CHAPTER-VII

CONCLUSION

In the foregoing chapters a thorough and systematic analysis was made on the origin and growth of secularism in India in general and Kerala in particular, and on the origin and growth of minorities, particularly Christians and Muslims, and the force of their presence in Kerala society and politics, and the role of the Christian community in the electoral politics of the state. The study particularly highlights the role of the Church as the most potent educational pressure group and the various pressure tactics it resorted to during the course of its confrontation with governments to protect its interests in the most vital area, i.e. education.

Secularism, as a concept and an ideology, originated and gained momentum in the West. There was a long-drawn-out struggle between the Church (religious) and the state (secular) for supremacy in Europe. This rivalry between the Church and the state had created an impression that secularism was something anti-religious or anti-God. It is worth noting that
traditionally there was no apparent contradiction between matters of religious and that of secular set up in India as the struggle for supremacy between Church and state, which existed in western countries, was conspicuously absent here. Theocracy was a characteristic feature of the state both in ancient and medieval periods. The influence of the clergy in the administration of the state was so profound that an objective demarcation between matters religious and secular was impossible. There is no dearth of instances in Indian history where secular laws were subordinated to religious laws and the clergy occupied a place of prominence in state administration.

Secularism, which developed in the West as a natural corollary of the Renaissance and scientific advancement, was deliberately transplanted by the British through their systems of education, and civil and judicial administration based on common law. The hallmarks of Indian culture such as tolerance towards other faiths and religions, emphasis on stability, adoration to things of the past, metaphysical subtlety, etc, are not and cannot be identical with the western notion of
secularism which is based on equal citizenship rights and equality of all before the law irrespective of their religious beliefs. The ancient and medieval administrations were religious at core that people were treated differently by the state laws, in the same social context, according to their status in the hierarchy of religion or caste. Equality before the law, transcending one’s religious or caste status, was something unknown to the people till the British established their empire in India based on common law system overpowering their European rival, the French, about the middle of the 18th century.

The kind of scientific temper that existed in western countries was noticeably absent in India as an atmosphere congenial for its growth was not present either in ancient or medieval India. People here, by and large, were driven by their primordial loyalties and their principal allegiance was to their community or caste rather than to the state or nation. All efforts in the medieval period for a cultural fusion, both at the elite and popular levels, did not materialize and the composite character of Indian culture continued to be unaltered throughout history. There is no factual base to brand certain periods of
history, either in India or elsewhere, as ‘golden period’ or ‘golden age’. Furthermore, the very notion of the ‘pristine glory’ of certain periods of human history exists only in one’s (the writer’s) imagination and has little relation with actual facts.

As stated earlier, religion had been in the centre-stage of human life both in ancient and medieval periods. It decided not only the social status of people but also the relation of people with the state. Equal civil rights transcending the religious beliefs of people, an essential hallmark of a secular state, was obviously absent in India and the social mores that prevailed in the society forced people to judge things from the point of view of caste or religion. It is an undeniable fact that the seeds of a secular state in India were sown by the British through their judicial and administrative system based on civil equality. The system of administration introduced by the British ensured equal citizenship rights to all, irrespective of religious or caste considerations. It was something unprecedented in the entire history of India. For instance, the system of revenue administration introduced by Lord Cornwallis entitled not only
the landlords but also the tenants to go to court to redress their grievances even against the former. It was something which changed the whole atmosphere regarding the landlord-tenant relationship mostly governed by the caste system.

The western system of education founded on ideals like liberty, egalitarianism, freedom of expression, etc., was the real motivating force behind the creation of a secular-minded middle class in India. They were progressive in outlook and secular in approach that they thought of the nation superior to their religion and community. It was such people who were behind the formation of the first secular political organization – the Indian National Congress, in 1885. It was the first indigenous sign of modernity and the fact that its members could think in terms of a nation-state overriding their primordial allegiance was, indeed, revolutionary. It is true that along with the seeds of secularism, the British were also enthusiastic in sowing the seeds of communalism. Certainly they were more concerned about their existence in India and unity among the Indians was the greatest obstacle in their way. Later developments show that both communalism and secularism
grew side by side but the former with a much greater tempo compared to the latter brought about the division of the country into two nations—India and Pakistan.

The constitution, which was the end product of the struggle for freedom, became the greatest bulwark of the secular state in India. Significantly, the constitution, framed by our national leaders, was their greatest contribution to posterity. Secularism, of course, has played a major role in knitting the people of India together to fight against British rule for a noble cause, that is, freedom. The constitution of India contains ample provisions to keep the country secular both in substance and character. In fact, it was a stupendous task before the constitution-makers to frame a secular document for a society which, by and large, was religious at heart. The greatness of the constitution lies in the fact that, in spite of a large number of communal riots that engulfed our country since independence, the nation still maintains its secular credentials intact.

Indian constitution, a proven secular document, unambiguously supports the erection of a secular state in India.
The constitution-makers had not even an iota of doubt in their minds regarding the characteristics of future India and secularism, of course, is the most prominent among them. This fact becomes absolutely clear while going through the debates in the Constituent Assembly on secularism and religious freedom. Among the various provisions included in the constitution in support of secularism, provisions pertaining to Part III (Fundamental Rights) deserve special mention. It can certainly be considered as the strongest pillar in the edifice of a secular state in India. It is to be noted that, though the constitution-makers deliberately avoided the terms ‘secular’ and ‘secularism’ from the original (unamended) constitution; the signification of the term ‘secularism’ was absolutely clear in their minds. The term ‘secularism’ was consciously omitted from the constitution by its framers for reasons of their own (which appeared fully valid at the time of its enactment) and it was only through the 42nd Constitution (Amendment) Act, in 1976, that the term ‘secular’ was added to the preamble of the constitution. Since then, secularism became one of the declared goals of India along with sovereignty, democracy, socialism and republicanism.
As in all common law systems, the apex court of India is responsible for interpreting the constitution. In the absence of a clear definition for ‘secularism’ in the constitution, judicial deliberations and comments on it get special significance. In course of time many crucial issues concerning secularism came up for judicial adjudication. In the absence of any rigid positivist demarcation of the areas of the secular and the sacred, the court enjoys remarkable autonomy in its interpretations on secularism. A careful analysis of the judicial deliberations on issues of ‘secularism’ would reveal that the context takes centre-stage in decision making. While in some cases, say, S. R. Bommai vs. Union of India, the court upheld secularism as the basic principle of the constitution and hence, could not be altered or amended. But in cases like Ismail Faruqui vs. Union of India, the court’s identification of secularism with ‘majoritarianism’, of course, is contradictory to its earlier views on secularism. Judicial deliberations on religion, personal laws and uniform civil code are also not without contradictions. While in Narasu Appa Mali vs. State of Bombay, the court treated personal laws as extra-constitutional and even excluded
them from the scope of judicial review; while in Shah Bano case, the court sturdily pleaded for the enactment of a Uniform Civil Code throughout the territory of India, to promote social justice and national unity.

The All Travancore Joint Political Conference (1932) was the first secular venture for adequate representation in government service and legislative bodies in Travancore. It was the first trans-communal organization having representation of three prominent communities- Christians, Ezhavas and Muslims. Later it paved the way for the formation of Travancore State Congress (1938), with the wider objectives of responsible government, adult franchise and protection of minority interests. Later on, leaders of the Nair community also joined the State Congress making it a full-fledged association of the people of Travancore. When Travancore became independent in 1947, power was transferred into the hands of the leaders of the Travancore State Congress.

The first deliberate effort on secular lines in the political process of Travancore was the formation of Travancore State Congress, in 1938. Though born on a communally fertile soil,
one of the major planks of the Travancore State Congress was adult franchise, a purely secular cause. Thus, the convergence of communities to fight for the secular needs of the people is the quintessence of the development of secularism in Kerala. It is obvious that the motive force behind this get-together of communities was not the desire for the secularization of the society, but for increasing their status and prestige. Thus, when the communities bargained with the state, individually as well as jointly, for greater share in government jobs, adequate representation in legislative bodies, more educational institutions, etc. they were creating the background for the development of secular notions among the people often at the subliminal level.

Though members of the Travancore State Congress were required to take a pledge on secular lines, they were not completely free from communal prejudices and passions. They continued their unabated allegiance to their respective communities even after assuming responsibilities of the state. It was rather pitiable that these leaders mainly looked to their own communities for support and they could not rise above
hidebound considerations like caste and religion. Not only that, each community was suspicious of the other, in the same way each leader of the other, and everything was seen through a communal lens.

After independence, political segmentation, a positive sign of secularization of society, was taking place in all communities in Kerala. Though, the forces of secularism were strong and growing in all caste and religious communities, primordial feelings and sentiments of people were equally strong, capable of posing threats, if stirred up, to secular institutions. When communities vied with each other for greater secular needs they were preparing the background for the promotion of secular ideas among the people, often at the subconscious level.

It may be an irony that communalism acted as a powerful tool in protecting and promoting the secular interests of communities in Kerala. The role of the Church as an input agency and the vehemence with which it articulated its interests to the political system has always attracted the attention of political scientists. The confrontation between the Church and
the government in 1957, 1972 and in 2006, particularly on educational issues, attested the fact that religious forces were still powerful and their appeal to the religious sentiments of people was capable of evoking equivalent response from them. A high literacy rate, migration to other states as well as other countries for better job opportunities, the rise of a middle class in each community aspiring for upward mobility in the economic ladder, progressive outlook of religious leaders like Sree Narayana Guru, et al. are some prominent factors that helped the secularization of Kerala society. Increasing political segmentation of communities, as reflected in recent elections to the Lok Sabha and the State Legislative Assembly, is an indication of the shrinking influence of primeval forces on people, which in turn gave them a good measure of freedom of individual political choice.

The Muslims, the other prominent minority community in Kerala, became active in politics only after the independence of the country. The educational backwardness of the community had its adverse effect on all areas of its development. It was only after the Malabar Rebellion (1921-22) that its leaders
became aware of the community’s educational backwardness and started giving emphasis on education. The League became the community’s sole representative body commanding the support of majority of its members and it continues to be so. Since the formation of United Democratic Front (UDF) in 1980’s, the League has stood solidly with it in all the elections to the Lok Sabha and the State Legislative Assembly. Though many splits have occurred in the League, during the course of time, the overall support of the Muslims has been enjoyed by the League and the UDF. No splinter group, including the newly formed Peoples Democratic Party (PDP), could make much inroad into the traditional support that the League had been receiving ever since its formation. But it is to be admitted that the political segmentation that is current in the Kerala society, as reflected in recent elections to the Lok Sabha and the State Legislative Assembly, had its impact on the Muslim community as well. The three other religious minorities- Jains, Buddhists and Jews - are numerically too small to make any effect either on society or politics of the state.

The Christian community plays a key role in the politics
of the state in general and electoral politics in particular. Election is a time for each group to test its might in terms of numerical strength. The peculiar communal combination of the state warrants all political parties to take into account the numerical strength of each community constituency-wise. Indeed, no party is in a position to overlook this fact. Though theoretically a non-political organization, the Church has clear political predilection. This has been expressed through various church circulars and pastoral letters, issued as poll-eve guidelines during the run up to elections to the Lok Sabha and State Legislative Assembly. Though issued as general guidelines to its flocks, a perusal of the wordings in them would reveal that they contain clear-cut instructions to vote for certain parties or combination of parties. There have also been instances when the Church overtly demanded certain seats for its members in constituencies where the community had a sizeable presence, and also insisted on parties fielding those candidates who the hierarchy had special preference for.

The Church’s unquestionable pre-eminence over its flock and the community’s numerical dominance in a number of
constituencies stretched out over the central and southern parts of Kerala make it a target of election propaganda by all political parties irrespective of their ideological distinctiveness. The Christians and the Church generally supported the Congress while a section of the Catholics have extended their support to the Kerala Congress, after its birth in 1964, in all the elections to the Lok Sabha and the State Legislative Assembly. After the birth of the UDF in 1980’s, the Church has extended its support to it. But the overall support of the Church in the Lok Sabha elections was for the Congress till 2004. The Lok Sabha election of 2004 was a turning point in the history of Kerala politics. The Church, the traditional supporter of the Congress and UDF, took a more neutral stand contrary to the interests of both and the LDF swept to victory in almost all the parliamentary seats leaving only just one, the Manjeri seat, for the UDF to be bagged by the League. While a powerful section of the Catholics, the Syrian Catholics, out of disillusion over the wrangling in the Congress, turned towards the NDA and BJP, another section, the Latin Catholics, unable to make any compromise either with the BJP or BJP-led NDA, turned their heads towards the LDF. But recent developments show that
the Church has changed her mindset in favour of the UDF and Congress, mainly because of the anti-Church policies pursued by the present LDF government, particularly in education. Communism has always been an anathema to the Church and the educational policies pursued by the present LDF government once again reiterated it with greater vehemence.

The uniqueness of the educational sphere in Kerala lies in the fact that it is dominated by private agencies, right from pre-primary to the higher education levels. Since the Church is in possession of most of these institutions she is, naturally, at guard of any attempt on the part of anyone to meddle with its traditional rights and privileges with regard to education. Education is an area of utmost concern for the Church as it has invested a huge portion of its resources-men and material-in this field. For the Church, educational freedom is inextricably intertwined with religious freedom and any attempt on the part of the government to curtail its educational freedom would be viewed as equivalent to curtailment of its religious freedom, inviting severe wrath from it. So, whenever there is an assault on its traditional, unfettered educational freedom, the Church
resorts to all means available to protect it. Often it appeals to the religious sentiments of people, which in turn creates a war-like situation.

Church knows it very well, more than anybody else that for an average believer religion is life. The peculiar organizational set up of the Church makes the task of organizing a protest meeting or demonstration, against the government, easy. The Catholic Church, especially the Syrian, is found vociferous in this respect. The organizational strength of the Church was such that even the powerful C. P. Ramaswamy Iyer, Dewan of erstwhile Travancore, was forced to abandon his educational reforms due to its stiff resistance.

After independence, a number of situations have arisen to test the might of the Church as an organized and the most articulate pressure group in education. The first major confrontation between the Church and the government, on educational issues, was in 1957, when EMS Namboothiripad was heading the government in Kerala. The Education Bill of the government prepared by the then education minister, prof. Joseph Mundassery, aroused strong opposition from the
Church. The tussle between the communal organizations, spearheaded by the Catholic Church, and the government, popularly known in history as Liberation Struggle (*vimochana samaram*), resulted in the dismissal of the first democratically elected government after the reorganization of the state on linguistic basis in 1956.

The Catholics, particularly the Syrian Catholics of central Kerala, were in the forefront opposing the bill and thereby the government, by all accessible means. The leaders of the Nair community, who showed little interest in the ongoing agitation between the Church and the government, were provoked by the government’s decision to entrust the power of appointments in aided schools to the Public Service Commission. The Church wholeheartedly accepted Mannathu Padmanabhan, a Nair leader, as leader of the struggle. In fact, it was a Christian-sponsored, more specifically a Catholic-sponsored, agitation. The Church made use of its entire available means to defeat the government and in that it fully succeeded when the state government was dismissed by the central government by using Article 356 on 31st July, 1959.
The second major encounter between the Church and the government was in 1972. The government headed by C. Achuthamenon, under the instigation of progressive elements like the Youth Congress and Kerala Students Union, prepared a bill mainly to unify tuition fees in colleges and end corruption in the appointment of staff and admission of students. The rallying of communal pressure groups like the SNDP, NSS and the Church in education soon cleared ground for another tussle with the government. The bishops, for the first time in history, led their flocks through the streets against the government, and their powerful appeal to the religious sentiments of people through allegations like ‘infringement of minority rights’, ‘religious freedom in danger’, etc. was capable of stirring up equivalent response from the faithful. Direct involvement of the church prelates in the agitation and their war-cry against the government, in fact, grilled the latter. Many protest rallies were organized throughout the state in which anti-government slogans were vehemently shouted. The agitation ended up in the ultimate victory of the Church that all the traditional powers and privileges it had been enjoying
in education, until then, were left untouched. However, teachers and other staff members of private colleges began to get direct payment from the public exchequer.

The third major scuffle between the Church and the government after independence started with the introduction of Self-financing Colleges’ Bill, in the Kerala Legislative Assembly, in June 2006. The LDF government, which assumed office in May, 2006, was determined to control the managements of self-financing colleges in the state and introduced the legislation within a month of assuming power. Highlighting the aim of the bill, the minister for education, M. A. Baby, said, “The Self-Financing Colleges Act was mainly designed to curb corruption in self financing institutions and ensure social justice”. It may be a sheer coincidence that, as in EMS Namboodiripad’s Government of 1957, the education portfolio under the present LDF government was also handled by a Christian. The bill was unanimously passed by the Kerala Legislative Assembly in June, 2006. The Church expressed strong protest against the Act and branded it as ‘black law’ and ‘anti-minority law’.
Meanwhile, more than a dozen petitions were filed before the Kerala High Court, by various church denominations and other private managements, against the Act. The High Court, in its order of 4th January 2007, struck down all the vital provisions of the Act, which were later upheld by the Supreme Court. With the Supreme Court’s concurrence of the High Court’s verdict of January 4th the Act virtually became non-existent. It is true that some of the clauses of the Act were uncalled for and could have been avoided. For instance, Clause 8 of the Act, which prescribes a new definition for minorities as well as special standards for determining the minority status of an institution, was untenable vis-à-vis the provisions of the constitution and the earlier held views of the apex court. It shows that the Act was not a well thought out one. The slipshod drafting of some clauses of the Act had no standing before the established law and the court struck down all its vital clauses. The hurried preparation of the Act coupled with a lack of sagacity and prudence on the part of the government destroyed the golden chance to regulate the self-financing sector in the state.
The anti-constitutional provisions of the Act invited the court’s interference which finally led to the cancellation of many of its fundamental clauses. Certainly, it had helped those who wanted the act to be defeated, somehow. It is an undeniable fact that there was a general consensus in Kerala society in favour of some kind of social (state) control over the self-financing institutions. It was even reflected in the legislature when the bill was unanimously passed by the Assembly with the full support of Opposition parties. In fact, the hastiness and over-enthusiasm of the government, to bring the entire self-financing sector at once under its control, spoiled the very purpose of the Act.

The next phase of the confrontation between the Church and the present government started with the appointment of a committee under the chairmanship of C P Nair, a retired chief secretary of Kerala state, to revise the Kerala Educational Acts and Rules (KEAR). The government simultaneously appointed another committee to revise school text books. The Church, which was most exasperated by the government’s move, had strong reservations over the good intention of the government
and decided to oppose it by all means available. The NSS, which first showed no interest in the ongoing tussle between the Church and the government over self-financing issues, was infuriated over C P Nair Committee’s suggestion to entrust the responsibility of making aided school appointments to the Public Service Commission, and decided to join the Church to oppose the government. The get-together of two prominent communities against the government is reminiscent of many previous confrontations between them and the governments, which embarrassed the latter in no small measure that it promptly invited leaders of both the communities for a discussion on all issues in question.

The Catholic Church, very much annoyed by the educational policies of the present LDF government, organized protest meetings throughout the state to be preceded by huge processions. Two mammoth meetings were held—one at Palai in Kottayam district on August 5th, and the other at Kottayam on August 12th, 2007 - followed by massive processions led by top leaders of the Church, in which slogans were shouted against the government and the party that headed the
government. During these processions the streets were thronged with the faithful and there were instances of their becoming violent and bellowing loathsome words against the government and the party (CPI (M)) leadership. More than three dozen pastoral letters were issued by the prelates, individually as well as jointly, against the government and the CPI (M). About a dozen of them were issued explicitly targeting the communist ideology and communist parties, particularly the CPI (M). Some prelates even exhorted the faithful to give up all their relations with communism and the communist parties and held it a pre-condition for holding positions in the Church and church-run institutions. The ‘second liberation struggle’ call made by some heads of the Church became controversial and bifurcation of communal and secular forces, on the issue, became visible, in an unprecedented way, in the state.

The other two prominent communal organizations- the NSS and the SNDP, which were enthusiastic in supporting the Church against the government in 1957 and 1972 tussles, kept either neutral or sided with the government. While the NSS leadership, which took a more or less neutral stand on self-
financing colleges’ issue between the Church and the government, joined the former when the core report of the CP Nair Committee came out with suggestions entrusting the power of appointment in aided schools to Public Service Commission, and school administration to the local bodies. The leadership of the SNDP was at loggerheads with the Church and the NSS on educational issues and took a stand supportive to the government-sponsored reforms in the education sector. They even criticized the government for succumbing before the pressure of communal organizations like the Church and NSS.

The recoil of the government from its earlier rigid stand on bridling the uninhibited private managements, particularly in the self-financing sector, and the amendments it brought in on the final report of CP Nair Committee on KEAR reform, which was submitted to the Minister for Education on February 4, 2008, vindicated once again the role of the Church as the most virulent pressure group in education, in the state. A government that came to power with more than two-thirds majority in the legislature, which even enjoyed the support of
the Opposition in introducing necessary legislation in the educational field, could not advance much in reforming the existing system of education, because of the organized strength of educational pressure groups in Kerala and the Church, of course, happens the most prominent amongst them.