CHAPTER XVII

EDUCATION UNDER PORTUGUESE CONSTITUTION
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Barring a brief period during the republican regime, Portugal had never been a secular state. As such, religion was always a part of the curriculum in primary schools and also in high schools.

Constitutional monarchy

In 1834 constitutional monarchy was established in Portugal. This was followed by a civil war which ended only in 1835. Soon after that the Government took over education in Portugal as well as in colonies and ever since, upto the time of liberation instruction in Goa was conducted on the pattern prevailing in Portugal itself.

The first step towards compulsory education was taken in 1870. But the compulsion did not embrace all children of school going age. Only those children in the age group of 9-12 were covered by the compulsion. Another limitation was that the compulsion was to be made applicable only to those children in the above mentioned age group who lived in a radius of three kilometres from any government primary school. However, the government order did not mention that the compulsion was applicable to any particular community and therefore it can be assumed that it was applicable to all irrespective of religion. There is no indication to show that any steps were taken to implement this decision. No wonder, therefore, that this sort of half-hearted compulsion failed to make primary education universal in the territory of Goa.

Republican constitution

Going through a period of strain and stress education saw better days soon after the proclamation of Republic in Portugal. The Republic was proclaimed in Portugal on the 5th of October 1910. The country was given a provisional constitution by its National Constituent Assembly by an order dated 21st August 1911. This constitution was made applicable to all the colonies also. The secular character of
this constitution and its bearing on education may be noted from the following articles.\(^{(1)}\)

Art. 3(a) 7 - Nobody would, for reasons of religious belief, be deprived of a right or exempted from carrying out any civic duty.

10 - Instruction imparted in private and public establishments and in those supervised by the Government would be neutral in religious matters.

11 - Instruction at primary and elementary level would be free and compulsory.

14 - Right to freedom of meetings and associations. Special regulations would determine its form and conditions governing its exercise.

Art. 3(a) 7 quoted above has a special significance to Goans since Goans were assured for the first time that they would not be discriminated against or be deprived of a right, just because of their religion. This right was a great relief in view of Art. 67 of a decree promulgated by the Viceroy of Goa on 23-5-1907, which had laid down that the recruitment to the posts of primary teachers in Portuguese medium schools would be done by written tests, to which only those who practised state religion could appear.

Even before the provisional constitution was adopted, a Government order struck down Art. 67 of the notorious decree of 1907. In addition to abolishing the condition that the candidates should practise state religion, i.e., Catholicism, the order also forbade to impart any religious instruction in any educational establishment, government primary schools and Normal School of Nova Goa (Panaji). Art. 3(a) 10 of the provisional republican constitution only confirmed the order referred to above.

A great feature of the republican constitution was that it declared unequivocally that instruction at the primary level was free and compulsory. Actually, compulsory education was introduced in 1870 for all children residing within a radius of 3 kms. from any established government school. In 1881 the government sought to penalise the parents who did not send their children to school. But the principle of free and compulsory education was enshrined for the first time in the
Constitution of 1955

The constitution as published and promulgated in 1955, when the Prime Minister, Dr. A. O. Salazar, took over the reins of Portugal, seemed to confirm the hopes raised by the original republican constitution. The 1935 version of the constitution went a step further and promised all citizens, among other fundamental rights, the right to freedom of religion and right to freedom of education. Art.8(3) and 8(5) are relevant in this regard. They are as follows:

Art. 8 - The following constitute fundamental rights of all Portuguese citizens:

(3) - Liberty and inviolability of creeds and religious practices - None would be persecuted on account of creeds and religious practices or deprived of a right or exempted of any obligation or civic duty. None would be compelled to declare one's religion except for the purpose of statistical enquiry ordered by a law.

(5) - Liberty to the right of education.

The same constitution declared that education was compulsory and was the responsibility of the family as well as of the public and private educational establishments. It also declared neutrality of state in the matters of religious education. The constitution also allowed the establishment of private educational institutions, subject to the supervision and inspection by the government and provided that the teachers had the requisite professional qualifications as those required of teachers in the government schools.

The constitution of 1955 seems well abreast its times. The makers of the constitution had shown reason in keeping religious education out of schools. The relevant articles of the constitution pertaining to education are as follows:

Art. 42 - Education and instruction are compulsory and are the responsibility of the family and of the public and the private establishments of education in co-operation with the family.
Art. 44 - Establishment of private schools parallel to those of the state is permitted, subject to the supervision and inspection of the latter and could be subsidised by the state or inspected with the object of permitting them to confer diplomas when their syllabus and the qualifications of teachers were found to be not inferior to their counterparts in similar official establishments.

The articles quoted above give an impression of sober thinking on education. Article 43 makes it quite clear that the state would have compulsory primary education and that the state would be neutral in matters of religion and religious education. In other words, the attitude of the government would be secular.

The constitution provided scope for private enterprise in education subject, of course, to the proviso that the schools would be subjected to the state supervision and inspection.

Amendment of 1955

The constitution of 1955 was enforced on 19-5-1955 after it was accepted by the country by holding a plebiscite. However, it was amended in 1955. The amendment brought about some changes in education. Art. 43 (5) was rewritten. It laid down that thenceforth education would be based on sound Christian principles on which the Portuguese nation was traditionally based.

The latest version of the Portuguese constitution was the one of 1959. So far as education was concerned, there was no change from the position stated in 1955.
Observations:

Though the constitution, after the Republic, declared education to be free and compulsory, it will be observed elsewhere in this study that the second part of this pious declaration was never fulfilled. Education in government primary schools was free, no doubt, but education did not become universal in Goa until the time of liberation. This was because compulsion was never enforced seriously until 1956. The constitution did not also specify the lower and upper age limits as is done in the Indian constitution. The decision regarding the age limits was left to the discretion of the bureaucrats and it will be clear, after having gone through this thesis, that the upper age limit varied from time to time.

Another point worth recalling here is that the reforms of 1870 had at least laid down a guide line for free and compulsory education. They had stated that all children, in the age group of 9-12 residing within a radius of three kilometres of any official school, should be compulsorily sent to school. However, there is no evidence to suggest that the first was enforced even then.

The constitution of 1955 made Portugal once again the theocratic state that it was under the monarchical regime. In fact, Portugal under Dr. Salazar was developing into a fascist state. The slogan was "God, Country and Family". God was necessarily tagged with religion. It may be noted that under Dr. Salazar's regime religious education was compulsory for all Catholics and for non-Catholics provision was made to teach moral science.
NOTES


4 Ibid. Chap.IX

5 Ibid.