

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 19TH DAY OF OCTOBER 2023 / 27TH ASWINA, 1945

WP(C) NO. 34626 OF 2023

PETITIONER:

K.R.MAHADEVAN
AGED 54 YEARS

BY ADVS.
C.RAJENDRAN
R.S.SREEVIDYA
B.K.GOPALAKRISHNAN
MANU M.

RESPONDENTS:

- 1 MATTANNUR MUNICIPALTY
MATTANNUR MUNICIPALTY, MATTANNUR-MARUTHAYI-IRIKKOOR RD,
MATTANNUR, KERALA, REPRESENTED BY ITS SECRETARY,
PIN - 670702
- 2 THE LIBRARY COMMITTEE
MATTANNUR NAGARASABHA, NEAR MUNICIPALITY ROAD
REPRESENTED BY ITS SECRETARY, PIN - 670702
- 3 THE HEAD MASTER
THE HEAD MASTER, MATTANUR MADHUSOODANAN THANGAL
SMARAKA UP SCHOOL, INDIRA NAGAR, MATTANNUR, KANNUR,
PIN - 670702

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CR**JUDGMENT**

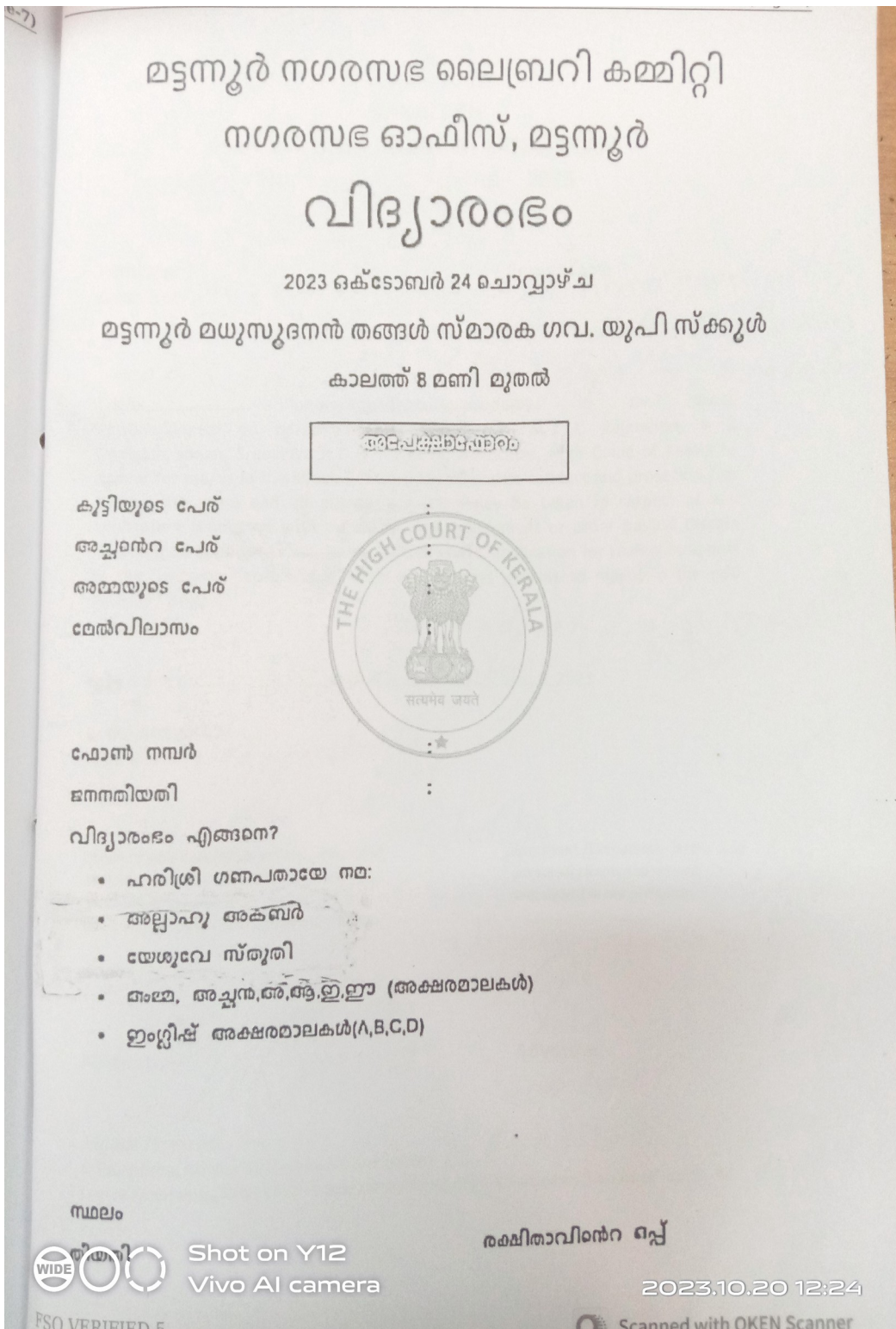
The Mattannur Municipality has proposed a 'Vidyarambham' function, to be conducted in their library and has published Ext.P1 application form, to be filled up by the parents of children who are interested in participating.

2. The petitioner, who is stated to be a person professing Hindu religion, alleges that the format of Ext.P1 is designed to humiliate certain sections of people, since it is limpid therefrom that children will be forced to recite and write the prayers enumerated therein, at the time of "Vidyarambham", contrary to their religious beliefs and the ethos of 'Sanadhana Dharma'. The petitioner, therefore, prays that respondents 1 and 2 be immediately interdicted from conducting any such programme, which he asserts can only be done in a solemn manner, in tune with traditional rituals.

3. In response to the afore submissions of the petitioner, as made by his learned counsel - Sri.C.Rajendran, the learned Standing Counsel for respondents 1 and 2 - Sri.Anoop P.V., submitted that the petitioner appears to have approached this Court under a misdirection of what is intended through Ext.P1. He explained that, the Municipality has been organizing such event as early from the

year 2014, giving opportunity to members of every community, belief and philosophy, to participate in a secular manner; for which, multiple options of prayers have been shown in Ext.P1. He submitted that it is the choice of the parents of the participating children to decide which prayer, among the first three shown in Ext.P1, his or her child will write, as their first words, during the 'Vidyarambham' programme; and hence that, contrary to the assertions of the petitioner, Ext.P1 discloses a very *bonafide* intent. He reiteratingly submitted that the options given in Ext.P1 are intended to be chosen by the parents of the children interested in participating in the programme; and that no specific prayer will be forced to be recited or written by any child, in derogation of their religious belief or philosophy. He then asserted that this writ petition is not maintainable because, the petitioner does not expouse any personal cause, but appears to have approached this Court with confutative intentions.

4. I have examined Ext.P1 and, as rightly pointed out by the learned Standing Counsel for respondents 1 and 2, it is an application for a 'Vidyarambham' programme organized by the 2nd respondent - Council of the Library, owned by the 1st respondent - Municipality. For clarity and ease of reading, Ext.P1 is extracted as under:



5. Apodictically, Ext.P1 does not profess the event to be a religious function, but a 'Vidyarambham' - which semantically means 'commencement of education or knowledge'. There is nothing to

imply therefrom that it is proposed to be conducted in a particular fashion, or in a particular manner; but solely that the parents can apply for their children to be initiated into education through certain prayers - the options of which have been indicated therein.

6. Surely, going by the affirmative submissions made on behalf of respondents 1 and 2, it are the parents of the parents of children who will choose the prayer to be initiated to their children; and there cannot be any compulsion in this regard whatsoever. The unequivocal undertaking of respondents 1 and 2 - made by their learned Standing Counsel, that the choice of prayer of the parents - from among the first three shown in Ext.P1 - will be final; and that the child will recite and write only that as part of the programme, is hereby recorded.

7. Nevertheless, it is necessary to be clarified at this juncture, that the choice to participate in the programme as mentioned in Ext.P1 is with the individual parents and there can be no warrant for them, or their child, to be compelled to do what they do not want to do. When a parent takes the child to the programme of this nature, which cannot be construed to be religious in its tenor - it being not conducted in any religious place, but in a library, the repository of words, in a manner of speaking - he or she expects it to be for initiation of knowledge and nothing else. Any attempt by anyone,

much less respondents 1 and 2, to colour this with any other shade, by forcing or inducing children to write or recite any prayer contrary to their parent's choice would, therefore, be anathema to free thought and freedom of belief. As long as the programme is conducted with a secular thought, without breach of any law and with full volition of the participants, I do not think this Court needs to intervene in any manner whatsoever.

8. India is a land of religion pluralism - it is what defines us. It takes into its fold varied philosophies, beliefs and ethos with ease; and it has been so for the past several centuries. The event mentioned in Ext.P1, must be conducted by respondents 1 and 2 implicitly respecting this, as also the individual choices to be made by the parents. I caution that any action on their part to cause a tear on the constitutional fabric - ingrained with liberty to all its citizens of thought, expression, belief, faith and worship - can never be countenanced.

9. To summate, though I see no reason to issue any further orders in this writ petition; I record the submissions made on behalf of respondents 1 and 2, that there will be no compulsion on any parent of the child to either participate in the programme; or to recite or write any prayer contrary to their beliefs. I also make it

abundantly clear that every parent who wants his/her child to participate in the programme will have full choice, either to have their child recite and write any one among the prayers mentioned in Ext.P1, or any other of their belief; and this should be ensured to be complied with by the 2nd respondent, which is stated to be organizing the programme.

This writ petition is thus disposed of.

Sd/ -

**DEVAN RAMACHANDRAN
JUDGE**

MC/19.10

APPENDIX OF WP(C) 34626/2023

PETITIONER EXHIBITS

Exhibit P1

A TRUE COPY OF THE NOTICE INVITING
APPLICATION ISSUED BY THE 2ND RESPONDENT