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'Allahu Akbar', 'Praise you lord ' along with 'Om Hari Sri Ganapataye Namah'; HC responds to petition on Vidyarambham event

Saturday 21 October, 2023 | 4:36 PM

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KOCHI: The High Court on Saturday gave parents full authority to decide what prayer their children should write during the Vidyarambham ceremony conducted by the library committee of Mattanur municipality. The court also asked the committee members to ensure full freedom for parents to let their children start formal education with prayers of their faith.

The issue started when the organizers of the event published a notice that said: "On the day of Vidyarambham, apart from 'Harihshri' prayers, 'Allahu Akbar' and 'Jesus almighty' can also be written on the grains of rice placed on a platter". Taking offence from this, Haindaveeyam Foundation Kerala Chapter Convenor K.R. Mahadevan filed a petition asking the court to intervene and said the committee is demeaning Hindu rituals.

The organizers had assured the High Court that they would not force parents to participate in the initiation ceremony held at the Mattanur Madh Thangal Memorial School. The committee members also said they won't force children to write prayers against their beliefs.

The court said that the parents can choose the prayer their children should write. If anyone restricts the parents from doing so, it will affect their religious belief, the court said. Justice Devan Ramachandran also said the court should not interfere as long as the ceremony is conducted without violating the law, from a secular point of view. The petition was then disposed of.

Normally on Vidyarambham, an instructor guides a child to trace Hindu prayers on the grains of rice placed on a platter. The ceremony is a Hindu ritual said to guide children into the world of education.

TAGS: VIDYARAMBHAM, ALLAHU AKBAR, KERALA, MUSLIM, FAITH, PARENTS, HINDU RITUALS

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CASE DETAILS			
Case Type	WP(C)	Case Status	DISPOSED
Filing Number	WP(C) 34610/2023	Filing Date	18-10-2023
Registration Number	WP(C) 34626/2023 (C)	Registration Date	18-10-2023
CNR Number	KLHC010777682023	E-File NO	EF-HCK-2023-090919 Online
Disposed date	19-10-2023		

CASE STATUS				
First Hearing Date				
Decision Date	Thursday, the 19th day of October 2023			
Case Status	DISPOSED			
Nature of Disposal	CLOSED			
Coram	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN			
Bench	Single			
Last listed Details	Date : 19-10-2023	Bench: 4298 - HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	List : Part Two	Item : 57

PETITIONER AND ADVOCATE	
1	Petitioner : K R MAHADEVAN , Age : 54 Years Petitioner Advocate : C.RAJENDRAN,R.S.SREEVIDYA,B.K.GOPALAKRISHNAN,MANU M.

RESPONDENT AND ADVOCATE	
1	Respondent : MATTANNUR MUNICIPALTY
2	THE LIBRARY COMMITTEE
3	THE HEAD MASTER

SERVED ON	
GOVERNMENT PLEADER-SERVED ON	
SHRI.P.V.ANOOP, SC, MATTANUR MUNICIPALITY-SERVED ON	
SHRI.P.V.ANOOP, SC, MATTANUR MUNICIPALITY-SERVED ON	
SHRI.P.V.ANOOP, SC, MATTANUR MUNICIPALITY-SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA	ARTICLE 226

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate (Tentative Date)	Purpose of Hearing	Order
1		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	19-10-2023			CLOSED

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	

ORDER		
Order Number	Judge	Order Date
1	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	19-10-2023

CATEGORY DETAILS	
Category : 152.00 Misc.-Other than subjects mentioned elsewhere (359)	

OBJECTION	
#	Objection
1	All Objections are Complied



2023:KER:63962

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
S/O.K.M.RAMAMURTHY, "HAINDHAVEEYAM", MRA -61 A1/2,
GREEN MEADOWS, 1ST STREET, MANAKKAPARAMBU ROAD,
PONEKKARA, EDAPPALLY, ERNAKULAM, PIN - 682024
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.

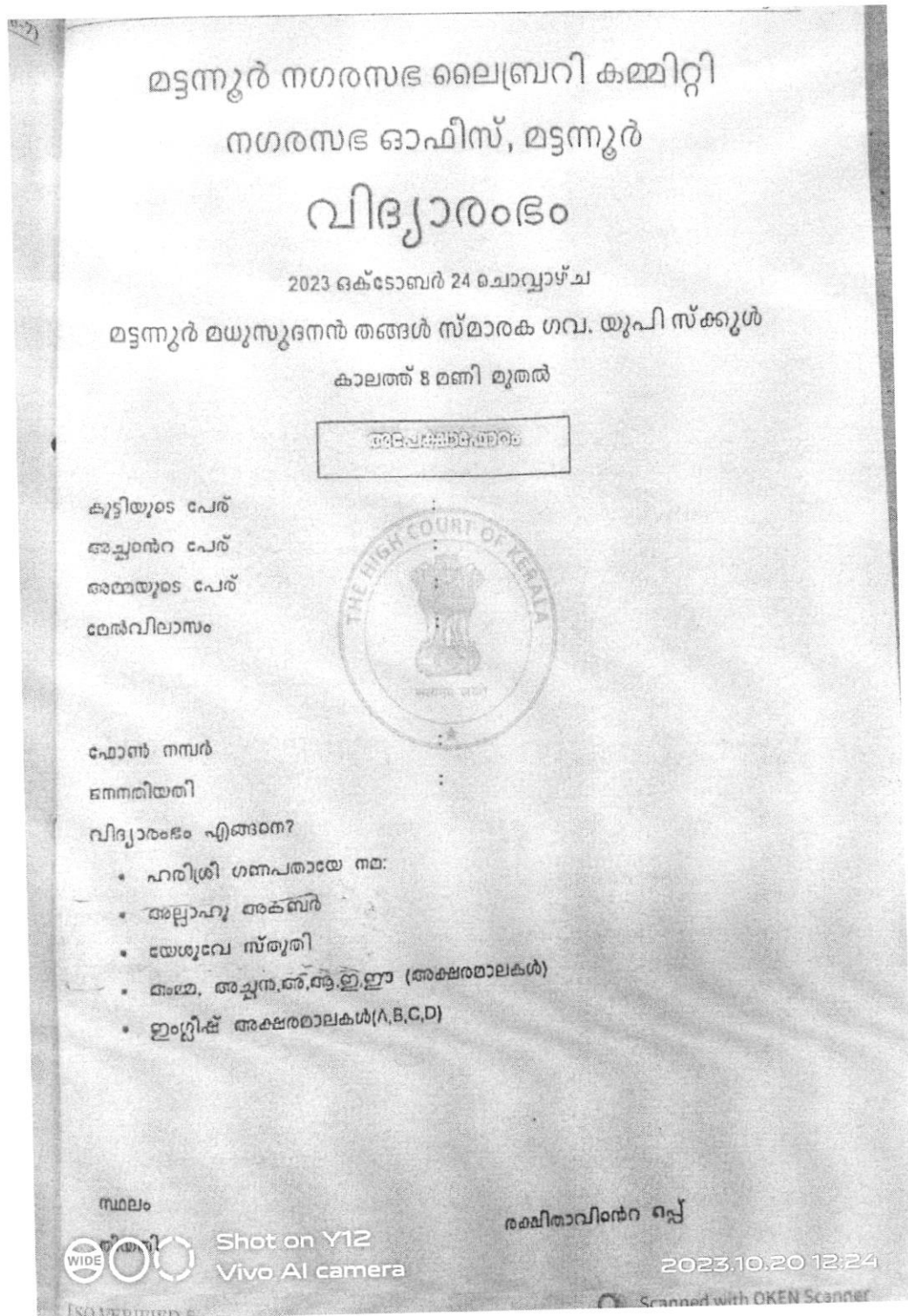
4. I have examined Ext.P1 and, as rightly pointed out by the learned Standing Counsel for respondents 1 and 2, it is an application for a 'Vidyarambham' programme organized by the 2nd respondent - Council of the Library, owned by the 1st respondent - Municipality. For clarity and ease of reading, Ext.P1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



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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 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



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APPENDIX OF WP(C) 34626/2023

PETITIONER EXHIBITS

Exhibit P1

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

To,
The Chairman,
Lalithakala Akademi,
Chembukkavu, Thrissur
Kerala – 680020

Sub: - Honorable Mention Award given by Lalithakala Academy for anti-national cartoon

Sir,

Kerala Lalithakala Akademi has announced the awards for 2019-20 few days back. The Honorable mention award was given to Shri. Anoop Radhakrishnan from Cochin for the cartoon with the title "COVID-19 Global Medical Summit". In the cartoon, the cartoonist portrayed the Indian representation among international leadership as a saffron wearing cow. Haindaveeyam is not questioning the artistic freedom of expression but a government organization is promoting and honoring such anti national thoughts (particularly a person holding a responsible position in the very same academy), work and ideology by using tax payer money is highly unacceptable. A Government Organization established under the provisions of Indian Constitution should not promote or recognize such kind of sedition.

India is a country who is manufacturing two vaccines which are approved by WHO. India covered one billion vaccination which is a record by itself. India has provided free vaccines to 94 countries, still such anti national cartoons are being promoted with tax payers' money is highly objectionable and totally unacceptable. You are therefore requested to reconsider your decision in this regard and withdraw the declared award for such cartoon. We also demand to take appropriate action on the jury members who selected such cartoons.

Hyderabad,
14-Nov-2021

Yours faithfully,



Deepthy K Vasudevan
Joint Chairperson
Haindaveeyam Foundation



Copied to:

1. The Secretary, Cultural Affairs (A) Department, Govt. Kerala
2. The Secretary, Lalithakala Academy, Thrissur

To,
The Secretary,
Lalithakala Akademi,
Chembukkavu, Thrissur
Kerala – 680020

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Yours faithfully,



Deepthy K Vasudevan
Joint Chairperson
Haindaveeyam Foundation



Hyderabad,
14-Nov-2021

Copied to:

1. The Secretary, Cultural Affairs (A) Department, Govt. Kerala
2. The Chairman, Lalithakala Academy, Thrissur