

*Working Paper series on Education*

## Story of 1957 Education Bill in Kerala

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Supported by a grant from Centre for Civil Society, New Delhi

August 2006



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## Story of 1957 Education Bill in Kerala

The national literacy rate in 2001 was 65.38 percent while that of Kerala was 90.92 percent. This attributes to the level of education and its inroads in Kerala Society at large. Education has been the main stay of this small state even before independence so to say, according to the historians. No other province or state in the pre and post-independent India would have registered the stupendous growth in education sector as Kerala has witnessed over the decades. From the times of Rajas and Kings to the present democratic set up, the state overwhelmingly supported all sorts of initiatives in the education sector and believed that only education can improve the status quo of the citizens. According to 2001 census, the male and female literacy rate of the state are 94.2 percent and 94.2 percent respectively. The paramount discourse in the education scenario reflected in all the walks of life as far as a Malayalee is concerned.

Prior to the independence, Kerala was formerly divided into three regions; Travancore, Cochin and Malabar. While Travancore and Cochin were princely states, Malabar was a part of British rule controlled from Madras. The socio economic and political compulsions were so strong in Travancore and Cochin to emphasize the developments in education sector compared to the Malabar region. In Travancore the tenancy reforms, commercialisation of economy, government efforts to modernise the state administration, linking education with state employment, agitation for social reforms and fear of conversion had individually and in the unison, prepared the ground and accelerated the process of educational expansion. In the period 1860 – 72, a concrete policy of state intervention and an active encouragement through a system of grant-in-aid to private agencies began<sup>1</sup>. The Travancore government's decision to withdraw gradually from the education scene in 1881 and thereby reduce direct educational expenditure gave impetus to the private efforts<sup>2</sup>.

The active protagonists of the education sector that time in Travancore were the church missionaries especially, London Missionary Society (LMS) and Church Missionary Society (CMS). Over the years with the support of the Travancore Government of the day, they built a number of schools in the state. The initiative in the first decade of the ninetieth century, a separate school for the girl students were started in 1823. Though the missionary schools were not made of use by the high castes on any significant scale, by and large, they were the only resources available to lower castes. In 1875, the Missionaries submitted a memorandum to the Governement of Travancore citing the importance of the imparting education to the depressed classes. With the introduction of grant-in-aid for the primary schools in 1869, the missionary schools were urged to improve the quality of the education they were imparting in their schools. They started schools following the Government prescribed syllabus and kept religious matters outside the classrooms. The missionaries took opportunity of the liberal grants provided by the Government and opened a number of schools, both English medium and vernacular.

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1 During the legislative discussion on the education bill of 1957, T C Narayanan Nambiar, MLA states that grant-in-aid is nothing but the Government's noble gesture to educational educations from the balance in the state exchequer after meeting the expenses in all other sectors. This means that education was not a priority in the state list that time. In Malabar, the money was given by the British rulers from the balance amount after establishment cost of the colonial rule in the province.

2 Adul Saleem et al, p.197

**Table 1**

**Growth of CMS and LMS schools in Travancore, 1816/7 to 1900/1**

Year	CMS		LMS	
	Schools	Pupils	Schools	Pupils
1816/7	3	100	6	188
1824/5	56	1530	47	-----
1850/1	66	2010	-----	-----
1900/1	257	11902	351	16189

Source: Educational Development in India, p.199

The split between the Syrian church and CMS during 1835 – 40 led to the founding of the Marthoma Church. They established many English schools by themselves and spread the message of the importance of education. There was a spectacular growth in the number of schools under the Catholic Church. Within a period of five years from 1881/2, the number of schools under the Catholic management increased from 10 to about 1000<sup>3</sup>. Other than the Syrians, Latin Catholics had begun to evince interest in education during the closing decades of the 19th century and by 1901 they had the 369 schools<sup>4</sup>.

In Cochin, the first school was opened by the first CMS missionary Thomas Dawson at Mattancherry in 1817. Later on, many CMS missionary activists established schools in and around Cochin. The enrolment of girls also increased in the meantime. In Malabar, much of the ground work was done by German Basel Evangelical Mission. The first mission school was started in 1839 at Thellissery. Basel Mission managed 48 schools in Malabar by 1900<sup>5</sup>. These schools were open to all the castes but the Government had taken a negative approach towards this cause. Thus, the major efforts of establishing the schools were taken up by individuals and the other private organisations since the activities of the Basel Mission were much limited in Malabar.

The overall scenario at the beginning of the century is given in the table 2. Private unaided schools played an important role in both Travancore and Cochin while the private aided institutions had a major stake in Malabar. This has been largely because of the lack of interest of the Madras presidency in the case of education reforms in Malabar and the conflicts prevailed in Malabar after the tenant reforms imposed the British rulers. Most of the schools in Malabar were under the local boards and Municipalities. The grants offered to the private agencies by the Government in Malabar were negligible. But at large, private agencies dominated the education sector of Kerala with nine tenth of schools and four fifths of the enrolment of pupils.

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<sup>3</sup> Educational development in India, p 202.

<sup>4</sup> Idem, p.203

<sup>5</sup> K J John 1981

Table 2

## Education scenario in 1890/91

<i>Management</i>	<i>Schools</i>					
	<i>Travancore</i>		<i>Cochin</i>		<i>Malabar</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
<i>Government</i>	423	11.5	57	4.4	49	5.2
<i>Private Aided</i>	937	25.5	124	9.6	684	72
<i>Private Unaided</i>	2313	63	1108	86	217	22.8
<i>Total</i>	3673	100	1289	100	950	100

<i>Management</i>	<i>Pupils</i>					
	<i>Travancore</i>		<i>Cochin</i>		<i>Malabar</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
<i>Government</i>	45519	24.7	6851	17.3	2287	5.8
<i>Private Aided</i>	51295	27.9	10321	26	29149	74.1
<i>Private Unaided</i>	87303	47.4	22448	56.7	7891	20.1
<i>Total</i>	184117	100	39600	100	39327	100

Source: Travancore Administration Report, relevant years

Bulks of the investment in the educational institutions were made by the Christian organisations. At some places, there were confrontations with the other communities in the locality. This prevented the universalization of education. But this prompted the other religious organisations to think over the prospects in the education sector. The organisations like Nair Service Samajam (NSS), Sree Narayana Dharma Paripalana Yogam (SNDP Yogam), Muslim Education Society (MES) were the prominent among the lots. But the support these agencies were provided by the Government varied at different times. In fact, the way the Government looked at these developments underwent a dramatic change in the course of time.

The Education expenditure committee of Travancore found that the net cost to Government of educating a student in departmental vernacular schools in 1918/19 was about Rs 4 while that in private school was about Rs 3. The corresponding figures in English schools were about Rs 4 and Rs 1. Therefore the committee suggested that the Government should relax the entry norms of the private players in the education field<sup>6</sup>. The education reforms committee of 1935 recommended that under the rapidly increasing expenditure on education, the Government should divest from itself from the considerable number of departmental institutions, particularly higher and English educational institutions<sup>7</sup>. The education reorganisation committee of

<sup>6</sup> Educational Development in India, p.210

<sup>7</sup> ibid

Travancore (1945) stated that every help and encouragement was to be given to private managements to improve their schools and open new ones<sup>8</sup>. In Cochin, the Government was for more private institutions. In 1899, the Government order states that " there can be no doubt that a better out turn can be secured if direct departmental operations were reduced and the funds thus set free are utilised for subsidising aided schools and this point must be kept in view...."<sup>9</sup>. The government tried to cooperate with the private agencies realising that it would be difficult to meet the full expense of the education sector from the state funds.

The liberal environment in Travancore and Cochin in the education sector helped these agencies to compete each other. The representative character of the Sri Moolam Assembly (the legislature of Travancore state) helped to identify the mistakes and the flaws in the system and thus improve the situation. The lower caste mobilised themselves and pressurised the Travancore Government to start a school for them. Later, they took the cue from the caste organisations and started the private educational institutions.

The major players in the education field at that time were Catholic churches, Nair Service Society<sup>10</sup>, SNDP Yogam<sup>11</sup>, Sadhu Jana Paripalana Sabha<sup>12</sup>, Muslim Education Society (MES) and a few individuals. Table 3 represents how these educational institutions were spread among these communities.

**Table 3**

**Schools and Pupils in Travancore by Management, 1940/1 – 1945/6**

<i>Agency</i>	<i>Schools</i>				<i>Pupils</i>			
	<i>1940/1</i>		<i>1945/6</i>		<i>1940/1</i>		<i>1945/6</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Per Cent</i>	<i>Number</i>	<i>Per cent</i>	<i>Number</i>	<i>Percent</i>
<i>Government</i>	1043	28	1175	32.1	282346	37.8	392704	41.9
<i>Individuals</i>	976	26.2	876	24	171172	22.9	194781	20.8
<i>Roman Catholics</i>	542	14.6	532	14.6	116932	15.6	142709	15.2
<i>CMS &amp; ZM</i>	191	5.1	165	4.5	28453	3.8	32725	3.5
<i>LMS &amp; HMS</i>	240	6.4	191	5.2	35323	4.7	32103	3.4

8 ibid

9 idem, p.211

10 Nair Service Society was started by Mannathu Padmanabhaan to protect the interests of the Nair community. He played an important role in the liberation struggle of 1957 which led to the dismissal of First Ministry of Kerala.

11 Ezhava is the single largest community in Kerala. The formation of the organization heavily favored setting up educational institutions to promote Government employment opportunities.

12 Social reformer Aiyaz Kali was born in Pulaya caste, a Dalit community. He was the first graduate in the community and understood the importance of the education. He advocated the schools for Pulaya caste.

<i>Other Christians</i>	260	7	256	7	37142	5	44720	4.8
<i>NSS &amp; ONA</i>	53	1.4	67	1.8	9984	1.3	20055	2.1
<i>SNDP</i>	6	0.2	14	0.4	869	0.1	2855	0.3
<i>Other Hindus</i>	71	1.9	67	1.8	4697	0.7	3970	0.4
<i>Muslims</i>	65	1.7	56	1.5	11135	1.5	11798	1.3
<i>Other Agencies</i>	277	7.4	258	7.1	49234	6.6	58596	6.3
<i>Private Total</i>	2681	72	2482	67.9	464941	62.2	544315	58.1

Source: Travancore Administration Report, relevant years.

**Table 4**

**Schools and Pupils by Management in Cochin, 1910/1 – 1935/6**

<i>Agency</i>	<i>Schools</i>				<i>Pupils</i>			
	<i>1910/1</i>		<i>1935/6</i>		<i>1910/1</i>		<i>1935/6</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
<i>Government</i>	102	10	206	21.2	17200	33.6	57100	32.4
<i>CMS</i>	23	2.3	19	1.9	1800	2.3	4200	2.4
<i>Roman catholic</i>	10	1	18	1.9	1700	10.1	5600	5.6
<i>Native Priests</i>	59	5.8	144	14.8	5700	8.3	36500	36.5
<i>Native Gentle men</i>	111	10.9	252	26	9000	24.1	59100	33.5
<i>Maters Themselves</i>	13	1.3	43	4.4	700	1.2	7000	3.4
<i>Private Aided Schools</i>	216	21.3	476	49	18900	36.8	112400	63.7
<i>Unaided</i>	697	68.7	289	28.8	15200	29.6	6900	3.9

Source: Cochin Administration Report, relevant years.

The efforts of the private agencies to establish educational institutions have been largely successful in Kerala. From the earlier times, these schools achieved the target of spreading the message of the importance of education and targeting at least pupils from the sponsoring community. The reach out was maximum with the bridging of the gender schools in quite early

times itself. The female children enrolment ratio in these schools has grown exponentially and most of these agencies have understood that the need of the hour is to encourage the girls to join these institutions. This has been largely reflected upon the enviable Human index Kerala enjoys since the mid eighties.

Mushrooming of private educational institutions led to the indiscipline in the educational field. Gross allegations of corruption, mismanagement and improper treatment of teachers invited Government intervention. At the same time, the proposals of various committees on educational sector at the central level of the British Government influenced the thinking of the regional Governments.

Government funding the educational institutions varied significantly in each region. In Travancore, the state played a pro active role in establishing new institutions and supporting them by providing Grant – In – Aid. In Cochin, the Government stand was that all the related matters of an educational institution cannot be supported by state exchequer as it may lead to a heavy burden. In Malabar, the most of the funds were driven from the Local Board Funds. In 1817, the Queen of Travncore initiated state action for the spread of vernacular education by appointing two teachers in five schools<sup>13</sup>. The missionaries had support from the locals and the Government in addition to their own resources while they established a chain of institutions across the state. The British residents also supported the cause. A new scheme of establishing at least one school in a village was supported by the Government of Travancore. In 1875, the rules regulating the grants were declared applicable “to all schools under whatever management”<sup>14</sup>. By 1881, the Government anticipated the fund crisis and changed the policy. In 1904, decision was taken to encourage the local aid schools than starting the Government schools. But the educational remodelling of the state during 1909/10 resulted in strict regulations for the Grand – In – Aid program. These reforms increased the Government expenditure on the educational front. The education expenditure committee of Travancore in 1920 observed that the state was spending a lager percentage of the revenue in education sector which is the highest compared to any other province in India. So it was recommended that the state should withdraw from the state funding of the private institutions and should only support the vernacular schools. But this recommendation received little attention from the Government.

The state of Cochin supported the schools through Grand – In – Aid scheme. The appointment of the Education Survey Committee in 1933 recommended the strict vigilance over the expenditure factor in the education sector. The Government fixed the salary for both private and department educational institutions. In Travancore, the girls’ education received adequate attention from the Government. The policies supported the growth of the private efforts. The share of education expenditure steadily rose from 0.9% during 1869/70 to 17% in 1946. It shows that both Travancore and Cochin gave attention to the educational sector than anything else during this period.

In Malabar, the schools were supported by the local bodies. Sometimes, a minimum percentage of the salaries given to the teachers by the managers were supported by the Government through grants. In 1867, Result Oriented Grant was introduced in which grant

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13 Educational Development in India, p.260

14 *ibid*, p.261

was given on the basis of attendance of the pupils<sup>15</sup>. During 1871 – 1906, educational institutions conducted by local bodies were considered to be the private institutions and Grant – In – Aid was provided. 16Consequent to the passing of Madras District Board Act in 1920, the local board became the custodian of the schools and they received little financial support from the state government. They banked upon the levies and taxes collected at the district level.

The whole scenario witnessed a gradual make over since the state Government usurped the responsibility of providing education to all. It was in this context the reorganisation of states after Independence took place. In 1949, Travancore and Cochin combined to form Travancore – Cochin State. In 1950, the Private Secondary School Scheme (PSS) stipulated that they had to remit 80% of the fee collection to the Government treasury. The managers complained that 20% allotted to them was quite insufficient to meet the expenditure of maintenance of the school building. In 1956, on the basis of the language spoken (Malayalam), Kerala was formed. The Malabar region of the erstwhile Madras Presidency was annexed to the Travancore – Cochin State. The state, Kerala came into being on November 1, 1957.

**Table 5**

**Schools and pupils by management in Travancore - Cochin and Malabar, 1957**

<i>Management</i>	<i>Travancore – Cochin</i>				<i>Malabar</i>			
	<i>Schools</i>		<i>Pupils</i>		<i>Schools</i>		<i>Pupils</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
<i>Government</i>	2287	43.2	457800	53.1	56	1.4	14500	2
<i>Local board</i>	---	---	---		1153	28.1	178300	24.5
<i>Private</i>	3004	56.8	402200	46.9	2889	70.5	533900	73.5

Source: Director of Public Institutions, 1957

The communist ministry which came into power in the first state elections held in 1957 had lot to do with the education sector. The education Minister, Joseph Munadassery, formerly a college teacher and a literary scholar in Malayalam announced his intention to bring an Education Bill in the assembly soon after assuming the office<sup>17</sup>. The common critique of the situation was that the managers are plundering money and the teachers are not getting the deserved salary. The system in the private management schools were such that the managers of the school would ask the teachers to sign the counterfoil which would show higher amount of salary and the managers would distribute a very less amount. The managers justified the decision by saying that they were running short of resources to run the school. Sometimes, the teachers got their salary after a gap of many months. They were forced to accept the situation, buying the argument that they did not have any other employment opportunities. The Education Bill aimed at changing the prevailing situation of that time and thus build a healthy atmosphere so that teachers and management get along well.

<sup>15</sup> *ibid*, p.274

<sup>16</sup> The Madras local Board says that a local fund will be constituted which will act like an elementary education fund.

<sup>17</sup> On April 5, 1957, the communist ministry assumed the office. On April 11, 1957, the education minister announced that education bill would be tabled in the assembly.



Earlier in 1945, an attempt to control the education sector through a bill had faced harsh opposition in Travancore. Congress leader P T Chacko vehemently opposed the bill saying that state intervention in the educational institution cannot be allowed. The wide spread resentment echoed in the Sunday masses in Travancore and the Vicars issued the leaflets denouncing the move. The Bill was passed with certain amendments but could not be implemented. The arrival of the communist ministry had already spread the rumours of an introduction of a bill which would nationalise the education sector. At that time, the total number of schools in the state was 10,079. There were 2120 government schools, 7809 Aided schools and the rest 150 were the unaided schools<sup>18</sup>. The manifesto of the communist party elaborated on how the Government fund can rearrange the education sector in Kerala. The manifesto promised protection for teachers and the students to organise in their area. With leading newspapers and magazines sidelining with the ruling and opposition parties, the impact of Minister's announcement immediately got hold of the eyes of the public. Since the leading community organisations especially churches had a major stake in the field of education, the move of the archbishops and the statements issued by them clearly pointed to the animus nature of the days to come.

The bill was published on July 7, 1957. The bill contained 3 parts in which it discussed 30 clauses. The Bill aimed 'to provide for the development and better organisation of educational institutions in the State providing a varied and comprehensive education service throughout the State'. The significant policy decisions in the bill were:

- Elementary education is mandatory and free of cost
- Government will bear the expense for the elementary education.
- Fees collected by the managers of the school shall be deposited in the state exchequer.
- Teacher's salary shall be given by the Government directly or through school
- Manager shall appoint teachers from the list prepared by the State Public Service Commission.
- At par benefits for all the teachers including pension and Provident fund for the Aided school teachers. The manager does not have to contribute anything to this fund.
- If a teacher loses his job on account of the lack of vacancy in the course of his service, he shall be appointed in the forthcoming vacancy.
- On account of public interest, Government can take over schools for not less than 5 years. Sometimes, the Government can take over the school by paying compensation.
- A state committee will be constituted to advise government on educational matters. Similar committees will be constituted at the district and local level also.
- Mid day meals, text books and dress will be provided to the needy students.

Response to the bill varied across the political party leaders and the community organisations. 'Moderate' to 'Nazi' were the extreme comments. It was followed by the introduction of the Bill in the legislative assembly on July 13.

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18 K. Rajeshwari, p.110

While introducing the bill, education minister spoke on the necessity of the bill to be passed without much delay. He stressed on the importance of a cordial relationship between the manager and teachers in a school. The present salary system and the service atmosphere were not conducive for it. So the bill endeavoured to restore the dignity and the warmth in the school campuses. He concluded his speech by saying that there is no attempt to nationalise the whole education sector by introducing the bill<sup>19</sup>. There shall be no effort from the government side to discourage private agencies from operating private schools.

As expected the tabling of bill invited wrath from the opposition benches. Many doubted the bill as a Government tool to intervene in the functioning of the private schools and as an attempt to capture the private schools. As in the case of the Minister in his speech, everyone emphasised the important role played by the private agencies in building up the educational institutions in the state and many drew the attention of the floor to the higher literacy rate in the state compared to other parts of the country. Most of the legislators spoke on the requirement of a government ruling over the educational sector but differed on how it should be implemented. Questions were raised on a fool proof mechanism to prevent bribes while selecting the candidates from the list prepared by a committee<sup>20</sup>. There had been no mention on the service of the menial staff in the proposed bill, it was pointed out. The communist Ministry always emphasised on equal wage for equal work but in the proposed bill it was not mentioned. By proposing a direct payment system to the teachers, the government intended to abolish the master – servant relationship existed between the manager and the teachers.

‘What shall be the role of a private agency in education sector?’ Is it just the management of buildings only?<sup>21</sup>. The questions were raised on the role of the private managements in the post bill scenario. Most of the members in the legislative assembly agreed to the considerate point that there should be service rules, provident fund, pension and so other protective measures as well in order to have a satisfied teaching community in order to build a healthy and competitive educational sector. Most of them argued that there must rights for the management to appoint teachers<sup>22</sup>. ‘There shall be provisions to prevent misuse of the power by the management. Permission to open a school shall be with the Deputy Director along with the District Educational Officer of the educational district than with Director of the education department. The decentralised mechanism will improve the file moving.’

C H Muhammad Koya, leader of Muslim League called the bill a *Nazi* one. According to him, the bill tried to replicate what Hitler did in Germany<sup>23</sup>. Joseph Chazhikkadu said that there is no right of the state to bring stringent provisions to educate children between the age 5 and 14<sup>24</sup>. Rather, it shall be the rights of the parents otherwise the children will become the abandoned objects. ‘In the post bill scenario, there is no provision for the manager to fix on the efficiency of the teachers even if they do not perform up to the standards<sup>25</sup>. The discussions were more or less pointed to the unscrupulous acts of the managers to dismiss teachers without proper reasons. In order to curtail the powers of the managers in this regard, the members of the legislative assembly argued for acts that would secure and protect

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19 Legislative business, p.1647

20 Kerala Legislative Assembly, p.1656.

21 P P Ummarkoya, Kerala Legislative assembly, p.1650

22 P P Ummar Koya, top leader of Congress party argued that appointment of teachers shall be vested with the management since the qualification and merit are the criteria for the appointment which will definitely look into the quality factor.

23 Kerala Legislative Assembly, p.1660

24 Joseph Mundassery, education minister in his reply said that the enrollment ratio of the children in the state is 92%, p.2296

25 Kerala legislative Assembly, p.1666

teachers but they differed in the language and provisions of the presented bill. The bill proposed to admit the retrenched teachers to any other management schools when the next vacancy arises. Most of the members objected this clause as it leads to the homogenisation of the private sector. The bill spoke about the requirement of a panel of applicants from which the candidate can be selected. This, the government hoped would eliminate the corruption (in the form of bribe for getting appointment) from the management schools. But most of them doubted how it could be achieved just because PSC compiles the panel list. In fact, it may lead to more corruption so to say.

The so called Kerala model economy can be traced back to the discussion on the education bill. Social security of the retired and the incumbents were discussed in detail. Pension and other allowance were ensured to the aided school teachers for the first time in the history<sup>26</sup>. Same is the case with the minority educational institutions. The bill was opposed outside the Assembly on the reasons that the Government intends to intervene in the rights guaranteed by the Constitution of India. They cited provisions like the curtailment of the powers of the managers, fixation of salary, over riding rights of the Government over management in various financial and infrastructural matters etc.

P T Chacko, opposition leader of the House cited page 187 of the Secondary education report during discussion<sup>27</sup>. He quoted the report, "*In certain States, representations were made by the teachers of privately managed institutions requesting that all schools should be taken over by the State. We are not ourselves in agreement with this view and cannot, therefore recommend such a course of action. On the other hand, we feel that private managements have got an important part to play in the scheme of education and that if a number of managements conduct schools in a spirit of emulation calculated to secure great efficiency and co-ordination, they will be better served*". He cited the ambiguity in provision declaring emergency take over of the school; what is state in which the state can take over the school? He suggested, instead of a panel by a prescribed authority, the selection committee for the appointments of teachers shall comprise of the representative of the management, parents along with the head of the institution. Pattom Thanu Pillai, agreed to this point saying that if the manager of the school ends with no rights in appointment, then the manager will land up in a bizarre situation where he will have to deal with teachers not appointed by him in his own school<sup>28</sup>.

N Rajagopalan Nair discussed on the provisions for provident fund, pension and insurance in the bill<sup>29</sup>. He cited reasons why the prevalent law has failed in this account. It was decided that manager, teachers and government should contribute equally to the fund. But some the managers refused to do it. So he argued that there shall be rules and regulation in the proposed bill to guarantee the welfare of the teachers which is essential to up keep the quality of the education sector.

V R Krishna Iyer, the law minister replied to anxieties and doubts raised by the members on the floor: "There was a argument that there is no Charter Rights declaring that teaches shall not be dismissed, shall not be retrenched, shall have pensions, children of the teachers shall be given free education, and that all this pompous array of rights of should be incorporated in the

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26 Kerala Legislative Assembly, p.2089

27 Kerala Legislative Assembly, p.2095

28 Kerala legislative Assembly, p.2255

29 Kerala Legislative Assembly, p.2241

Bill. But that is quite unnecessary. We are now on legislation and not making thunder bang declarations. The point is, does the Bill really provide for the fundamental rights which this Government wants to guarantee the teachers.....there is complete power to control and regulate the management and maintenance of aided schools, it safe guards the rights not only of teachers, but also the non teaching staff of the schools.....it does not involve the nationalisation of institutions. It does not nationalise or take over all the schools.<sup>30</sup>” He disagrees to the suggestion of having Head Master in the appointment committee since Head Master comes under the manager and it will lead to the democratic varnish.

Thoppil Bhaskaran Pillai traced the recent developments in the education sector during the session. “ Shri Panamapilli Govinda Menon when he was the education minister envisaged a scheme in which the salary of the teachers would be paid by the Government from the state exchequer. It was mandated that the fee collected from the students should be remitted with the Government. Later, while L M Pylee became the education minister changed the system by allowing the managers to open independent account under the state exchequer and they can pay the teachers from their account<sup>31</sup>” According to him, the second scheme torpedoed the earlier one.

On July 20, 1957, Kerala legislative assembly decided to refer the draft bill to select committee.

On July 14, 1957, Kerala Pradesh Congress Committee met to discuss on the Bill. The meeting passed a resolution: “there are no provisions for the betterment for the teachers like job security, provident fund, equal pay for equal work, pension and so on. Section 16(2) of the bill which allows the government to take over institutions is ambiguous and anti democratic. Local advisory councils are meant for inducting the communist workers. The provision to appoint teachers from the panel should be scrapped.....<sup>32</sup>”. But it seemed there were opinion differences in the congress party itself. Proving rumours correct, KPCC president resigned though it was cited on the health grounds.

The bill was presented in the legislative assembly with select committee recommendations on August 27, 1957. Joseph Mundassery, the education minister presented the recommendations in the house<sup>33</sup>:

- Regarding the appointment of the teachers to the private schools, the select committee recommended that instead of having a panel for the schools where the vacancy arises from a state level, the state Public Service Commission after assessing the requirements for an educational year will publish a list district wise. The appointments to both government and private schools shall be from this list. These teachers will be entitled to receive all the benefits under the service rules.
- Government shall place report on the reasons for taking over the schools when it deemed necessary. The House should pass the resolution on this regard.
- The salary to the teachers will be given either directly by the directorate of the education or through the Head master.

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30 Kerala Legislative Assembly, p.2623

31 Kerala Legislative Assembly, p.2291

32 K Rajeswari, p.118

33 Kerala Legislative Assembly, p.434

- School management can opt out of the proposed scheme if they wish so. They can continue as recognised schools provided that they don't seek fees from kids at the primary level, government can regulate the fee structure and the management will not do any harm to the welfare of the teachers there.
- At the time of taking over a school by the government, the attached religious complexes, buildings and land would be left out.
- Government will take care of clothes and meals for the poor children under the compulsory education scheme.
- Non-teaching staff is also eligible to the benefits under service rules in the new system. With the passage of the bill, government will pay the salary to the non teaching staff.

The bill had 39 sessions and it invited 310 amendments. The select committee sittings were questioned in the legislative assembly. The controversy erupted while the member of assembly, Mr. K. Kochukuttan declared that the sittings were not adequate and biased. Joseph George supported him by saying that there were only two sittings outside the assembly on this bill<sup>34</sup>. Debate continued on the rights of the management over a school. Many members wanted the bill to be circulated among the public to elicit the opinion on this very important topic.

Education Minister in his reply provided details on school system in Kerala: "There are around 6500 private educational institutions in Kerala. In Travancore – Cochin, there are 3059 private institutions and in Malabar, it is 3370. So the total number is 6429.<sup>35</sup>" According to him, the protest had come from around 2000 schools only so he considered that the bill carries the majority support.

On August 28, 1957, Kerala Legislative Assembly started considering the amendments to the Bill. Under the Bill, 'Aided School' means a private school which is recognised by and is receiving aid from the Government. Government clarifies that there is no need to include the municipal and local board schools under this session with an emphasis since the rule is applied at the general level. Though amendments were moved to change the wording from 'establish and maintain' to 'establish, maintain and administer' the private schools, it was not carried on the floor. 'Educational Agency' means any person or body of persons permitted to establish and maintain any private school under this act<sup>36</sup>. During the discussion, the Advocate General clarified that there are three kinds of schools namely State maintained schools, State Aided schools and State recognised schools and the bill refers to all these stated establishments. The Bill does not deal with institutions, which fall within the purview of article 30 (1) of the constitution which are not restricted by regulations and rules.<sup>37</sup>

The education Minister clarified the definition of the school given in the bill as ' the school includes the land, buildings, play grounds and the hostel of the school and the moveable properties such as furniture, books apparatus, maps and equipments pertaining to the school'<sup>38</sup>. He added that no temporary set ups will not come under the definition.

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34 Joseph George in his speech agreed to the point that education is the responsibility of the state but comments that it is not the property of the state.

35 Kerala Legislative Assembly, p.463

36 Kerala Education Act, p.2

37 Advocate General clarified in the debate on the recognised schools and unrecognised schools any institution which conform to the Departmental rules, then it will cease an institution run on the choice of the manager, but will come under the purview of recognised or aided institutions as the case may be.

38 Kerala Legislative Assembly, p.557

Varied views on the creation of a state advisory board at the state level to advise the Government on the education matters was very much visible in the discussion. M C Abraham moved the amendments to the clause 4 of the Bill as follows:

Delete the words “the other members of the Board shall be appointed by the Government .....administration of education”, and add the following:

- Four members elected from among themselves by the heads of recognised high schools in this State;
- Four members elected from among themselves by the managers of Private High Schools.
- Four official members appointed by the Government and,
- The Chairman of the Board shall be elected from among themselves by the members of the Board.

He also suggested the tenure of the each members and the way of election to this committee. At the same time he contents the objectives of this committee.<sup>39</sup> His views were echoed by A Thanu Pillai. He questioned the utility of a committee appointed by the Government of the day. He suggested reducing the number of members to seven<sup>40</sup>. He argued that a party Government is always a party government meaning the whims and fancies of the political party in the office will definitely influence the recommendations and suggestions of the committee hence the advisory role is nullified.

On the matter of penalising the managers of the school for not furnishing the list of property attached to the school, the amendment was brought into the proposed bill. The presented bill stated that if the manager of an aided school fails to be bound by the rules and regulations running the school, Government can withhold the aid to the school. As per the definition of the Aid, it includes the salary to the teachers also. So the amendment was put into vote and got the approval of the floor changing the sentence into withhold any grant to the school<sup>41</sup>. It was argued that with holding Aid to the school would affect the teachers for something they are not directly involved. The Opposition leader of the House moved an amendment on the right of the manager to sale, mortgage, lease, pledge, charge or transfer of possession of the school property stated in the Clause 6 of the Bill. The Bill states that any transfer without affecting the working of the institution, shall have the prior approval of the District Educational Officer. He argued that any transfer of the property of the school without affecting the working of the school need not require the approval of a Government official. But the amendment was not carried on the floor. During the discussion, C A Mathew cited an incident where a government school in Thodupuzha<sup>42</sup> is in a bad condition for many months. He raised doubts that how the penalty clause could be applied over Government for the negligence as applicable in the case of private school managers.

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39 M C Abraham calls the committee as “a creature of Government”.

40 In the draft bill the number of members to the committee was 19. After select committee review it was reduced to 15.

41 Kerala Legislative Assembly, p.634

42 Thodupuzha is a small hilly area in Kerala

Doubts were raised over who can be the manager of a school. The Bill states that 'any educational agency may appoint any person to be the manager of an aided school, subject to the approval of such officer as may be authorised by the Government of this behalf'. The Bill states the condition for the closing down of the school is one year advance notice. Regarding the position of the manager and time stipulated for the advance notice on shut down the schools were discussed in details. The amendments moved on these clauses were defeated on the floor.

The discussions and debates on Education Bill of 1957 attracted both national and international media. One of the contentious issues was with regard to the appointment of teachers to the school. The opposition leader of the House, P T Chacko moved the following amendments<sup>43</sup>:

- Appointments in Aided schools shall be made from a list of candidates prepared by the Public Service Commission on or before 31<sup>st</sup> May of every month.
- Any person having the prescribed qualifications shall be entitled to be included in the list thus prepared
- Appointments in Government schools shall be made from the same list on the recommendation of the Public Service Commission.
- In making such recommendations, Public Service Commission shall have the due regard to appointments made in private schools and for the purpose of giving representation to communities, appointments in private schools shall be deemed to be appointments in Government schools.

Chacko considered various situations into account that may emerge during his presentation. He reminded the house that there are complaints regarding the appointment of teachers to the private school over reservation. According to him, the list prepared by the Public Service Commission shall be general one and not meant for the teaching vacancies only so that the list will help to fill up the vacancies in other sectors also. The total vacancies arise in each year in both Government and Private schools shall be given to the Public Service Commission. The provisions in the bill stipulate a separate list for each district which was vehemently opposed on the floor<sup>44</sup>. The life of a list prepared by Public Service Commission is only for one year and it was argued that this would limit the opportunities for the candidates. The demand for a state wise list of the eligible candidates was received prominent attention during the debate. The debate also revolved around the need of a list of eligible candidates to become teachers in the schools as they are trained by qualification. Kunji Raman Nambiar indicated that this would limit the scope of selection procedure. The Education Minister in his reply preferred any change in the stated clause through an executive order as and when necessary and not favoured any amendments.

The role of manager and his relationship with teachers in an institution was discussed with due diligence and concern. Many raised concern that with the enactment of this law, the existing educational institutions be get destabilised. The debate was largely centred on whether the salary to the teachers from the Government exchequer would be given through the manager or the head of the institution. The larger question was: whether the service of the teachers is service under the management or service under the government. It was argued that if the service of the teachers is under the Government, the Headmaster of the institution is in charge

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43 Kerala Legislative Assembly, p.650

44 The Bill states that "Teachers of Aided schools shall be appointed by the managers only from the candidates so selected for the district in which the school is located.....".

of the salary and other perks and he should deal with the Government on these matters and not the manager. Earlier times, both in Travancore and Cochin princely states, the managers had the right for 20% share of the fees they collected and they used this money to pay the non teaching staff of the institution. In the Bill, it states that 20 % private school non teaching staff will be paid by the Government and additional arrangements will be done in the course of time. If the schools are not bound by the rules and regulations of the state Government or in order to protect the interests of the students and parents, the Government has the right to take over the school as per the Bill. But the controversial point is what defines Government satisfaction. This is explained in the clause 15 of the Bill<sup>45</sup>. The compensation will be decided by the district collector and the court of appeal is district Court only. Many members raised the objection saying that this violates the fundamental right of a citizen to approach any court of law, even the High Court for redressing the grievances. They alleged that this was an attempt from the Government side to nationalise the education sector. Later during the discussion, it was clarified that the aggrieved party can approach any civil court and only the temporary injunction is not granted. In fact this debatable provision along with the clause 11 - appointment of teachers by Public Service Commission, led to protests and dismissal of the Government at later stage in 1959.

The provision to establish a local authority as in the form of an advisory committee again led to heated argument. The debate was basically on the role of members in the advisory level and how they are selected<sup>46</sup>. The education minister in his reply echoed concern on the role of the education committee and stated that it can be reviewed in future.

There were 310 amendments proposed to the bill and among these 196 amendments were regarding the minority rights, religious institutional status and so on. It clearly indicates how important the role of private management institutions in the educational sector and their stake on the day. Finally after marathon sessions of discussions and debates, The Kerala Education Bill was passed on September 02, 1957.

By this time the state of Kerala had witnessed angry protests and vandalisms in the streets. The church and the private managements vehemently opposed the Bill. On 19<sup>th</sup> of September, 1957, a representation was made to the Governor of the day, Ramakrishna Rao. The Governor in his response sent the Bill for consideration of the President<sup>47</sup>. The union cabinet which was a Congress Ministry reviewed the Bill. They felt that equality under law and the minority rights were under serious threat as per the provisions in the bill. On December 26, 1957 the President sent the Bill for reference of the Supreme Court<sup>48</sup>. Supreme Court sent notices to the Government of Kerala and the union government on this regard. The Government of Kerala, hired the services of D N Printt to present its case in Supreme Court. This led to protests back home in Kerala. Various stake holders like private school managers association, Christian Educational action committee, Catholic Union of India, All India Anglo Indian Association, All India Jama Athae Ullamma A Hind and Kerala School private teachers association joined the case. Other states like Uttar Pradesh, Tamil Nadu and the Political party like Muslim League also joined the case. On April 29, the pleadings started and on May 22, the judgement was delivered.

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45 M C Abraham says "In this provision I find in the Education Minister a butcher who takes the private management to the slaughter in house", Kerala Legislative Assembly, p.696

46 K Chandrasekhran quotes Winston Churchill saying the committee system creates danger and havoc to the administration. P.707

47 Under article 200 of the Indian constitution, Governor can send Bills passed by the legislative assemblies to the consideration of the President of India

48 Under article 144 of the Indian constitution, the President can ask the opinion of the Supreme Court on any law under consideration.



The counsel for the management associations and the union government argued that the right for equality under article 14 and the minority rights under article 29 and 30 are denied in the Bill. The state Government counsel pleaded that the Bill had taken articles 41, 45 and 46 into consideration<sup>49</sup>. The President sought the opinion of the Court on the following matters:

- Whether the clause 3(5) of the Bill; that the existing and the new schools can be operated under the new legislation only and the rest will be unrecognised, is a violation of the Article 14 of the constitution,
- Whether clause 3(5), 8(3)<sup>50</sup> and the clauses from 9 to 13<sup>51</sup> of the Bill violate the minority rights granted under article 30(1) of the constitution.

The court looked into the following clauses also;

- Clause 14; in case the managers mismanage the institution, the Government has the right to take over the school,
- Clause 15; in order to raise the standard of the education, the Government can compensate the management and can take over the schools,
- Clause 19; the rules and regulations applicable to the Aided schools are applicable to the recognised (unaided) schools.
- Clause 20; it forbids the management from collecting fee from the primary school students.

The Government of Kerala pleaded that minority status cannot be granted to Christians and Muslims at the state level since they are minority at certain parts of the states only. But the Court did not buy this argument and they were declared minority. Thus all the minority rights accorded by the constitution are bestowed upon this bill also. The counsel for the Government of Kerala submitted that those schools which did not get any aid or seek recognition from the Government would not come under the ambit of the Education law of 1958. The court verdict on aided schools favoured the Government. The Court in its judgement declared that the clauses 8(3), Clauses 9 to 13 were valid and the fundamental rights are subject to restrictions also.

The court found Clause 14 violated the minority rights granted under article 30 (1). It declared that the Clause 20 was invalid. But the Clause 15 found to be valid. At the outset, the verdict seemed to be the victory of the Government.

It was for the first time in the history that a democratically elected Communist Party Government was ruling a state. From day one onwards, there were attempts to destabilise the Government. The debates over the Education Bill accentuated the pace of these attempts. The violence in the street became an order of the day. Both parties attacked each other. Opposition alleged that cell rule is prevalent in Kerala. Church played an important role in whole episode. They were alleged to have abetted and encouraged the whole movement

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49 Article 41 – rights for education under Directive Principles, Article 45 - and Article 46

50 Clause 8(3) of the bill says the fees collected from the students shall be remitted in the state exchequer.

51 Clause 9 discusses the salary to the teachers, Clause 10 sets the rights to Government to decide on the eligibility of teachers, Clause 11 gives the right to appoint teachers to PSC. Clause 13 and 14 discusses the service rules of the teachers.

against the Government. At the same time, at various places many were killed and butchered on both sides by the rival groups. The land reforms initiative by the Government was another major decision at that time. This too led to the war like situation in the state. On September 4, 1958, Ashok Mehta raised the law and order situation of Kerala in Lok Sabha. On September 18, the Congress Working Committee passed a resolution on this regard.

Allegations and counter allegations echoed the Kerala political scene. Import of food grains from Andhra Pradesh evoked mixed response. Students' agitation in Alapuzha district over travel concession was another dramatic event. The communist ministry's outlook on agriculture class and labour force was exploited by the angry opponents. At many places police and workers fought each other. Deaths were reported during police firing. Most of the newspapers in Kerala turned against the Government and this played an important role in the opinion making during the time of collusion. Another controversial issue was on the recommendations of the reforms committee on reservation. There was no member from the backward classes which invited wrath from these communities. Nairs<sup>52</sup> and Ezhavas<sup>53</sup> turned adversaries to the ruling government by this time. Slowly, a formidable front comprising the community leaders of the major groups was formed opposing the ruling government in all the fronts and they pledged to remove the Government from the office at any cost. A militant outfit 'Christopher Sena' promoted by a group of Christian managements and individuals was involved in the street fighting with Communist party workers at various places. It was alleged that American Dollars were used to fund the outfit<sup>54</sup>.

Meanwhile, on November 24, 1958 Kerala Legislative Assembly reviewed the Bill in the context of Supreme Court verdicts. The Anglo Indian schools which were established before 1948 were removed from the ambit of the Bill. Other changes were; the minority institutions were removed from the Clauses 14 and 15 and unaided schools were removed from Clause 20 of the Education Bill. On November 28, 1958, the Kerala Education Bill was passed.

On February 2, 1959, Indira Gandhi was unanimously elected as the president of Indian National Congress. She was known for her dislike of the Government of Kerala. In Kerala, Mannathu Padmanabhan, the leader of the Nair Service Society took position against the Government and this reinvigorated the opponent side. On April 3, 1959 the action committee of the private management gave the ultimatum to the Government for not implementing the education act. On April 28, 1959 Indira Gandhi visited Kerala. She criticised the policies of the Government and expressed concern over the law and order situation of the state. Many Christian denominations decided not to open the schools under their management to mark the protest. Nair Service Society also took the similar decision. On May 3, 1959, a joint convention of Hindu – Christian – Muslim managements held at Kottayam. It was declared in the meeting that there would not be any rest without ending the communist rule in Kerala. On May 7, 1959 Congress Working Committee meeting supported the agitation against the communist ministry in Kerala. Except the ruling party, almost all the political parties supported the move against the government. The centre of activity revolved around Changanassery and nearby places. A hartal was declared on June 12 and it marked the beginning of the infamous '*Vimochana Samram*' (liberation struggle).

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52 Nairs belong to Hindu religion and considered as a forward community.

53 Ezhavas belong to Hindu religion and considered as a backward community.

54 K Rajeswari, p.217

Kerala Pradesh Congress Committee prepared a memorandum accusing the government for its various ill deeds and declared liberation struggle from the clutches of the communist rule. Even the socialist parties like Revolutionary Socialist Party (RSP), Indian Socialist Party, Praja Socialist Party (PSP), Kerala Socialist Party (KSP) and so on joined the struggle. They gave ten days time to Government to decide on its future. To make matters worse, five were killed in the Police shoot out at Angamaly near Cochin on June 13. Whatever be the truth, this incident became a turning point in the liberation struggle. Similar incidents followed at the other places also. E M Sanakaran Namppothiripaad, the Chief Minister of Kerala urged the protesters to convene a meeting to discuss the possible options. But the opponents did not heed to his requests. On June 18, U N Debhar arrived in Kerala as a delegate from All India Congress Committee. He declared in Thiruvananthapuram that the Prime Minister and his Government should take the prevailing situation in Kerala with at most concern. Political killings became rampant in the state. On June 21, Indira Gandhi declared in New Delhi that the struggle against the ruling government had nothing to do with the Education Bill. On June 27, another major political force in the state, Muslim League joined the Liberation Struggle. RSP joined the struggle on June 29. On the same date Congress Party addressed the Liberation Struggle as the mass movement against the Government and nothing political. The solution is election only; they declared. On July 1, both the opposition party leader and the state Congress Party chief announced that if the Government would resist from resigning, then dismissal option could be invoked.

Prime Minister Jawharlal Nehru was keen on the developments in Kerala. At his personal level, he was supportive of the Education Bill of 1957. But he conveyed his concern over the protest among Catholics on education bill. V R Krishna Iyer, the law minister met Nehru in Delhi and invited him to Kerala to understand the ground realities. On June 22, 1959, Nehru arrived in Thiruvananthapuram. He was greeted by the placards seeking dismissal of the communist ministry on his en route to Raj Bhavan. It was a calculated and well planned move by the agitating party. All the stake holders in this political drama visited Nehru in Raj Bhavan during his stay. Malayala Manorama, the leading Malayalam newspaper wrote an editorial in English on June 24. It criticised the communist ministry in maximum propositions. Similar editorials appeared in other newspapers also in the following days. After many rounds of meetings, Nehru asked the Kerala Government to take actions on the following:

- Probe Police fire and shoot outs,
- Remove Clause 11 from the education bill,
- Probe into the allegations raised by Ashok Mehta raised in parliament.

Kerala Government agreed to the first demand, decided to suspend Clause 11 temporarily and asked the union government to constitute a body to investigate on the allegations raised in Parliament. It was declared that if the allegations were proven right, the Ministry was ready to vacate the office. Before leaving for Delhi, Nehru met the press. He observed the protest as a mass upsurge and favoured a mid term election. He declared Centre's intervention would be the last step. This did not please leaders in the agitation front. Many national leaders visited Kerala including M R Massani, Thrideep Chowdhary, Atal Bihari Vajpayee, Jayaprakas Narayan, Ashok Mehta and K M Munshi. Among them, K M Munshi wrote a report on the governance in Kerala and it sounded like a death bell to the communist ministry. He urged the dismissal of the Ministry<sup>55</sup>. But at this time, Nehru wrote a letter to Kerala Pradesh Congress Committee (KPCC) President disagreeing with the demands Congress party was raising.

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55 K M Munshi was a member of the constitution draft committee. His support for dismissal of the ministry turned to be an expert opinion on this regard.

On July 10, 1959 R Sankar, KPCC President submitted a memorandum to President of India in Rashtrapathi Bhavan. On the same date, Kerala Chief Minister visited Finance minister and Home Minister of the Union Cabinet. Then he met President also. On July 11, he visited Nehru. Representations were also made to the Governor of Kerala demanding the dismissal. Both the fronts were preparing for the final show down.

All the news papers voiced their concerns and police interventions and arrests become routine in Kerala Society. On July 25, Indira Gandhi complained that Centre's intervention was already late. By this time, Governor had sent a report to the Centre on law and order status of the state. The union cabinet immediately convened and decided to invoke article 356. The Finance Minister in the cabinet, Morarji Desai dissented over the discussion. Dr Rajendra Prasad was also not comfortable with the decision<sup>56</sup>. On July 31, 1959 the dismissal order became public. Thus after two long months, the Liberation Struggle tasted success. The opponents to the ruling government celebrated the news of dismissal with great pomp and show.

It was the culmination of a struggle which tested the pillars of democracy. The legislature, executive and judiciary played their roles in testing and pressure situations unequivocally. The allegations and truths were mixed and received saviour in press. The context was the footing of a democratically elected government in India. The developments in the post second world war scenario and its repercussions were not so distant from the memory. Later, it was revealed that the Liberation Struggle had the support of United States. Education Bill usurped the villain role in the whole drama. It was surprising that many warring communities and organisations joined and formed a common front to defeat the government. Kerala or may be, no other state in India would not have witnessed such an unassuming upsurge ever in the Independent India before or after this struggle. It remains a puzzle to the political thinkers to unearth the various elements, internal and international, involved in this agitation. The basic structures of the Bill have been followed by the academia in all these years even though the Government followed dropped certain provision like the very controversial clause 14 of the Education Bill. Even after fifty years, Kerala still debates the pros and cons of the Bill even today. That was the powerful message the Bill conveyed and it was the success of the political culture of Kerala. It was a landmark event not only in the education sector but in the democratic process of India.

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<sup>56</sup> K Rajeswari, p.282

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