed Roosevelt's interest in our country. Roosevelt said : 'I think that not only have we got to help get rid of religious bigotry and its backward influences in India, we have also to get rid of the most reactionary religious power in our own country. Before long we are going to have to eliminate all church control in education. That belongs to the past. All schools should be under secular control.' (See *New York's Monthly Review*, No. 9 of January 1957.)

Actually, apart from seeking a better organisation of general education, no provision in the Kerala Education Bill stood in the way of the religion and culture of the minorities, Catholics or others, since no changes were proposed in the content of education, that is, in the subjects taught, etc.

For a better understanding it would be necessary to briefly summarise the Kerala Education Bill in its original form.

Divided into three parts and 36 sections, the Bill provides for aided school teachers to receive their salaries straight from the government or an agency provided by it. The managers of aided schools are required to make over to the government all collection of fees, etc., from the students. For maintaining the school and running it, the government will give the managers grants-in-aid, the amount of which will be fixed from time to time. The government will also give aid to the managers to buy the building or ground on which the schools are situated and other needed equipment.

The Bill requires the government to maintain a State register of teachers. Nobody whose name is not on the list can become a teacher in any government or private school. Those who are already employed as teachers in schools in the State will be deemed as included in the register. Managers of private schools can appoint teachers only from among those whose names are on the list.

The government may extend to teachers in aided schools any schemes relating to provident fund, pension and insurance at present enjoyed by government teachers. Managers will not be required to contribute any sum towards this.

If teachers in aided schools are retrenched due to any government order relating to the course of studies, scheme of teaching, etc., the government has the power to ask the manager of any school to appoint these teachers when vacancies occur in their institutions and the manager will have to comply with these orders.

If the manager of any aided school neglects to perform any of the duties placed on him by this Bill, and if it is felt that the step will be in public interest, the government can take over management of the school for a period not exceeding five years. But before doing so, the manager will be given a reasonable opportunity to show cause against the proposed government action. In cases of emergency, the government can resort to this step even without giving any notice to the managers. In such cases the government will pay the persons affected such rent as may be fixed by the collector, having regard to the rate of rent prevailing in the locality.

The government has also powers to take over any category of aided schools if it is felt that the step is necessary for standardising general education, or for improving the level of literacy, or for bringing education of any category under its direct control. When the government takes over schools under this provision, compensation will be paid on the basis of the market value.

The Bill also restricts the transfer of any property of an aided school by way of sale, mortgage, lease, etc.

For advising the government on educational policy and administration of the education department, the government may constitute a state education advisory board, consisting of officials and non-officials.

The government may also establish local education authorities to associate people with the administration of education and to preserve and stimulate local interest in educational affairs.

The government may direct that the administration of education be carried on by the authorities, while inspection, control and supervision of schools may be by the education department of the State. All this will not affect or prejudice the rights, privileges, liabilities and obligations of the teachers in areas where such authorities are constituted.

The second part of the Bill lays down the provisions regarding compulsory education. It provides for the formation of local education committees whose job it will be to enforce the provisions of the Act in regard to attendance at schools and to ensure that employment of children does not interfere with their attendance in government or private schools.

Guardians of children are obliged, in the area of compulsory education, to send them to school and once a child has attended school under the provisions of this Act, the child has to either complete the full course of primary education or reach the age of 14, before it can leave school.

Where the guardians are too poor to provide meals or to buy books and writing materials, the government, on the recommendation of the local education committee, may provide children with midday meals and necessary books and materials free of cost.

It is further laid down that all rules made by the government under this Act would be laid before the assembly soon after they are framed and would be subject to modifications by the assembly.

Even in its original form the Bill's provisions were similar to what had been done in Andhra a year earlier. The Andhra Educational Institutions Bill (1956) of the Congress ministry empowered the government to take over the management of aided schools and the buildings, equipment and furniture after paying 'reasonable compensation.'

It is thus clear that the high-powered propaganda launched both inside and outside the State that the Kerala government had started on a mission of 'communising' education, that its proposals were something unusual or unheard of, and that democracy and religion were endangered, was completely baseless. Nevertheless, the Communist min-

istry made a commendable gesture in accommodating the opposition. The education minister and the law minister went to Delhi to discuss the measure with the home minister, Pandit Pant, and the law minister, Ashok Sen. In fact, with a view to accommodate the opposition, the Kerala government departed from its schedule of getting the Bill passed in July and modified some of the original provisions in the light of suggestions made.

A statement issued by the government on 19 August announced the proposed modifications. Furthermore, an assembly select committee on the Bill including five Congressmen, two representatives of the PSP and other opposition groups like the Muslim League, toured the State to gauge public opinion on the Bill. Among the members of the select committee were P. T. Chacko, leader of the Congress opposition in the State assembly, and the PSP leader Pattom Thanu Pillai.

This spirit of accommodation of the Communist ministry was applauded all over. The *National Herald* of Lucknow (21 August 1957) said: 'The government's efforts to accommodate the opposition should encourage dispassionate consideration of the provisions of the Bill by all who are interested in the efficient running of educational institutions.' And the *Statesman* (21 August 1957) commented: 'If the previous governments in Kerala had done anything very substantial for the improvement of education then sweeping condemnation of the Kerala Education Bill would have been better justified... It is true that teachers in Kerala, long neglected, are generally in favour of the Bill as being the first which promises them some security... the security and pay of teachers can no longer be left safely to private management—experience in most parts of India confirms this.' And further, 'The Congress appears to be using the agitation against the Bill as part of its campaign against the present government of Kerala.'

The complicity of the Kerala Congress in the reactionary agitation against the Bill shocked the sober, uncommitted public opinion in the State. A joint meeting of the executive committee of the Kerala Pradesh Congress Committee and the Congress State legislature party held in July had adopted a resolution opposing the Education Bill. And when the Catholic-led reaction in the State raised agitation against the Education Bill to a fever-pitch in August, certain Con-

gress leaders addressed meetings from the same platform with the Muslim League, the anti-Communist front and such other dubious organisations. And even on the occasion of the Catholic Christopher 'storm-the-capital' demonstration in Trivandrum on 26 August, which was jeered and hooted by the citizens all along its route, P. T. Chacko had no compunction in mounting the platform with Muslim League leaders to denounce a measure that was generally recognised as doing justice to the long-neglected teachers of Kerala.

The report of the select committee was presented to the State assembly by the education minister on 24 August. A clause that nothing in the Kerala Education Act shall affect the rights of minorities under article 31 or the rights of the Anglo-Indian community under Article 337 of the Constitution was added to the Bill by the select committee. It was also added that the provisions of the Act shall not apply to schools other than government schools and those recognised and aided by the government. Thus, the management of an aided school was given the option to run the institution as a recognised school without government aid after the Act comes into force.

The select committee also deleted the entire clause in the Bill which provided for a panel system for appointment of teachers in the aided schools. Under the new clause added, the Public Service Commission was authorised to select candidates districtwise for appointment as teachers in government and aided schools before 31 May of each year taking into account the probable number of vacancies that might arise in the course of the year, and the managers are to appoint teachers only from this list. Thus, while providing justice in the selection of teachers, the arbitrariness and horse-trading of the managers in appointments were effectively checked.

There were other beneficial provisions ensuring free hand for the managers consistent with the security of teachers and efficient running of schools. However, the Congress and the PSP leaders yet appended their minutes of dissent to the select committee report. And when the Bill, as reported by the select committee was introduced in the State assembly on 27 August, the Congress party leader, P. T. Chacko, moved amendments openly in defence of managements' interests. Indeed, it soon became obvious

that the Congressmen of Kerala had learnt no lessons whatsoever from their election defeats. They continued their advocacy of the vested interests and Catholic reaction, which if anything, earned for them people's distrust and dislike, and helped only to increase Communist prestige.

The Kerala Education Bill, however, received the support of almost all sections except the vested interests affected. The *Mathrubhoomi*, though a pro-Congress daily, did not support the anti-Education Bill campaign. Eminent men of letters and educationists in Kerala came out in its support. And even among the Congress and PSP ranks there were many who defied the leadership and campaigned in favour of the Bill.

And on 28 August, as against the anti-Communist front crowd gathered at Trivandrum on 26 August, to demonstrate against the Bill, a highly impressive and dignified demonstration in support of the Bill was staged in the capital. Teachers, workers, peasants and students marched on the streets of Trivandrum, and a large number of women also participated. Students of Trivandrum city also joined the procession in their hundreds.

On 3 September, forces of democracy in Kerala achieved a signal victory when the State assembly passed the Kerala Education Bill, and the demoralised Congress and the PSP did not dare to vote against it. The prestige of the ruling Communist Party was enhanced and the common man felt proud and confident. With his masterly grasp of the entire field of education in Kerala, his erudition and powerful eloquence, Mundassery smashed all the bogies raised by the opposition and claimed that the enactment would mean opening a new chapter in the annals of education not only in Kerala but in the whole of India.

Indeed, without any inspiration from the Communists, spontaneous support for the Kerala Education Bill was voiced all over India. Thus, on 26 August, the Allahabad Secondary School Teachers' Association congratulating the Kerala government for the Bill, condemned all opposing it as 'not only the enemies of teachers and education but also of society.' (*The National Herald*, 27 August 1957.) On 2 September, the Lucknow branch of the Madhyamik Shiksha Sangh (organisation of higher secondary school teachers) congratulated the Kerala government for the Bill and demanded of the Uttar Pradesh government to enact a

similar legislation (*The National Herald*, 3 September 1957). Meetings in support of the Bill were held in many leading cities of India such as Nagpur, Bhopal, Calcutta, Patna.

The teachers of Kerala expressed their gratefulness and esteem for Kerala's education minister, Joseph Mundassery, by organising a popular reception for him at Palluruthi near Cochin which was attended by about a lakh of people, who gave a great ovation to the minister. In his speech, Mundassery said that there was nothing revolutionary in the Bill. He said that Congress leaders and ministers of other States had very much appreciated the measure and many had asked for more information and details. That is why, he said, he was amazed by the opposition of the Kerala Congress to the Bill.

The Education Bill after its passage in the State assembly, was sent to the president for his approval. Meanwhile the reactionaries intensified their agitation against the Bill and an unending stream of memoranda and representations were sent to the central authorities. Rabid anti-Communists in the top Congress executive, turning their eyes away from the genuinely progressive and secular purposes of the Bill, helped the delays which ensued, utilising the whole affair as a good weapon to malign the Communist government on a national plane. Evasive answers were given when questions relating to president's assent to the Kerala Bill were raised in the parliament. In the meantime, Kerala's teachers, impatient at the delay, built up a powerful agitation for quick assent to the Education Bill. The Bill was at last referred to the supreme court by the president under Article 143 of the Constitution towards the end of December.

Thus, Kerala's Education Bill made history, this being the first reference of its kind to the supreme court from the president. And this event had certain immediate reactions. Replying to questions at a press conference in New Delhi on 2 January, the prime minister said that the government of Kerala had 'accepted most' and 'rejected some' of the suggestions on the Bill made by the central government. In explanation of the reference to the supreme court, the prime minister said that 'there was no doubt that the Bill would have been challenged by private parties' and that 'since the question (Education Bill) has been raised so much

it is obviously desirable that the supreme court should give advice in the matter.' Anticipating that this might be construed as unwarranted interference by the centre, the prime minister hastened to add that the central government in no way wants to curtail States' autonomy.

The prime minister's argument apparently did not satisfy the government of Kerala and chief minister Namboodiripad, who was in New Delhi at the time, met home minister Pandit Pant and expressed the State government's opposition to the move. Soon after, in Trivandrum, on 11 January, a resolution of the secretariat of the Kerala state committee of the Communist Party strongly opposed the central government's move. The resolution dismissed the contention that the opinion of the supreme court was sought to avoid further litigation by private parties, pointing out that any expression of opinion by the supreme court could not prevent anybody from challenging the Bill in a court of law. The secretariat resolution characterised the move as 'misuse of power and provisions of the Constitution' for the interest of the ruling party and as 'political discrimination' against a Communist-led government.

About the delay to educational progress in Kerala by the reference to the supreme court, there can be no doubt. The Bill was passed by the State legislature in the beginning of September 1957; even ten months after that, at the time of writing this in June 1958, all the pressing educational reforms proposed in the Education Bill are nowhere near implementation.

Despite this severe limitation placed on educational progress, the Communist government nevertheless presents a proud record of good work done in the field of education during the brief fourteen months it has been in office, a record which no previous government in the State has to its credit. Indeed, impressed by this progress, the central education minister, K. L. Srimali, addressing a meeting of educationalists at Trivandrum on 31 May last, 'expressed his appreciation of the work done in the educational sphere by the Communist government of Kerala.' (*Indian Express*)

A brief summary of this work is given below.

Immediately after the integration of Travancore-Cochin in 1948, the question of university reorganisation became necessary but none of the previous governments did anything about it. A pending University Bill was redrafted

and enacted by the Communist government as early as October 1957. And now, under the able guidance of the new vice-chancellor, Dr. John Matthai, Kerala University is fast developing into the nerve-centre of all activities in the field of collegiate education in the State.

The scale of pay of primary school teachers was raised to that of lower division clerks, i.e., Rs. 40-120. The question of raising the grade of higher elementary teachers of the Malabar area from Rs. 35-80 to 40-120 is engaging the sympathetic consideration of the government. The trained graduate teachers of the State are now entitled to a higher grade of Rs. 80-165. Non-trained graduates will now start on Rs. 65.

The government has also decided to enhance the emoluments of teachers of colleges. Lecturers of government colleges are to get hereafter the grade recommended by the University Grants Commission. Private colleges have also been extended financial assistance by the government so that the teachers there may also be paid at the enhanced rates. The personnel in the university teaching staff is also to be paid at the rates recommended by the University Grants Commission.

Further, the educational structure of the State is being reorganised to give it a technical bias. An engineering college is being opened in Trichur and three private engineering colleges are also going to be established. At the SSLC level too, the government has taken steps to organise technological study. Every district is to have at least one polytechnic. Just below the polytechnics are the junior technical schools for training up candidates who branch off from the upper primary schools. Ten of these will start working from July 1958.

The area of free and compulsory education has been extended. The avowed policy of the government is to achieve free and compulsory education up to the age of 11 throughout the State in the course of the next five years, i.e., five years earlier than in other States in India. The supply of midday meals was extended to two more districts, Alleppey and Kozhikode, in 1957-58, and remaining districts are likely to be covered before long.

For the needs of the language minority of Kannadigas in the extreme north, a college has been started at Kasargod.

A very important reform of the Communist ministry

has been to bring about decentralisation of the education department. The educational activities of each district are now under the full control of the district education officer to whom more powers have been delegated. A far-reaching reallocation of work has also been brought about at the top level in order to provide greater efficiency and co-ordination.

A new programme has been adopted in the matter of preparing and distributing text-books. Committees have been appointed to prepare text-books, and they will be printed in the government press. The distribution of text-books is to be through the school cooperatives only. This step has been widely welcomed as it does away with innumerable defects and evil practices which had become chronic in the State in the matter of school text-books.

To give the basic pattern to primary education, the government decided to implement the five-point programme of the assessment committee on basic education, adapted so as to suit the conditions obtaining in the State. Union education minister Shrimali commended the efforts of the Kerala government in this regard at a press conference at Ernakulam on 30 May 1958. Under the scheme the Kerala government propose to open a tool room in every school in the State where tools of the place will be collected and boys trained in the crafts by utilising local talents in handicrafts. This, Shrimali said, was a novel idea.

Indeed, the Kerala Education Bill made history not only because of its reference to the supreme court, but also by the way it was argued in favour and against before that august body. Kerala government's action all through was highly appreciated. As Shrimali said at Trivandrum, Kerala's action 'besides raising a great controversy, helped in clarifying certain issues.' He agreed that the State, no doubt, had to ensure that there were no malpractices in schools, the teachers were given a fair deal and that a minimum standard was maintained. And Shrimali added that as far as he could understand, 'it was not the intention of the Kerala government to do away with private agencies in the educational sphere. They only wanted to ensure certain moral standards in schools, a right which any State could exercise. It might be that certain clauses of the Bill might have to be modified, but their social objective should be remembered.' (*Indian Express*, 1 June 1958.)

The Kerala Education Bill came up for hearing before a constitution bench of the supreme court on 29 April, and the court pronounced its opinion on 22 May, the Bill coming out, as a notable commentator remarked, 'practically unscathed.' ('Witness' in 'The Indian Scene,' *Indian Express*, 26 May 1958.)

The main point of dispute was whether the right of the minorities to establish and administer schools of their choice was absolute to the extent that government was unable to offer aid without imposing any conditions. Any such absolute rights would have granted the minorities rights and privileges superior to those of the majority community; the right to administer schools, as the supreme court has pointed out, does not involve the further right to administer them inefficiently and if a school solicits State aid, it must necessarily submit to certain regulations prescribed by government. And the supreme court has found that the conditions prescribed by the Kerala Bill are not unreasonable.

While rejecting the view that the Bill is directed against the interests of the minorities, the supreme court has maintained only clause 3 (5) of the Kerala Bill relating to some future recognition by the government of educational institutions was violative of minority rights. Clause 3 (5) of the Education Bill reads: 'After the commencement of this Act, the establishment of a new school or the opening of a higher class in any private school shall be subject to the provisions of this Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with such provisions shall not be entitled to be recognised by the government.'

As would be clear to the reader, this practically leaves the Bill unscathed and the laudable objectives of the Bill to which Shrimali made a reference above are in no way hampered.

What has, however, happened is that the Catholic reaction and the vested interests, aided by the Kerala Congress and its reactionary anti-Communist friends in New Delhi, have successfully delayed the implementation of an eminently just measure for about a year.

Reflecting on the supreme court judgment, the *Times of India* (24 May 1958) has offered some healthy advice to the Kerala Congress. It says: 'The Congress in Kerala on its part might consider whether the grounds on which it

opposed the Bill were well-chosen. Congress governments in other States have committed themselves to similar legislation and the governments of Rajasthan and Uttar Pradesh were parties to the proceedings in the supreme court. A further moral surely is that the Congress in Kerala, in its opposition to the Communists, must in its own interests and those of democracy ensure that its opposition policies are governed by principles and methods which are consistent and can be upheld by a reference to the Constitution.'

But whether the Kerala Congress will draw the moral is the question.