

No. 203

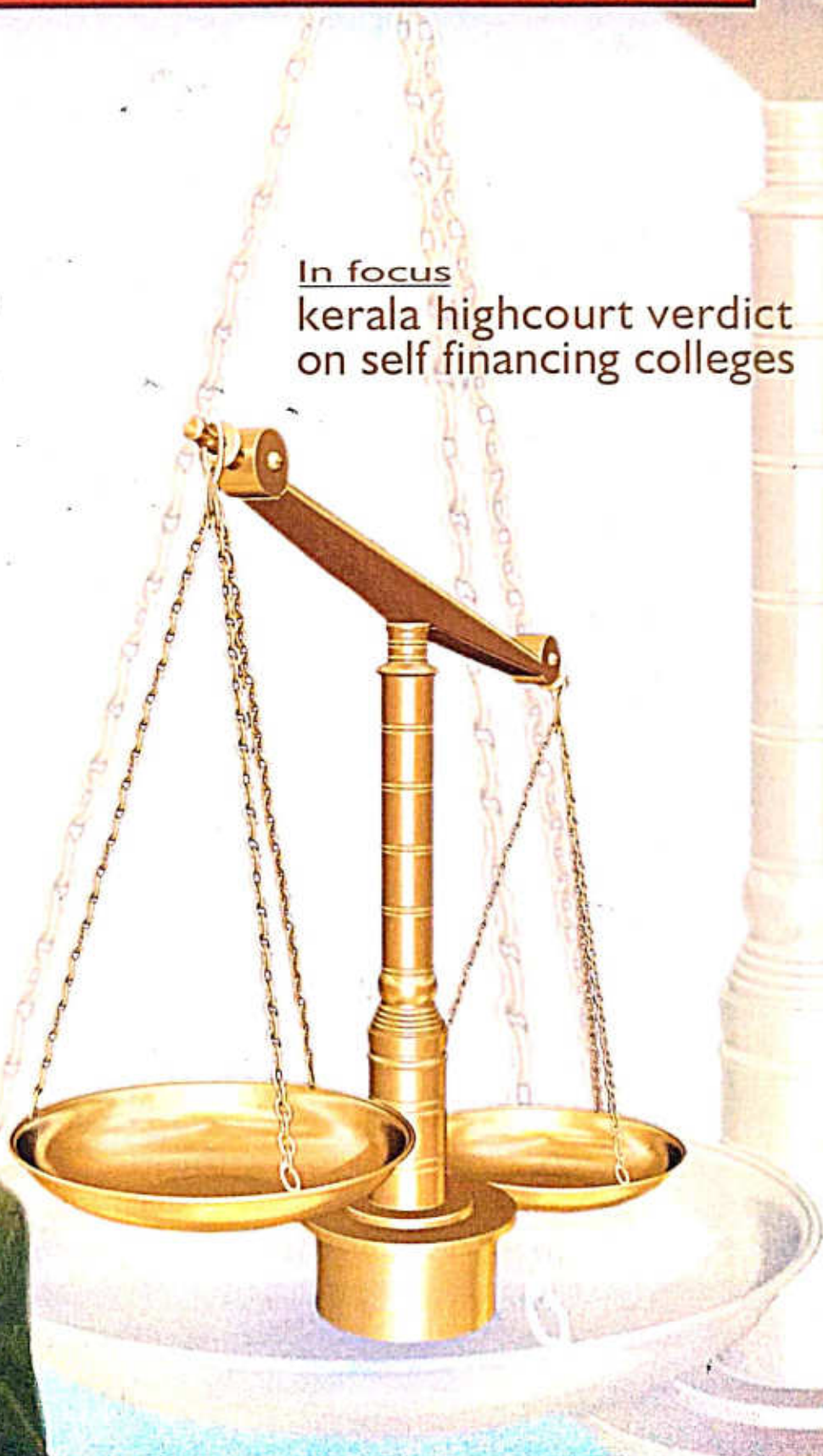
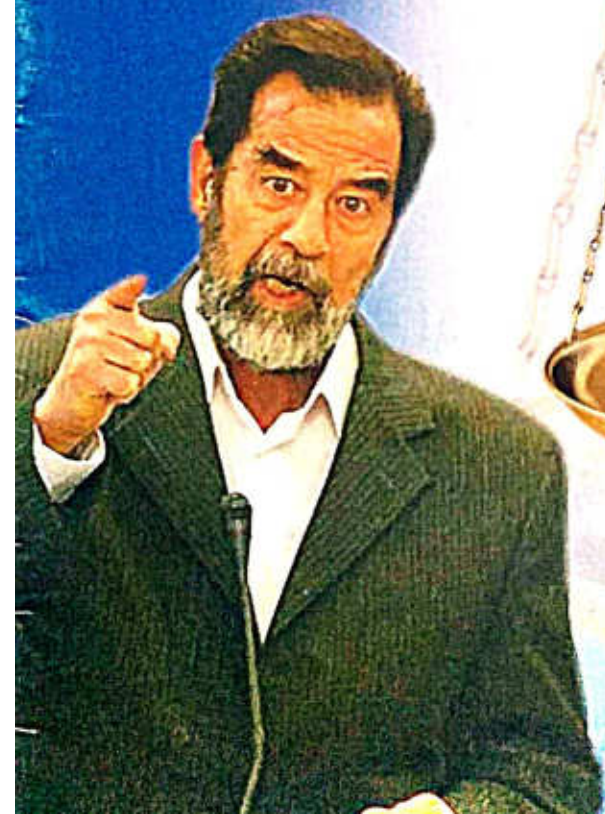
JANUARY 2007

# KERALA PRIVATE COLLEGE TEACHER

*a monthly journal of the all kerala private college teachers' association*

In focus

kerala highcourt verdict  
on self financing colleges







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സ്വാശ്രയനിയമം:

പണക്കിഴി മാനേജുമെന്റുകൾക്കും പ്രാർത്ഥന വിദ്യാർത്ഥികൾക്കും

കേരള ഹൈക്കോടതി ചീഫ് ജസ്റ്റിസ് വി. കെ. ബാലിയും ജസ്റ്റിസ് വി. ആർ. രാമനും ചേർന്ന് പുറപ്പെടുവിച്ച സ്വാശ്രയ പ്രൊഫഷണൽ കോളേജ് നിയമം സംബന്ധിച്ച വിധിന്യായം തുടരുന്നതും അവ സാധിക്കുന്നതും പ്രാർത്ഥനയോടെയാണ്. 50 വർഷം മുമ്പ് കേരള വിദ്യാഭ്യാസ നിയമവുമായി ബന്ധപ്പെട്ടു തുടങ്ങിയ നിയമയുദ്ധം തങ്ങളുടെ വിധിയോടെ അവസാനിക്കണ എന്ന പ്രാർത്ഥന! മാനേജുമെന്റുകൾക്കും ഗവൺമെന്റിനും സർവ്വോപരി തോന്നണ എന്ന പ്രാർത്ഥന! പണക്കാരനെന്നോ പാമരനെന്നോ ഉള്ള വ്യത്യാസമന്യേ എല്ലാവർക്കും ഏറ്റവും നല്ല വിദ്യാഭ്യാസം നൽകപ്പെടുന്ന സമത്വസുന്ദരമായ നല്ല കാലം വരണമെന്ന പ്രാർത്ഥന! 311 പേജിലായി പരസ്യം ചെയ്യുന്ന വിധിന്യായത്തിൽ ഇതിലൊന്നുമൊന്നും ആശ്വസിക്കാൻ പാവപ്പെട്ട വിദ്യാർത്ഥികൾക്കുണ്ടെന്നു തോന്നുന്നില്ല. വിദ്യാഭ്യാസ സംബന്ധമായി വലിപ്പത്തിന്റെ കാര്യത്തിൽ ഇന്ത്യയുടെ ഏതൊരു കോടതി പുറപ്പെടുവിച്ചിട്ടുള്ള വിധിന്യായങ്ങളെയും കടത്തിവെട്ടുന്നതാണ് കേരള ഹൈക്കോടതിയുടെ പുതിയ വിധി. വിസ്താരം കൂടുതലായും കാര്യം കൂറയുന്നു എന്നത് സമീപകാല വിധി ന്യായങ്ങളുടെ പൊതുസ്വഭാവമാവുകയാണോ എന്ന് സംശയിക്കേണ്ടിയിരിക്കുന്നു.

പണക്കാരനെന്നോ പാമരനെന്നോ ഉള്ള വ്യത്യാസമന്യേ എല്ലാവർക്കും ഏറ്റവും നല്ല വിദ്യാഭ്യാസം നൽകപ്പെടുന്ന സമത്വസുന്ദരമായ നല്ല കാലം വരണമെന്ന പ്രാർത്ഥന! ഇതിലൊന്നുമൊന്നും ആശ്വസിക്കാൻ പാവപ്പെട്ട വിദ്യാർത്ഥികൾക്കുണ്ടെന്നു തോന്നുന്നില്ല.

ഭരണഘടനയുടെ ആമുഖത്തിൽ പറയുന്നതുപോലെ ജനങ്ങൾക്കുവേണ്ടി ജനങ്ങൾ എഴുതിയുണ്ടാക്കിയ പരാധികാര, മതേതര, ജനാധിപത്യ, സോഷ്യലിസ്റ്റ് ഭരണഘടനയെ മറികടക്കാൻ ഒട്ടേറെ പണിപ്പെടേണ്ടി വരുന്നതിനാലാണോ വിധിന്യായങ്ങളുടെ വലുപ്പം ആവശ്യത്തിലേറെയാവുന്നതെന്ന് ഒരു സാധാരണ പൗരന്റെ സംശയം മാത്രം.

കേരള നിയമസഭ ഐക്യകണ്ഠേന പാസ്സാക്കിയ സ്വാശ്രയ നിയമത്തിന്റെ ഹൃദയം ഭേദിക്കുന്ന വിധിയിൽ പൊതുപ്രവേശന പരീക്ഷയുടെ അടിസ്ഥാനത്തിലുള്ള വിദ്യാർത്ഥികളുടെ പ്രവേശനം നടത്തുന്നതിനും ഫീസു നിർണ്ണയിക്കാനും മെരിറ്റിന്റെയും സാമ്പത്തിക സ്ഥിതിയുടെയും അടിസ്ഥാനത്തിൽ ഫീസാനുകൂല്യം നൽകാനും എസ്.സി-എസ്.ടി മറ്റു പിന്നോക്ക വിഭാഗങ്ങൾ, സാമ്പത്തികമായി പിന്നോക്കം നിൽക്കുന്നവർ, വികലാംഗർ, ആർട്സിലും സ്പോർട്സിലും മികവ് തെളിയിച്ചവർ എന്നിവർക്കുൾപ്പെടെ വിവിധ വിഭാഗങ്ങൾക്കിടയിൽ നീതിപൂർവ്വമായി സീററു വിഭജിച്ചു നൽകാനും ഭരണഘടനാ

തത്വങ്ങൾക്കനുസൃതമായി ന്യൂനപക്ഷ നിർണ്ണയം നടത്താനുമുള്ള സർക്കാരിന്റെ അവകാശമാണ് നിരപ്പാക്കപ്പെട്ടിരിക്കുന്നത്. പക്ഷപാതരഹിതവും, സുതാര്യവും ചുഷണരഹിതവുമായ പ്രവേശനവും ഫീസും ഉറപ്പാക്കുന്നതിന് ഉതകുന്ന നിയമനിർമ്മാണത്തിന് സംസ്ഥാനങ്ങൾക്ക് സുപ്രീംകോടതി തന്നെ അനുവദിച്ചുനൽകിയിട്ടുള്ള അവകാശമാണ് ഇതോടെ നഷ്ടപ്പെട്ടിരിക്കുന്നത്. മാനേജുമെന്റുകളോടു തികഞ്ഞ പക്ഷപാതിത്വം പരസ്യമായി പ്രഖ്യാപിക്കുന്ന വിധിന്യായത്തിൽ ജനങ്ങളോടുള്ള വാഗ്ദാനം നിറവേറാൻ ഇടതുപക്ഷസർക്കാർ കാട്ടിയ പ്രതിജ്ഞാബദ്ധതയാണ് കുഴപ്പങ്ങൾക്കെല്ലാം കാരണമായതെന്ന് അടിവായിട്ടുപറയുന്നു. അനാവശ്യ ധൂതി നിയമനിർമ്മാണത്തിലുണ്ടായെന്നും മൂന്ന് ഗവൺമെന്റ് കാണാതിട്ടുപറയുന്നു. അനാവശ്യ ധൂതി നിയമനിർമ്മാണത്തിലുണ്ടായെന്നും മൂന്ന് ഗവൺമെന്റ് കാണാതിട്ടുപറയുന്നു. കുറ്റങ്ങൾ മാനേജുമെന്റുകളിൽ കണ്ടെത്തിയെന്നും ആക്ഷേപം ഉന്നയിക്കുന്നു. ഒരിക്കൽ കാണാതിട്ടുപറയുന്നു കുറ്റം പിന്നീടു കണ്ടുപിടിച്ചാലും അതു കുറ്റമാവില്ല എന്നൊരു കണ്ടെത്തലും നിയമവ്യാഖ്യാനത്തിലുണ്ട്. ജസ്റ്റിസ് കെ. ടി. തോമസ് കമ്മിറ്റി മാനേജുമെന്റുകൾ നടത്തിയ പരീക്ഷ പ്രഹസനമാണെന്ന് നടത്തിയ നിരീക്ഷണം 2004 ലെ യു. ഡി. എഫ്. നിയമനിർമ്മാണ സമയത്ത് പരിഹരിക്കപ്പെടാതെ പോയതുകൊണ്ട് 2006 ൽ പരിഗണനാർഹമല്ലെന്നാണ് കോടതിയുടെ കണ്ടെത്തൽ. തെറ്റു ചെയ്യുന്നവരെ ശിക്ഷിക്കാനുള്ള അധികാരവും വിധിന്യായത്തിൽ ചോദ്യം ചെയ്യപ്പെട്ടിരിക്കുന്നു. ശിക്ഷ നടപ്പാക്കുന്നതോടെ സ്വയം തെറ്റു തിരുത്താനുള്ള അവസരം നിരപ്പാക്കപ്പെടുമെന്നാണ് കോടതിയുടെ സന്ദേശം.

ഹൈക്കോടതി വിധി സുപ്രീം കോടതിയിൽ ചോദ്യം ചെയ്യുമെന്ന് സർക്കാർ വ്യക്തമാക്കിയിട്ടുള്ളത് സ്വാഗതാർഹം തന്നെ. പക്ഷെ അതുമാത്രം കൊണ്ടാവില്ല. ഇത്തരത്തിലൊരു വിധിയിലേയ്ക്കു നയിച്ച സാഹചര്യങ്ങളെക്കുറിച്ച് അന്വേഷിക്കണമെന്നാവശ്യം സമൂഹത്തിൽ വളരെ ശക്തമായി ഉയർന്നുവരുന്നുണ്ട്. ഉത്തരവാദിത്തപ്പെട്ട ഒരു വിദ്യാർത്ഥി സംഘടനയുടെ അഖിലേന്ത്യാ സെക്രട്ടറി ഇത് സംബന്ധമായി ഒരു പരാതി സുപ്രീംകോടതി ചീഫ് ജസ്റ്റിസിനു നൽകിയിട്ടുണ്ട്. പരാതിയിൽ കഴമ്പുണ്ടെങ്കിൽ, വിദ്യാർത്ഥികൾക്കു മാത്രമായി ഈ പ്രശ്നം വിട്ടുകൊടുത്തുകൊണ്ട് കൈയും കെട്ടിയിരിക്കുന്നത് ജനാധിപത്യ പ്രസ്ഥാനങ്ങൾക്ക് ഭൂഷണമല്ല. ഒന്നോ രണ്ടോ ജഡ്ജിമാരുടെ കളങ്കം ഇന്ത്യൻ ജുഡീഷ്യറിയുടെ കളങ്കമായി മാറാൻ അനുവദിച്ചുകൂടാ.





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നവവത്സരാശംസകൾ



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e  
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# ചരിത്രത്തിൽ എഴുതിച്ചേർത്ത രണ്ടു രക്തസാക്ഷിത്വങ്ങൾ



ഇറാഖിന്റെ മുൻപ്രസിഡന്റ് സദ്ദാം ഹുസൈന്റെ പൈശാചികമായ വധം കണ്ടുകൊണ്ടാണ് 2006 അസ്തമിച്ചത്. യാങ്കികളുടെ പാവസർക്കാർ സദ്ദാമിനെ തൂക്കിലേറിക്കൊല ചെയ്ത് അറേബ്ബിന്റെ അമേരിക്കൻ പ്രസിഡന്റ് ബുഷിനെതിരെ പ്രതിഷേധമുയർന്നു. ആറലക്ഷം പാവപ്പെട്ട ഇറാഖികളെ കൊന്നൊടുക്കിയ ബുഷിനെയാണ് തൂക്കിക്കൊല്ലേണ്ടതെന്ന് അഭിപ്രായമുയർന്നു. ടൈഗ്രിസ് നദിക്കരയിലാണ് സദ്ദാമിനെ വധിക്കാൻ കൊലമരമൊരുക്കിയത്. മാനവസംസ്കൃതിയുടെ കളിത്തൊട്ടിലെന്നറിയപ്പെടുന്ന ടൈഗ്രിസ് നദീതടം യാങ്കികളുടെ കാടൻ നിരീക്ഷണസാക്ഷ്യം വഹിച്ചു.

ലോകത്തെ ഏറ്റവും പഴക്കമുള്ള നാഗരികത മെസപ്പൊട്ടോമിയൻ നാഗരികത നിലനിന്നതിവിടെയാണ്. ഏഴര സഹസ്രാബ്ദം പഴക്കമുള്ള മനുഷ്യ സംസ്കൃതി. അതിന്റെ അധിപനെ കൊലചെയ്തവന്റെ ചരിത്രം രണ്ടു നൂറ്റാണ്ടുകളിലൊതുങ്ങുന്നവയാണ്. 'എണ്ണവിളയിക്കുന്നതിനുപകരം ഗോതമ്പുവിളയിച്ചിരുന്നുവെങ്കിൽ' ഇറാഖി ജനതയ്ക്ക് ഇത്രയേറെ ദുരിതം പേരേണ്ടിവരില്ലായിരുന്നുവെന്ന് ഒരിക്കൽ സദ്ദാം തന്നെ പറഞ്ഞു. ഇറാഖിലെ എണ്ണപ്പാടങ്ങളാണ് അമേരിക്ക ലക്ഷ്യം വച്ചത്. അതാവോളം അനുഭവിക്കാൻ, അടിമയെപ്പോലെ അനുസരിക്കുവാൻ ഒരു ഭരണകൂടം - അതുമാത്രമായിരുന്നു അമേരിക്ക മോഹിച്ചത്. സദ്ദാം ജീവിച്ചിരുന്നാൽ തങ്ങളുടെ മോഹങ്ങൾക്കു തിരിച്ചടിയേൽക്കുമെന്ന ഭയം ബുഷിനുണ്ടായിരുന്നു. ഇറാഖിനെ, ഖുർദ്ദുകളുടെ, ഷിയകളുടെ,

സുന്നികളുടെ മൂന്നു രാജ്യങ്ങളായി വെട്ടിമുറിക്കാൻ ഉന്നം വച്ചാണ് തൊണ്ണൂറ്റിൽ അമേരിക്ക ആക്രമിച്ചത്. ആലക്ഷ്യം നിറവേറിയില്ല. രാസായുധങ്ങളും ജൈവായുധങ്ങളും കൈവശം വച്ചിരിക്കുന്നുവെന്ന് പ്രചരിപ്പിച്ചാണ് 2003 ൽ ഇറാഖിനെ ആക്രമിച്ചത്. എന്നാൽ സദ്ദാമിനെ സിമാനഭ്രഷ്ടനാക്കിയ ശേഷം ബുഷിന് ഇവയൊന്നും കണ്ടെടുക്കാനായില്ല. ഒളിവുകാലത്തു പിടിക്കപ്പെട്ട സദ്ദാമിനു മുന്നിൽ ബുഷിന്റെ ദുതന്ത്വച്ചുനീട്ടിയ വാഗ്ദാനങ്ങൾ പൂർവ്വരേഖയാക്കി നിരസിച്ചു. എന്റെ ജീവനെക്കാൾ വലുത് നിങ്ങളുടെ പട്ടാളക്കാർ നശിപ്പിച്ച എന്റെ സഹോദരിമാരുടെയും അമ്മമാരുടെയും മാനമാണ്. അത് തിരിച്ചുതരാൻ നിങ്ങൾക്കാകുമോ? ഈ മറുപോദ്യം റംസഫ്രിനെ അമ്പരപ്പിച്ചു. കഴുത്തിൽ കൊലക്കയർ മുറുകുന്നതിനുമുമ്പ് സദ്ദാം അവസാനം ഉച്ചരിച്ച പദം 'പലസ്തീൻ' എന്നായിരുന്നു. പൊരുതുന്ന പലസ്തീൻ സോദരരാടുള്ള ഐക്യദാർഢ്യം. ജീവിച്ചിരുന്ന സദ്ദാമിനെക്കാൾ ഇന്ന് ബുഷ് ഭയക്കുന്നത് മരിച്ച സദ്ദാമിനെയാണ്. ഇറാഖിൽ മരിച്ച മുവാതിരത്തൊട്ടും അമേരിക്കൻ പട്ടാളക്കാരുടെ കൂടുംബങ്ങളുടെ അമർഷത്തിനുമുന്നിൽ ബുഷ് ചുളുകയാണ്. ഇറാഖിലെ ഒന്നേകാൽ ലക്ഷം പട്ടാളക്കാർക്കുപുറമെ, ഇരുപതിനായിരം പേരെക്കൂടി അയച്ചു തുക്കൊണ്ടും ബുഷിന് ഇറാഖി പ്രശ്നത്തിൽ നിന്ന് തലയുരി രക്ഷപ്പെടാനാകില്ലെന്ന് ചരിത്രം തെളിയിക്കും.

പട്ടാച്ചിമടയിലെ സമരനേതാവ് മയിലമ്മ മരിച്ചു. അത് രണ്ടായിരത്തോളം ഉദയത്തിൽ. പട്ടാച്ചിമടയിലെ കൂടി വെള്ളം ഊറുകയും ജലസ്രോതസ്സുകളെ വിഷമയമാക്കുകയും ചെയ്ത കൊക്കോകോളയ്ക്കെതിരെ ആരംഭിച്ച ജനകീയ സമരം ലോകത്തിന്റെ ശ്രദ്ധയിലേക്കു വളർന്നു. കൊക്കോകോള നിരോധിച്ചുകൊണ്ട് എൽ. ഡി. എഫ്. ഗവൺമെന്റ് ഉത്തരവിറക്കി. എന്നാൽ നിതിപീഠം ഈ ഉത്തരവ് റദ്ദാക്കി. ഇതിനെതിരെ, രണ്ടാം സമരത്തിന്റെ പുറപ്പാടിലായിരുന്നു മയിലമ്മ.



വർധക്യം മൂലമല്ല മയിലമ്മ മരിച്ചത്. വിഷമയമായ വെള്ളം സമ്മാനിച്ച സോനിയസിന് എന്ന രോഗമാണ് മയിലമ്മയെ മരണത്തിന്റെ കൈകളിലേയ്ക്കെറിഞ്ഞത്. അങ്ങനെ, സാമ്രാജ്യത്വ അധിനിവേശത്തിനെതിരെയുള്ള പോരാട്ടത്തിൽ ഒരർത്ഥത്തിൽ മയിലമ്മയും രക്തസാക്ഷിയാവുകയായിരുന്നു. ഈ രണ്ടു മരണങ്ങളും, സാമ്രാജ്യത്വ അധിനിവേശത്തിനെതിരെ, ഒന്നായ്ക്കും കൂട്ടായും നടത്തുന്ന പോരാട്ടങ്ങൾക്ക് ഊർജ്ജം പകരും. ഇവരിരുവരും ചരിത്രത്തിന്റെ അവിസ്ഥരണീയ ഭാഗമായാകും.



# TEXT OF THE PETITION SUBMITTED BY K.K. RAGESH, GENERAL SECRETARY, SFI TO THE CHIEF JUSTICE OF INDIA AGAINST JUSTICE VK BALI , CHIEF JUSTICE OF KERALA HIGH COURT

BEFORE THE HONOURABLE CHIEF JUSTICE OF THE SUPREME COURT  
SUBMITTED BY K.K. RAGESH, GENERAL SECRETARY, ON BEHALF OF  
STUDENTS FEDERATION OF INDIA (S.F.I.) AT NEW DELHI ON 09-01-2007

May I, with all sense of responsibility and with the best intentions of preserving and strengthening the character, reputation and quality of Indian judiciary, bring to your kind attention an instance of extremely injudicious and reprehensible action on the part of Mr. Justice V.K. Bali, Honourable Chief Justice, High Court of Kerala.

The action in question refers to his having accepted the hospitality of an interested party in a highly sensitive case involving the Government of Kerala and self-financing private managements, knowing fully well that he was transgressing the limits of judicial discretion and model code of conduct in doing so. The event took place on the 18<sup>th</sup> and 19<sup>th</sup> of November, 2006, when the delivery of the judgment on a Writ Petition against Kerala Professional Colleges Act (Act 19/2006) was reserved after a lengthy hearing in the High Court. There were rumors that the Professional College Managements were trying interfere with the judicial process, but like any other citizen or organization, it was not taken seriously as there was no evidence to substantiate the same. After reserving Judgment there were reports by the well-wishers of the Judiciary that the representatives of the Private Managements were trying to meet Mr. Justice V. K Bali, who had reserved the Judgment. Later it was confirmed that Mr. Justice V. K Bali in fact made arrangement to meet the representative of Management and the same was done under the guise of a college function and pleasure tour. In the light of the private meetings with the litigant whose case was pending before the Judge, it can now be safely concluded that the judgment delivered by the Honorable Chief Justice on 4-1-2007 is as result of private meeting between the judge and the representative of the litigant.

The excuse for the family trip and overnight stay along with a brother judge, Honourable Justice J.B.Koshy and his family at the Guest House of Marian College, Kuttikanam was an innocuous function connected with legal literacy campaign in a nearby self-financing engineering college by name Mar Baselious College of Engineering. The petitioner before my lord has no complaint against participating in such function, but the conduct of the Judge in having private meeting with interested parties is a serious misconduct. Incidentally, both colleges are run by private professional Management. The progress of the case between the Private Self-Financing College and the Kerala Government was being closely watched by the public is evident from the press coverage that was given to the court proceedings in respect of the case. The Honourable Chief justice could not have been blind to the public perceptions of his accepting the hospitality of a party to so sensitive a case, on which he was going to deliver the verdict with in a few weeks. It was inappropriate that the Hon'ble Justice after participating in the programme, accepted the hospitality and stayed in the Management Guest House, despite the fact that there was spacious Govt Guest house available with VIP Rooms just two kilometers away.

It is respectfully submitted that though the Chief Justice's itinerary included programmes in both Marian College where he stayed for the night with his family and in Mar Baselious College where a function was held in connection with legal literacy campaign, the events were not covered even by the local press, which points to a conscious attempt to conceal rather than celebrate the visit of two high profile judges of the High court of Kerala to these colleges.

It is understood from reliable sources that the Honourable Chief Justice also paid an unscheduled private visit to the farmhouse of the planter Michale A Kallivayalil on the second day of his visit to Kuttikanam. It is a fact that Mr. Michale Kallivayalil is also an interested party in the case as he is a member of the Governing Body of a self-financing engineering college, Amal Jyoti College of Engineering, Koovappally in Kottayam district, which is a sister institution of Marian College, Kuttikkanam. Both colleges belong to the same management, the Catholic Diocese of Kanjirappally.

I am submitting herewith a copy of the itinerary of Honourable Justice V.K. Bali, which is self-evident. Further proof of my averments could be submitted as and when required.

I earnestly request your Excellency to initiate a detailed inquiry into the misconduct of the erring judges to remove the blot upon the great traditions of transparency and integrity of the Indian judiciary, which is by far the greatest asset of the largest democracy in the whole world.

Yours Sincerely  
K K Ragesh



# The Triple Test and the Kerala Highcourt Verdict on Self Financing Colleges

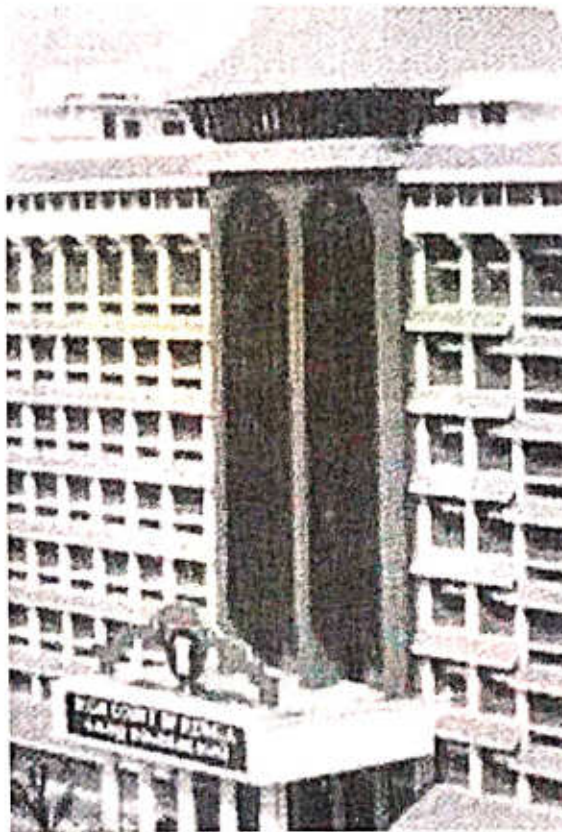
A Division Bench of the Kerala High Court has set aside Sections 3,7, 8(b) and (C), and 10 of Kerala Professional College Act, 2006 and Rules 10 and 11 of the Rules as they are held to be ultra vires Articles 19(1)(g), 26(a) and 30 of the Constitution. The High Court verdict has taken away the authority of the State to provide for a centralized single window admission, determine fee structure, provide reservation to SC/ST/SEBC students and free ship to 50% of the admitted students on merit cum means basis, and to determine the criteria for identifying minority institutions in respect of self financing professional colleges. The Article comments on the politics and legality of the judgment.

Editor

## THE PREAMBLE

A Legislation does not stand or fall by virtue of its preamble. The Preamble is not a part of an Act. It is only an introduction to it. Its legal function is minimal. It is only an aid to interpretation. By clarifying the objectives of the legislation, it can help resolve ambiguities in drafting, if there is any. Nothing more; nothing less. Despite the above, the Preamble to Kerala Professional Colleges Act (Act 19/2006) has been the subject of much controversy. It was attacked by the Opposition in the Assembly when the Bill was introduced in the House. Leading members from the Opposition strongly pleaded for its repeal. They would at least have it cut to size. It is too lengthy, they argued, though Acts with lengthier Preambles had earlier been passed by the very same house, piloted, ironically enough, by the very same members, when they were on

They have failed to live up to their oath of office which casts a duty on them to protect the CONSTITUTION of our "SOVEREIGN, SOCIALIST, SECULAR, and DEMOCRATIC REPUBLIC" constituted on behalf of "WE THE PEOPLE OF INDIA".



the treasury benches. The sentiments expressed by the Opposition have now been shared by the Hon'ble High Court of Kerala. A good part of the 311 page long judgment on the invalidity of the major provisions of the Act has been set apart for vilifying the Preamble.

Hon'ble Justices V.K Bali and P.R Raman have expressed their reservations not only about the length of the Preamble, but also about its content, though much of it has been extracted from landmark judgments of the Supreme Court. In fact, their objection is to the selection of some passages to the exclusion of others. The selected passages, it is alleged, have been culled out from lengthy judgments without reference to their context and do not represent the ratio laid down in these judgments. The Hon'ble Justices have also expressed their reservations about the political philosophy of the



enactment which comes out clearly through the Preamble. Their lordships are of the view that an elected Government has no obligation to implement its election promises to the voters!

The long preamble to the Act has set forth EQUITY AND EXCELLENCE in unaided professional education as the objectives of the legislation. It has also set forth its legal defense citing various pronouncements of the Supreme Court and Parliamentary legislations, which uphold the provisions for Common Entrance Test, Free ship, Reservation and Criteria for identification of Minorities. The public campaign for and against the Act which followed its enactment has proved the usefulness of the Preamble. It has had the effect of educating the people about the political philosophy and legal validity of the Act. By culling out the ratio of Supreme Court Judgments and incorporating the legislation passed by the Parliament, it has demystified the process of law making and the mechanism of its defense. People who have read the Preamble know what was done by their representatives in the Assembly, how they had done it and why they had done it. The Hon'ble judges could not think of anything more blasphemous than demystifying the highly complex system of dispensing justice. The Opposition in the Assembly did not want the progressive politics of education to be projected through the legislation by incorporating its crux in the Preamble. Hence the Hon'ble High Court and the Opposition, for different reasons, have been united in their objection to the Preamble.

Having reacted so sharply against the Preamble, one would expect their lordships to be extremely cautious not to repeat the very same mistakes of which they have accused the legislature guilty. They should have been more careful in culling out the ratio of Supreme Court judgments. They should not have made selective omissions in critical quotes. They should have been judicious enough not to allow their Philosophy to dictate their Judgment. They should have been as objective as could be and tried the Act for its legal validity. But none of these have unfortunately materialized. They have allowed their Philosophy to colour their reading of the Act and influence their verdict against it. In doing so, they have not only denigrated the Preamble of the Act, but also disowned the very Preamble of the Constitution. They have not only quoted passages from Supreme Court Judgments out of context, but also omitted crucial parts of sentences they have quoted, which have led to a distorted understanding of law as laid down by the Apex Court. Such truncated understanding of the ratio of Supreme Court judgments have produced strange results, often amounting to the negation of the very

principles of FAIRNESS, TRANSPARENCY AND NON EXPLOITATION enunciated by the Supreme Court in the making of admissions and fixation of fee by unaided colleges. Strangely enough, the Judgment suffers from the very same infirmities that the Apex Court mandated against in the administration of unaided institutions.

## NON TRANSPARENT JUDGMENT

A crucial phrase prohibiting individual institutions from holding their own test and bestowing a discretionary optional right on the State to hold its own test for admission to unaided colleges has been omitted from the extract of two full paragraphs (136 and 137) of INAMDAR judgment which has been quoted in paragraph 31 of the High Court judgment. This has resulted in the misinterpretation of law laid down by the Supreme Court. The original version of the sentence, as it appears in the Supreme Court judgment in INAMDAR case, from which the omitted phrase "*may join together and hold a common entrance test or the State may itself*", has been omitted reads as follows:

*"Such institutions situated in one State or in more than one State may join together and hold a common entrance test or the State may itself or through an agency arrange for holding of such test"*

The above sentence has been misquoted by the Hon'ble Court as follows:

*"Such institutions situated in one State or in more than one State may itself or through an agency arrange for holding of such test"*

As stated in the above quote from INAMDAR Judgment, the Supreme Court has permitted three equally valid options for holding the test, two of which are weighted in favour of the State. The three options are as follows:

- 1) A Single Consortium of managements which represents all managements holding a Common Entrance Test
- 2) The State itself holding a Common Entrance Test
- (3) An agency of the State holding a Common Entrance Test

The truncated sentence as extracted and reproduced by the Hon'ble High Court only permits the following options for the conduct of the test:

- (1) Individual institution/institutions holding an entrance test for itself /themselves
- (2) An agency of institution/institutions holding an entrance test on its /their behalf

There is a world of difference between the law laid down by the Hon'ble Supreme Court and its interpretation by the Hon'ble High Court.



The Supreme Court's dicta have been distorted on the following counts.

1. The Hon'ble Supreme Court has not permitted individual institutions to hold separate entrance tests. Institutions imparting education in the same discipline can hold an entrance test only through a Consortium of such institutions. The High Court has permitted individual institutions to hold their own individual examinations or at any rate does not entirely rule out that possibility by omitting the phrase "*may join together and hold a common entrance test*", thereby defeating the very objective for which these regulations were laid down by the Supreme Court, namely to prevent inconvenience and excessive expenditure incurred by students who are compelled to appear for multiple examinations.
2. The option of the State holding a CET on its own as a precautionary measure has been ruled out
3. The option of the State entrusting its own agency for holding CET has been ruled out
4. The State is conceived as an agency of the unaided institution, which may hold a CET for and on behalf of the unaided institutions and exclusively for them and even that only with their consent and only in its capacity as the agency of the unaided institution.

The misinterpretation of law through omission of the crucial phrases cited above has been strengthened by a misinterpretation of the meaning of the phrases "SUCH TEST" and "PROCEDURE" in paragraphs 136 and 137 of INAMDAR. The misconstruction of the role of the State as an agency of the unaided managements has resulted in the misconstruction of the meaning of the phrase "such tests" as referring to the test held exclusively for and on behalf of the unaided institutions. Neither a literal reading of the sentence in question nor a reading of the sentence in the context of the paragraph in which it occurs or with reference to a comprehensive reading of the entire judgment supports such a view. In INAMDAR, the State is not conceived as the agency of the unaided institutions, but rather as a regulatory authority clothed with sufficient power and responsibility to ensure that the triple test of fairness, transparency and non exploitation is built into the procedure for holding the Common Entrance Examination. The expression "procedure" is used with wider amplitude and not in the narrow sense of 'laying down the steps for holding the test by the management' as understood by the Hon'ble High Court. The procedure could include a procedure of the State itself holding the entrance test, counselling and single window admission. This is evident from the following sentence in paragraph 137 of INAMDAR:

*"The admission procedure so adopted by a private institution ——— can be taken over by the State substituting its own procedure".*

The prime concern of the Hon'ble Supreme Court, as clearly set out both in the beginning and towards the end of paragraph 136 of INAMDAR, is not as much to ensure the absolute protection of the entrepreneurial rights of the managements under Article 19 (g) and minority rights under Article 30, as to ensure rights to equality of educational opportunity on the part of the students under Article 14. In the above context, the Supreme Court has provided the following options for the State Government, which may be exercised under different circumstances, depending on the specific needs each situation:

- (1) Permitting the Consortium of Managements to hold the admission on its own
- (2) Holding of admission by the State /by an agency of the State as a precautionary measure
- (3) Remedial right to take over the entire admission procedure even after permitting the Consortium to hold the test in case of maladministration.

**State has the right to substitute its own procedure for that of the Consortium of Managements, irrespective of the factum of proved maladministration and take over the right once granted to private institutions in case of maladministration.**

It is evident that the State has the right to substitute its own procedure for that of the Consortium of Managements, irrespective of the factum of proved maladministration and take over the right once granted to private institutions in case of maladministration. Given the wide amplitude of the powers conferred on the State, it is beside the point to say that the State can take over the procedure of admission only temporarily in case of maladministration and that even such take over is too harsh a measure to be adopted against a single complaint with regard to a single test held by a single Consortium. It overlooks not only the right



of the State to hold the test on its own, but also the fact that the complaint pertains to medical courses, for which the System of "Suit Case Admission", as noted by the Hon'ble Supreme Court itself, is an ugly fact of life crying for remedial intervention.

## EXPLOITATIVE OUTCOMES

It is a commonplace to say that the proof of the pudding is in the eating. What is true of pudding is equally true of judgments. No Court should ignore the practical outcomes of its judgments. Courts have a duty to see that an evil sought to be remedied by legislation is not perpetuated by its invalidation. The High Court has not unfortunately displayed such social sensitivity while striking down section 7 of the Act which had empowered the Government to fix the fee, to decide the parameters that went into its fixation and to ensure that free ship is extended to 50% of the admitted students on merit-cum means basis. By striking down the provision, the Hon'ble judges have struck down the educational aspirations of the poor and their prospects for a better life. The law in respect of Fee Regulatory Committee has been laid down by the Hon'ble Supreme Court in ISLAMIC ACADEMY case and is fully endorsed by the INAMDAR judgment. The scheme laid down by the apex court has carefully balanced the rights of the students to undergo education by paying a "reasonable fee" and the rights of the managements to levy only a "reasonable surplus" for the expansion of the facilities of the institution, not amounting to commercialization or profiteering. The Scheme laid down in Paragraphs 7 and 8 of INAMDAR do give the right to the Fee Regulatory Committee to fix the fee on the basis of the proposal made by each institution in accordance with the parameters determined by the Fee Regulatory Committee, keeping in mind that "imparting of education is essentially charitable in nature". Section 7 of Act 19/2006 is only a legislative incorporation of the Scheme evolved by the Supreme Court. The Hon'ble High Court, by invalidating the provision, has reversed the roles of the Fee Regulatory Committee and the institutions. As per the judgment, the Institution would fix the fee on the basis of parameters fixed by it as "in the very nature of things, it does not appear that the Regulatory Committee would know in depth the affairs of the institution as best as the institution may know itself."

The Hon'ble High Court has overlooked the fact that the prime concern of the Supreme Court in regard to fixation of fee was to ensure that the fee structure would be non-exploitative, providing only for a "reasonable surplus" for future expansion and the Regulatory Committee was constituted for ensuring that only a "reasonable fee" was charged

and not "adequate fee" that would provide for the entire expense to be incurred in connection with the future expansion of the institution. A construction that the Supreme Court had intended to give permission to the individual institution to collect all expenditure needed for future expansion from the students would amount to a gross misunderstanding of the position taken by the Supreme Court. The High Court has taken the view that the institution can charge any amount as fee, provided it is used for the future expansion of the institution, as is evident from the following rhetorical question raised by the Hon'ble Justices:

*"To illustrate, if the institution may plan its expansion to double the seats or have double the buildings and infrastructure as according to it, it may be necessary, and accordingly fix the fee, can the Regulatory Committee say the expansion and development of the institution would entail fixation of more fee and therefore it is not permitted".*

The law laid down in TMA PAI is as follows:

*"There can, however, be a reasonable revenue surplus, which may be generated by the educational institution for the purpose of development of education and expansion of the institution"*

It would be a travesty of justice if students are made to pay the entire expense incurred in connection with capital investment for the expansion of the institutions and still claim that such educational institutions are performing a

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charitable activity. What has been conceived as a minor contribution from students for generating only a reasonable surplus for the future expansion of their alma mater, not amounting to exploitation, has now been held by the Hon. High Court of Kerala as a mandatory and burdensome responsibility of the students to contribute fully for the future expansion of the institution, without even raising a whimper of doubt as to the reasonableness of the



expansion proposals or its necessity or its priority over other proposals, even as there is no guarantee that the infrastructure thus built up by private managements would be permanently used for educational purposes alone. This is *mandatory charity in the reverse direction*—on the part of the students for the management and not vice versa as it has been traditionally conceived and upheld by the Hon. Supreme Court.

The challenge against the provisions for determining minority status has been upheld. The results are bound to be disastrous. The private entrepreneurs who have rushed into the field in search of quick profits are ready to grab any opportunity for deregulation that would free them from the fetters of regulatory control and social obligations. The minority tag has now become a convenient ruse for resisting regulatory intervention by the State, specially against the background of two central legislations, the one relating to the amendment to the Minority Educational Institutions Act and the other the 93rd amendment to the Constitution, both of which were carried out by the Parliament in 2006. The amendment to the Minority Educational institutions Act enables any designated minority educational institution to affiliate itself to any University of its choice, provided the targeted University is willing to affiliate it. Since the status of the University has not been prescribed, it could be any University, including private universities/foreign universities which are waiting on their wings to descend on the Indian educational market. No better choice for commercial exploitation of minority rights can be imagined. The second legislation, which is going to have far reaching implications for the State, is the 93rd amendment to the constitution, which enables the State to provide for reservation in unaided institutions. Minorities are exempted from the purview of the legislation, obviously because minorities, by definition, constitute a group which is itself in need of special protection and the imposition of any obligation on such a group to provide protection to another equally vulnerable group would be an unworkable proposition. The exemption clause has however become another peg to hang the agenda of avarice for educational entrepreneurs. A proper procedure for distinguishing minorities deserving protection from others already well protected is needed to prevent the exploitation of minority rights by unscrupulous elements. This was the objective of subsections (b) and (c) of Section 8 of the Act. By striking down the provisions, the Hon'ble High Court has given the managements unfettered rights for exploitation under the guise of minority rights.

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The Hon'ble Justices appear to be convinced that the Government is poor while the people are rich and the rich can look after themselves, only if the Government does not meddle with their choices. 'A poor Government with a rich people to govern' is an oxymoron. But it need not be a reality. The Government can always tax the rich citizens and use such taxes for the welfare of the poor. Such cross subsidy is not unlawful. It is in fact the very logic and justification of taxation in a Welfare State, leave alone a Socialist State. It appears that the Hon'ble Justices have little appreciation for the social philosophy of taxation and its implications on Public Finance and Public Welfare. This is not an apolitical view, but a highly political view regarding the function of a Government. It is a neo liberal, capitalist view. It is opposed to the socialist ethos of our Constitution. In advocating this, the Hon'ble Justices have judicially jettisoned the Preamble of the Constitution, which is a part of the basic structure of the Constitution. They have failed to live up to their oath of office which casts a duty on them to protect the CONSTITUTION of our "SOVEREIGN, SOCIALIST, SECULAR, and DEMOCRATIC REPUBLIC" constituted on behalf of "WE THE PEOPLE OF INDIA". Such failure cannot be justified by the expression of pious sentiments for the poor, with which this unjust dispensation of justice is prefaced and concluded. The political battle to expose and oppose the non-inclusive, unethical and neo-liberal politics of the judgment has to be fought in the People's Court even as the legal battle against the distortions of the apex court verdicts is fought in the Supreme Court.



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# Politics of Models: on Higher Education in Kerala and the Colonial Legacies

*"A very large part of English middle-class education is devoted to the training of servants... In so far as it is, by definition, the training of upper servants, it includes, of course, the instilling of that kind of confidence which will enable the upper servants to supervise and direct the lower servants."*

Raymond Williams

Any serious analysis of the higher education scenario in Kerala has to begin with the interrogation of the colonial legacies that have played a significant role in shaping and structuring this field. Of course the colonial legacies that are specifically related to Kerala have also to be coordinated with the influence of the renaissance, the role of the national freedom movement and the politico-cultural impacts ushered in by the left movement in Kerala. However the truth is that most of our surveys, commission findings and debates take on the topic from an altogether different angle. The colonial legacy in higher education is sometimes so deeply entrenched that we look at our own sphere of higher education from the vantage point offered by international forums and agencies from whom we dutifully borrow the grammar, rhetoric and terminology of our discourses. We often do this regardless of the fact that these agencies are thoroughly steeped in neo liberal agendas and also that the propaganda unleashed by them is so comprehensively in tandem with the capitalist models of development. This does not mean that the realm of higher

education in Kerala can be or has to be isolated and quarantined from international contacts. International contacts are always possible without the adoption of international policies. If we are ready to give more room to this argument then it could even be stated that meaningful international contacts are possible only from within a higher education system whose agenda, both academic and administrative, is locally decided and implemented. Rather than trying to locate Kerala's higher education scenario in the map of international discourses it would be worthwhile and politically correct if we were to locate it in Kerala's own present context. The international terminology that we have grown accustomed to may not be as innocent as it appears to be.

Looking at the work being done by national and international agencies, we could say, with a certain amount of conviction, that higher education has at last become the focal point of global attention. But certainly we are not sure whether we are to be sad or glad about these new developments. Gone are the days when higher education used to be an elusive and mystifying entity which did not receive much public attention. International as well as national agencies have begun assimilating higher education into their thematic concerns. The UNESCO published its position paper on higher education titled "Higher Education in a Globalized Society" in 2004. Subsequently it has come up with a proposal for reforming higher education which envisages cooperation between universities at the international level, providing global leadership for teacher training, developing policy options to deal with globalization and using ICT's in Education. In India the National Knowledge Commission, which was launched in August 2005, to advise the Prime Minister on matters relating to institutions of knowledge production, knowledge use and knowledge dissemination, and empowered with



the mandate to sharpen India's "Knowledge Edge" has already submitted its report on higher education to the Government. This report, like the earlier one published by the National Knowledge Commission on the reservation bill, has also begun to generate controversies. However, controversies apart, can the academic community really relax and enjoy all the attention that is being so chivalrously bestowed upon it. Or is it that all this hue and cry that we hear around us is just the bustle of the market place?

Certainly globalization has succeeded in universalizing and disseminating some of its disguised shopping mall-jargon among academics, social scientists and even among some of its former critics. Thus we hear about process outsourcings, models of sustainable developments, decentralizations, interdisciplinary ventures, knowledge societies, twinning, networking etc. We fear we can't throw these words away because that would amount to throwing the baby out with the bathwater. But whose baby is it anyway? There is also the fact that most of the guidelines regarding higher education published by international agencies deal with Western industrialized countries and the newly industrialized countries of the Pacific Rim and therefore has limited relevance for underdeveloped countries.

A universal agenda in education, let alone in higher education, is by itself a very problematic and culturally dubious issue. One evident reason for this is the historical differences between the origin and development of educational institutions or universities in the developed world and in the underdeveloped world. In the developed world the universities were born and nurtured from the edge of a natural (unnatural if we are to take the colonial enterprise into consideration) socio-political and economic expansion. For example if one were to trace the history of any of those traditional seats of learning in the west one would see a steady stream of give and take between the educational institutions and other national cultural formations. The Universities in the west were engaged in the process of nation building and the neo-natal nationalities were engaged in the process of fostering universities. Young men (in those days of patriarchy) who wanted to play an active role in national life, whether as a man of letters or as a statesman, enrolled in a university and sought education. Some of the leaders of our national movement also imbibed the European sense of nationalism from these universities.

But then how are we to account for the origin of higher education in the colonies. In the colonies the higher educational institutions were setup by

the colonizers with the exclusive aim of rearing a comprador class who would act as the agents of the ruling class. Simultaneously they also wanted to bring together a technically skilled cadre of natives. The University of Madras which is the oldest university in the erstwhile Madras Presidency was established in 1857 as per the directives contained in Sir Charles Wood's Education Dispatch of 1854 which had recommended that professorships should be established in Universities "for the purposes of the delivery of lectures in various branches of learning including vernacular as well as classical languages". However it may be noted that the precursor of the University of Madras, called the University Board, was established by Lord John Elphinstone G.C.H., Governor of Madras, as early as in 1840 and English Literature was one of the subjects that was taught there. The Madras University website informs us that it was originally modeled on London University. But in 1840 the London University had not yet started imparting education in English Literature. This is only one among the numerous examples that would reveal the colonial agenda at work in the structuring of the sphere of higher education in India. Young men who wanted to align their future with the future of the nation had to walk out of these institutions and their colonial curriculums. Thus we came to possess an odd blend of crew as the leaders of the national movement. While the top layers were mostly populated by those who were educated at the western universities the middle level leadership comprised many who had walked out of the colonial curriculums of the Raj Universities.

But are we to assume that with the obtaining of national independence the two streams of education merged and formed a single and homogenous flow of universal education. This is certainly not the case. On the other hand what actually happened was that with the Afro-Asian colonies gaining Independence the educational institutions; particularly the higher education institutions faced an acute cultural crisis where they had to yoke together colonial structures and the agenda of nation building. Of course there were stray attempts to decolonize some of those institutions and to democratize them further. There were also attempts to establish universities that would take up studies and research in regional languages. The attention paid to regional languages could be seen as an example of an awakening that was not carried to its logical conclusion. If we take the whole of South India as a case in point we would see that the Tamil University at Tanjore, aimed at research and higher studies in Tamil, was



established in 1981. The Govt. of Andhra Pradesh established the Potti Sreeramulu Telugu University in 1985. The Govt. of Karnataka established the Kannada University at Hampi in 1991. In fact Malayalam is the only major South Indian Language which does not have a university devoted for higher studies and research in the related fields. But these universities rather archived the regional languages because they did not try to go ahead with the study and research of modern subjects, including science subjects, in the medium of the respective regional languages. It is evident that the general feeling that we had internalized was that the real models were out there and the ones we had in our localities were mere bad replicas of those shining models. Thus with the inherent problems of modernization that all the erstwhile colonies had to undergo we began looking at the west and their universities to get a clue as to how we should run our institutions. Imperialist globalization was a sort of relief to these Universities because they could return to the cozy agenda of following the leader.

In Kerala the break from the colonial agenda manifested itself in the form of an increased role that the students had acquired for themselves in the activities of the academic institutions. The constitution of the administrative and academic bodies through democratic elections and the view that was upheld in the very composition of these bodies themselves were progressive steps that had the potential to transform the higher education sector. The legislative bodies of the universities had representatives from all walks of life and the elite concepts regarding the conduct of universities were thus sought to be dismantled. The colonial agenda for higher education had not set any democratic role for its student community. Neither had it allowed the ordinary citizen to be a part of the administrative structure. But in Kerala the student movements gathered momentum and the College Students' Unions and the University Unions began to carve out a student centered public sphere in at least some of the institutions of higher education. Students were even represented in the supreme administrative bodies of some of the Universities in the state. These interventions were a result of the renaissance spirit and the influence of the leftist politics that had culminated in the Education bill presented in the Kerala Legislative Assembly by the first state government elected after the formation of the State of Kerala. However the results of such proactive interventions were confined to certain administrative changes and the essentially colonial corpus of higher education was left untouched. This was manifested in the humanities as a devoted adherence to the European canonical texts and

writers while in science studies this was manifested in the existence of certain type of anachronistic and outmoded syllabi. Later on with the advent of globalization the curricular side of higher education which had previously exhibited a kind of affinity for outdated canons took up the task of creating a transnational space and the local representations of curriculum were subsumed under universal discourses. The budding public sphere and administrative role that was gained in the academic institutions were now utilized, albeit unintentionally, for the effective implementation of the agenda of globalization. On the administrative level this was seen as an innocent solution of the severe problem of lack of funds which was being felt in all channels of higher education. Thus, quite paradoxically, the little leverage that the democratic space had in the administrative aspect of higher education began to be used for purposes that ultimately destroyed this public and democratic space itself. As a consequence, enrolment in both basic sciences and humanities were discouraged and courses which imparted technical skills (respectfully addressed as professional courses) were promoted on a large scale. The UGC itself encouraged vocationalization of the existing courses by providing special financial assistance packages. The colonial discrepancies were thus sought to be replaced with neo-liberal distortions. As for our higher education system it was a leap from the frying pan to the fire. And now, with the UGC itself lamenting that the basic sciences are being ignored, the paradox has come a full round to take its toll.

Kerala's uniqueness, if at all such uniqueness exists, is the some total of the experiences through which this land and its people have steered through in the 20<sup>th</sup> century. Our achievements in various spheres of public life have been accomplished through consistent political interventions aimed at improving the standard of the downtrodden. It is high time we had an agenda for higher education which should be based on the uniqueness of our experiences, the specificities of our needs and the reality of the presence of the external forces. But the policies and the curriculum have to be framed from within. Unless this is done the progressive forces who have found a place in the legislative and administrative bodies of the higher educational institutions will be constrained to act against the interests of the class they are supposed to represent. It is also high time we realized that the much touted models that are supposed to lure us towards universal academia are part of a sinister political agenda and that they are suffering from ideological anorexia.



# Inclusiveness in Higher Education

In the current approach to planning, "inclusive economic growth" is intended to occupy centre-stage, with "inclusive" education as its major component. Inclusiveness in higher education would mean, above all, increased access to education for groups that currently have only limited access. The identification of such groups with their specific constraints is critical for developing a policy of inclusive education. In the present context, exclusion from access to higher education occurs in multiple ways and is reflected in the disparities observed not only between the poor and the non-poor, but also across social groups classified according to caste, religion, ethnicity, and gender. The National

**A combination of a compensatory policy for particular social groups and pro-poor policy, which must cover all the poor irrespective of caste, religion or gender background, is necessary for inclusiveness in higher education.**

Sample Survey data for 2000 provide useful information on these multiple disparities. The overall gross enrolment ratio in higher education is about 10 per cent. However, it is 6 to 7 per cent for Scheduled Tribes, Scheduled Castes, and Other Backward Classes compared with 17 per cent for the others. Enrolment is low for Muslims (5.23 per cent), compared with Hindus (10.44 per cent), Sikhs (11.2 per cent), and Christian and other religious groups (18.56 per cent). It is also low for girls (8 per cent) compared with boys (12 per cent).

Among economic groups, enrolment is low for wage labour households and also for landless and marginal-landowning households. Enrolment for rural and urban wage labour households is at an abysmal level, varying between 1.41 and 3.3 per cent. Enrolment is 2.4 per cent for the poor compared with 13 per cent for the non-poor; it gets reduced to a mere 1.3 for the rural poor. As for the other economic

groups, enrolment is negligible for poor landless and marginal farmers.

Thus the SCs, STs, OBCs, women, and Muslims among the social groups, and wage labourers, landless and marginal farmers among the economic groups, suffer from lack of access to higher education. The poor from all these groups suffer the most.

While this story refers to particular categories, there is also a significant interface between these categories. The SCs/STs/OBCs from all religious backgrounds, namely Hindu, Muslim, Christian, and Sikh, suffered more from low access to higher education than their higher caste counterparts. For instance, the enrolment of Hindu SCs is 5 per cent compared with 20 per cent for the rest of the Hindus. Likewise the enrolment of SC Sikhs is 2.33 per cent compared with 15 per cent for non-SC Sikhs; and of SC Christians 7.37 per cent compared with 27.52 per cent for the rest of the Christians. Enrolment is also lower for both Hindu and Christian STs than for the rest of each community. Similarly, the enrolment of OBC Hindus is 7 per cent compared with 20 per cent for non-SC/ST Hindus; and that of OBC Muslims is 3.86 per cent compared with 6 per cent for other Muslims.

Again, while girls in general have lower enrolment, among them the lower caste and tribal girls have even lower enrolment than upper caste girls, within each religious group. The enrolment for SC, OBC and ST girls among Hindus is 3.93 per cent, 4.70 per cent, and 5.57 per cent respectively compared with 16 per cent for higher caste girls. Similarly, the enrolment of SC and ST Christian girls is 9.57 per cent and 7.37 per cent respectively compared with 27.52 per cent for higher caste Christian girls. In the same way, the enrolment of SC Sikh girls is only 2.53 per cent compared with 16.52 per cent for higher caste Sikh girls.

The enrolment of Muslim girls is lower than for girls belonging to other religions; it is only 3.74 per cent, compared with 8 per cent for Hindu girls, 11.46 per cent for Sikh girls, and 20 per cent for Christian girls. Among the Muslim girls too, the enrolment of OBCs is the lowest, a mere 2.84 per cent.

Enrolment is generally low for wage labour but it is particularly low in the case of rural wage labour



belonging to SCs and STs. Against an enrolment of 3 per cent for rural non-farm labour and 3.26 per cent for urban wage labour, we have a figure of 1.52 per cent for the same groups from the Scheduled Castes. In the case of poor households too, the enrolment is less for poor belonging to SC, ST, and OBC categories. Among the poor SCs/STs, it declines further to just 1 per cent for the rural poor, and is almost negligible for poor rural wage labour households.

It is apparent that the access to higher education is low for SCs, STs, and OBCs from all religions. Muslims, girls, wage labour, and landless, and marginal farm households are among the most deprived, with the poor within all these categories suffering the most. The lower access of certain social groups within particular categories to higher education compared with other groups belonging to the same broad categories suggest that there are group-specific constraints related to the caste, ethnic, gender, and religious background of social groups.

An inclusive education policy, to be relevant, would require a focus on these specific constraints faced by certain groups, both social and economic. An inclusive education policy accordingly needs to have a two-fold character. It must consist of compensatory measures for particular social groups, and also for the poor. A compensatory policy would

require measures that would compensate particular social groups, like the SCs, the STs, the OBCs, women, and Muslims, for the denial of equal education rights in the past, the consequences of which are being carried forward in the present. On the other hand, the education policy needs to be pro-poor as well, that is, it needs schemes to reduce the constraints imposed by poverty in the economic sense on accessing higher education.

An inclusive pro-poor policy in this sense will involve measures for all poor irrespective of caste, ethnicity, religion, or gender, with priority for wage labour, landless, and marginal farmer households. In short, a genuine inclusive policy will require a judicious combination of a compensatory affirmative action policy and a pro-poor policy. The compensatory policy is necessary for giving a fair share in educational institutions — public as well as private — for particular social groups, with supplementary measures of economic assistance for the poor within each of these social groups. The pro-poor policy, on the other hand, must cover all the poor irrespective of caste, religious, and gender background. The introduction of both these sets of policy, which is necessary for inclusiveness in higher education, would demand a comprehensive change in the orientation of the present policy.

*courtesy: The Hindu*

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# Supreme Court Verdict on Principalship: The wages of judicial negligence

## MISCARRIAGE OF JUSTICE

The judgments of the High Courts and more particularly that of the Supreme Court not only decide specific questions under dispute; they also lay down the laws for future. These judgments bind not only the parties to the litigation, but also others not parties to the specific dispute. The competence and commitment on the part of the lawyers and the judges who pronounce the verdicts that bind the known and the unknown are therefore critical for meeting the ends of justice. The adversarial jurisprudence we have inherited is heavily tilted in favour of the client who can command the services of the cleverest lawyer. The virtual absence of any mechanism that could ensure accountability of judges is another serious drawback that impinges on the content and quality of judgments. The contribution of such factors to the delivery of negligent verdicts that trammel upon citizen's rights merit serious investigation. The judgment of the Supreme Court (dated 27-11-2006 in CA Nos. 8599/2003, 8600/2003 & 8576/2003) on the issue of the appointment of Principals in Mar Ivanios College, Thiruvananthapuram and St. Gregorios College, Kottarakkara are latest illustrations of the inadequacies of our judicial system and consequent miscarriage of justice.

The facts in issue in both cases are similar. They relate to the appointment of principals by promotion in minority colleges. While the High Court had upheld the provision in the Kerala University Act in this respect in its 2003 verdict, the Supreme Court has allowed the appeal against the High court verdict in November, 2006. In the result, the Supreme Court has declared that the provision in the Kerala University Act for promotion to the post of Principal is violative of Art. 30 (1) of the constitution. It has further held that the respective managements have the right to appoint persons of their choice as principals, provided they possess minimum qualifications as prescribed by the university. In arriving at this judgment, the Supreme Court has selectively relied

on successive interpretations of minority rights by the apex court and contentions of the rival claimants in this regard. But the court has failed to look at the issue comprehensively. The verdict has overlooked the observations of the larger constitutional bench in regard to the determination of minority rights and made some factual errors in regard to the reading of the relevant provisions of the Kerala University Act, either because such issues were not brought to the notice of the court by the learned lawyers who debated the issue or because the court was not vigilant enough to look for facts on its own. In either case, the net result is miscarriage of justice.

## ERROR OF LAW

The irony is that the Supreme Court which has rightly pointed out crucial errors made by the High Court in its reading of the apex court verdict in

**The verdict has overlooked the observations of the larger constitutional bench in regard to the determination of minority rights and made some factual errors in regard to the reading of the relevant provisions of the Kerala University Act**





TMA PAI case has itself committed a similar error. In its judgment on the Principals' case against which appeal was preferred in the Supreme Court, the High Court had quoted paragraphs 72 and 73 of the TMA Pai judgment presuming that they applied to minority aided institutions where as these paragraphs had only applicability in regard to non-minority aided institutions. Despite noticing such a fatal error in the High Court Judgment, the Supreme Court has made a similar error in the identification of the paragraphs in which questions relating to minority educational institutions are discussed in TMA PAI. The court has only included paragraphs 80 to 155 in its list where as Paragraphs 74 to 79 which discuss the unit for determination of minority status—whether it is the state or the country as a whole—is totally ignored. This is surprising because the ruling of the Supreme Court in TMA PAI in this regard has been widely debated in legal circles as it implied a conceptual change in the whole gamut of issues relating to minority rights. Till TMA Pai, religious minorities were identified nationally. Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsees) were designated as minorities accordingly. But the judgment in TMA Pai drastically revised the position by clearly stating that from henceforth religious minorities, like linguistics minorities, will be identified State-wise. The discussion and decision on this question occurs in Paragraphs 74 to 79 of TMA PAI. Since this is one of the important questions decided by the court, it has been restated in a question and answer format at the end of the judgment. It reads as follows:

*"Q.1. what is the meaning and content of the expression "minorities" in Article 30 of the Constitution of India?"*

*A. Linguistic and religious minorities are covered by the expression "minority" under Article 30 of the Constitution. Since reorganization of the States in India has been on linguistic lines, therefore, for the purpose of determining the minority, the unit will be the State and not the whole of India. Thus, religious and linguistic minorities, who have been put at par in Article 30, have to be considered State-wise.*

Though it was decided that religious/linguistic minorities would be identified state-wise, the question as to whether educational institutions would be regarded as minority educational institutions merely because they were established and administered by religious/ linguistic minorities was left open by the TMA Pai judgment. The relevant extract from TMA Pai is as follows:

*"Q.3 (a) what are the indicia for treating an educational institution as a minority educational institution? Would*

*an institution be regarded as a minority educational institution because it was established by a person(s) belonging to a religious or linguistic minority or its being administered by a person(s) belonging to a religious or linguistic minority?"*

*A. This question need not be answered by this Bench; it will be dealt with by a regular Bench".*

This has given a new dimension to the understanding of minority jurisprudence. Till TMA Pai, all educational institutions established and administered by minorities were ipso facto regarded as minorities. But the position is no longer tenable. A regular court is yet to decide the parameters by which an educational institution could be designated as minority educational institution. But the impugned judgment has taken for granted that Christians are to be treated as Minority Community in the State of Kerala and that institutions run by Christians are, ipso facto, minority institutions. Yet such presumptions have no validity in the eye of law against the background of the judgment in the TMA Pai case; more so, in the light of the further observations by the Supreme Court in Jain Case (2005) which is reproduced below:

*If it is found that a majority of the members of the community belong to the affluent class of industrialists, businessmen, professionals and propertied class, it may not be necessary to notify them under the Act (National Commission for Minorities Act 1992) and extend any special treatment or protection to them as minority. The provisions contained in the group of Articles 25 to 30 is a protective umbrella against the possible deprivations of fundamental right of religious freedoms of religious and linguistic minorities.*

The factual position has to be ascertained by the respective states to identify the communities that qualify for minority status. Presumptions are no substitute for hard facts. But presumptions, unsupported by law and facts, form the slippery foundations upon which the constitutionality of the provisions relating to principalship in the Kerala University Act and their applicability to the colleges in question have been decided by the Supreme Court in this case.

Yet another consideration that should have been gone into by the Supreme Court is the distinction between school level and higher level education that has been taken note of by the constitutional bench of the apex court in Inamdar case. While culture specific elements are relevant at the school level, quality concerns dominate at the level of higher and professional education. Minority rights have little relevance at the level of collegiate education, which is treated as national wealth. Yet the judgment in question has freely relied on



observations of various courts in respect of the rights of minorities in the appointment of headmasters. No attempt has been made to take note of the distinction drawn by the constitutional bench in respect between school level and higher level education.

### ERROR OF FACT

The colleges in question have been presumed to be minority institutions without even verifying basic details regarding their establishment and administration. Even the necessity for an investigation as to whether the institutions were actually established and administered by minorities has also not been considered by the court. There is not even a rider in the judgment that the parties will be free to approach the State for an appropriate decision on this question. Yet it was on the basis of such an examination conducted the Government of Kerala under the directive of the Supreme Court that minority status was denied to two aided colleges in the State, viz; TKM College, Quilon and Mar Athanasius College, Kothamangalam in 1994. Smt. Sudha Pillai, then Secretary to Government, Higher Education Department, had painstakingly undertaken a detailed investigation to pierce the veil of minority claim to ensure that camouflaged claims to minority status made by the college managements were exposed and disallowed. In both cases, the Secretary found that the colleges were originally established and run by pumping in substantial public funds, with the objective of providing secular education to all communities and that claims to the contrary being advanced by the managements were bogus. One of the important observations made in the conclusive proceedings is that managements which had voluntarily surrendered a substantial part of their rights by signing the Direct Payment Agreement of 1972 had no right to claim unfettered rights for administration later. Minority rights were subjected to the operation of the general principle of estoppel.

### ERROR OF JUDGMENT

An important question of law that has been decided without adequate application of mind is in regard to the rights of minority members for minority rights. The verdict has identified minority rights with the rights of the management that runs the institution. The relevant part of the judgment reads as follows: *"The appellant contends that the protection extended by Article 30(1) cannot be used against a member of the teaching staff who belongs to the same minority community. It is contended that a minority institution cannot ignore the rights of eligible lecturers belonging*

*to the same community, senior to the person proposed to be selected, merely because the institution has the right to select a Principal of its choice. But this contention ignores the position that the right of the minority to select a Principal of its choice is with reference to the assessment of the person's outlook and philosophy and ability to implement its objects. The management is entitled to appoint the person, who according to them is most suited, to head the institution, provided he possesses the qualifications prescribed for the posts. The career advancement prospects of the teaching staff, even those belonging to the same community, should have to yield to the right of the management under Article 30(1) to establish and administer educational institutions".*

It is doubtful whether the above reading is in consonance with the constitutional position. Article 30 (1) gives all minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice. The special right has been conferred on the community and all members of the community have equal rights to the benefits that accrue from it. As far as admission to minority institutions are concerned, the Supreme Court has consistently applied the principle of inter se merit from among applicants belonging to the same minority community. It logically follows that that there can be no distinction among persons belonging to the same community in respect of their rights to appointment and promotion. The stipulation that the philosophy of the principal-aspirant should concur with the philosophy of the management is an open invitation to nepotism and mismanagement and makes a mockery of the well known dictum that the right to administer does not include the right to mal administer. Since there can be no religious instruction in an aided institution, the appointment of a person sharing the philosophy of the religious minority community that has established the college can have only little impact on the training imparted by the institution. There is no nexus between the religious philosophy of the principal and secular education that has to be imparted in the aided institution. Conferment of the right to make selection to the post of the principal on the basis of such vague and unsubstantial criteria as philosophy of life is to confer unbridled power on the management which could be used in the most arbitrary and irresponsible manner, quite often as a potent weapon to stifle all dissent. The portent for freedom of thought and expression, which is very vital for sustenance of liberal education, in such



an educational institution, is indeed very bleak. It is unfortunate that such judgments which negate settled rights of seniority emanate from the highest court of the land which only recently had congratulated itself for faithfully observing the tradition of elevating the senior most judges to the post of the Chief Justice, even though he was to superannuate within a month of assuming office. The writer had the opportunity to listen to a senior officer in Government who vehemently defended the elevation of the senior most secretaries to the post of the Chief Secretary, despite only having a month's service left to his credit. He went to the extent of saying that such consideration for seniority was indeed necessary for keeping up the morale of the entire civil service in tact. The same officer had however no qualms about recommending the application of the principle of "suitability" in respect of the appointment of principals in minority institutions. Obviously, principles vary, depending on how it applies to you.

## ERROR OF NEGLIGENCE

The most transparent error in the verdict, however, pertains to the identification of the provision in the Kerala University Act in respect of appointment of principal, which has been declared to be unconstitutional on the ground that it puts fetters on the freedom of choice of the managements. The relevant provision reads as follows:

*Sec.57 (2) Appointments of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.*

There is nothing in the provision that restricts the choice of the managements in so far as the manner of selection is concerned. The managements can opt for either appointment by promotion or by direct recruitment, even without assigning any reason for exercising such option. The managements can select a teacher as Principal from within or outside the college, if they resort to direct recruitment. They have to go by the principle of seniority cum fitness only if they opt for appointment by promotion. Despite such clarity in regard to the interpretation of the provision, the Supreme Court has totally misconstrued the provision. The observation of the Supreme Court in this regard is as follows:

*The management must have as wide a field of choice as possible; yet sub-section (2) of Section 53 restricts the choice to the teachers of the colleges or of all the colleges, as the case may be, and enables the appointment of an outsider only if there is no suitable person in such college*

*or colleges. That might well have the result of condemning the post to a level of dull mediocrity. A provision by which an outsider is to be appointed, or a junior member of the staff preferred to a senior member, only if he is of superior merit, the assessment of which must largely be left to the management, is understandable; but a provision which compels the management to appoint only a teacher of the college (or colleges) unless it pronounces all the teachers unsuitable, is clearly in derogation of the powers of the management, and not calculated to further the interest of the institution. But we might say that there can be no objection to the appointment of the principal as of any other member of the staff being subject to the approval of some authority of the University so long as disapproval can be only on the ground that the person appointed has not the requisite qualifications. Also that if disapproval is not to be only on some such stated ground, but is left entirely to the will and pleasure of the appointing authority, that would be to deprive the educational agency of its power of appointment and would be bad for offending article 19(1)(f) and article 30(1)." Clearly there has been some misunderstanding. The provision that direct recruitment can be resorted to only if there is no one qualified to be appointed as principal from among the existing staff is not a part of the provisions of the Act. Such an interpretation has obviously been made by mistaking section 57 (4) of the Act, which applies to the appointment of cadre professors (now extinct), for 57 (3) which is applicable for the appointment of principals by promotion. Section 57(3) reads as follows:*

*57(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum fitness.*

Compare the above with section 57(4) which is reproduced below:

*Section 57 (4) Appointments to the posts, other than those referred to in (Sub-section (1A) and (2), shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be on the basis of seniority cum fitness, or if none among them is fit for promotion, by direct recruitment. The condition that direct recruitment can be resorted to only if no suitable candidates are available for promotion applies only to appointment of cadre professors, not for appointment of principals. Obviously, the Supreme Court has mistaken the one for the other. It might be a simple error. But its outcome is serious. It compromises the rights of not only teachers working in aided minority institutions, but also others, belonging to both minority and non-minority communities, who depend on such state-funded institutions for the education of their children.*



# The Structure and Content of Higher Education in Kerala

## Report of the Seminar, Curriculum Workshops and Academic Committee survey

The AKPCTA Academic Committee Seminar on the 'Structure and content of higher education' was held on Oct 28, 2006, on the occasion of the inauguration of the Conference Hall in the State Committee office in Thiruvananthapuram. Major structural and curricular aspects of Arts and Science Colleges were discussed in the seminar and the curriculum workshops organized during November 2006. The issues focused in this seminar included:

- Strengthening Public Funded Higher Education
- De-linking Unaided Courses from Aided Colleges.
- Enforcing the Rule of law in Higher Education Institutions.
- Sanctioning Regular Teaching Posts for courses started during 1997 -2001.
- Student Enrollment Problems
- Democratization of University System.
- Curriculum Reform in the State Universities.

### A. About the Seminar

The seminar on the structure and content of higher education was inaugurated by the Hon. Minister for Education Shri. M.A. Baby. He called for a thorough revamping of the existing system of

education for the benefit of the common man. Among other things, he highlighted the following aspects of education.

- The reform of education should start from the school level.
- A strong and equitable system of school education is a pre-condition for a vibrant higher education system
- Realistic policies are required for sustaining the benefit of Kerala's school education system.
- The establishment of the Kerala Higher Education Council will pave the way for formulating realistic policies in higher education.
- The Council will be similar to the State Planning Board in its nature .
- AKPCTA has got a definite role in reforming the higher education system and the authorities will give due attention and importance to the suggestions of AKPCTA.

In his keynote address Dr.K.N. Panikkar, noted Historian and former Vice – Chancellor of Sree Sankaracharya University of Sanskrit, Kalady, made an impassioned plea for reforming both structure and content of higher Education in Kerala. He stressed the need for a system of higher





Education based on democratization of the academic system and reforming the circular content. His major arguments for this included

1. In Kerala, higher education is considered as a mere extension of the school education system.
2. Higher education is a level of learning in which specialization is the hallmark of it.
3. The most important component of higher education namely research is either ignored or neglected at all levels.
4. The interdisciplinary nature of studies/ subjects in the higher education level is not properly recognized and worked at in our colleges and universities.
5. The teaching-learning process is not properly taken care of.
6. Our libraries are not properly funded and neglected by the academic community.
7. The declining flow of funds acts as a major constraint in developing the higher education institutions and infrastructure.
8. The large number of vacant teaching positions in college and universities act as a limiting factor in providing quality education.
9. The contract system / guest lecture system has system and this should be abolished at the earliest.
10. The quality and content of our syllabi should be constantly revised.

The seminar discussed the general guideline prepared by the AKPCTA academic committee for revising the syllabus of the undergraduate courses in the state universities. Nearly hundred teacher-representatives and well-wishers from different parts of the state actively participated in the one day seminar. The teachers during the discussion stressed the following aspects of syllabus revision.

1. A through revamping of the curriculum with clear objectives should be attempted.
2. The political objective of fighting the neo-liberal policies and designs should be taken care of in the syllabus revision exercise.
3. The existing unfavorable teacher student ratio and contract system in teaching are constraints in the introduction of semester system in undergraduate level now.
4. The problem of PG semesterization should be addressed on a priority basis.
5. Models of participatory / student-centred learning should be developed and discussed in detail.
6. Problems of internal evaluation especially with the growth of self financing stream should be analyzed seriously.

7. ICT should be introduced as a tool analysis in different courses/ papers.
8. Effective models of social service should be incorporated into the curriculum.
9. Training programmes for the teachers should be organized regularly by the universities.
10. A question-bank system should be developed in all subjects.
11. Problem of vocational courses should be taken care of.
12. Examination reforms should be considered as part of curriculum reforms. The grading system and credit-semester system should be extended to the colleges with the introduction of the concept of cluster of colleges in the state.

### B. About the curriculum workshops.

On the basis of the broad consensus in the seminar, curriculum workshops for 18 main stream subjects were held in 4 university areas. The workshop for languages (Malayalam, English, Hindi & Sanskrit) and Commerce were held on 4-5<sup>th</sup> Nov. 2006 at Sree Kerala Varma College, Trissur. The workshop for Humanities and Social Science (History, Economics, Political Science and Psychology) was held on 4-5<sup>th</sup> Nov. 2006 at U.C. College, Aluva. In the state committee office at Thiruvananthapuram, the workshop for physical and mathematical science (Mathematics, Physics, Chemistry, Statistics, computer science and Geology) and Life Science (Botany and Zoology) were held as Nov-11-12<sup>th</sup> 2006. The workshop for Education was held on 18-19<sup>th</sup> Nov, 2006 at Govt. Engg College Kannur. Nearly 250 teachers in different subjects attended the two-day workshops. Experts in various subjects and core committee conveners led the discussion in the workshops. The new syllabus is being finalized and will be published in January 2007. The curriculum workshops organized by the AKPCTA academic committee is the largest participatory and democratic exercises in curriculum designing in Kerala. It will provide a state level model curriculum for undergraduate course for the state universities in Kerala.

### C. Academic Committee survey on student enrollment, courses and teaching posts in aided colleges.

AKPCTA academic Committee conducted a survey on the changing nature of student enrollment, courses and teaching positions in the private aided colleges in Kerala. It was conducted during the month of October 2006. Nearly 60 colleges including rural and urban, were selected for the purpose of survey from all the 14 districts in the



state of Kerala. It covered a nine year period from 1997-98 to 2005-06. It was primarily intended to prepare a status paper on the changing structure and content of higher education. Following are the preliminary findings of the survey.

### **I. Student Enrollment Trends (1997-98 to 2005-06)**

- Student enrollment in traditional streams of study increased marginally. It showed an annual average growth rate of only 3 percent during the period between 1997-98 to 2005-06.
- In some areas, where there is a proliferation of unaided and off-campus courses, there is a decline in the number of students who take the final examination in traditional subjects.
- Student enrollment in new generation courses increased considerably. It showed an annual average growth rate of 15.4 percent during the period between 1997-98 to 2005-06.
- The number of students admitted in almost all traditional courses exceeded the number of students sanctioned for the courses.

### **II Changing Nature of Courses:**

- There is a tremendous increase in the number of new generation courses in science stream.
- The increase in aided regular courses is marginal compared to the growth of self-

financing / off - campus courses. These mainly courses started to accommodate the surplus teachers.

- The co-existence of aided courses and unaided / off - campus courses is considered as a normal academic arrangement in the MG and Calicut University area colleges.
- Large proportion of the new generation courses are in the self - financing stream.

### **111 Declining number of permanent teachers and growth of contract system:**

- There is a marked decline in the number of permanent teachers in the aided colleges in the state. The extent of shortage of permanent teachers varies from colleges to colleges. On an average it is 30 percent. This is filled partly by govt. paid guest lectures and management paid guest lectures.
- There is a large increase in the number of management paid guest lectures.
- The contract system of teaching is growing as a result of the growth of unaided courses and the refusal of the govt. to pay salary to the guest lectures in the courses started during 1997-98 to 2000-01.

A detailed subject-wise / graphical illustration of the major findings of the survey will be published in the journal.

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# പി.ജി.സിലബസ്സ് അട്ടിമറിക്കെതിരെ മാർച്ചും ധർണ്ണയും

എം. ജി. സർവ്വകലാശാലയിൽ പി. ജി. സിലബസ്സ് വെട്ടിക്കുറയ്ക്കുന്നതിനെതിരെ എ.കെ.പി.സി.ടി.എ. യൂണിവേഴ്സിറ്റി മാർച്ചും ധർണ്ണയും നടത്തി. വി. എൻ. വാസുദേവൻ എം. എൽ. എ. ഉദ്ഘാടനം ചെയ്തു. കേരളത്തിലെ സർവ്വകലാശാലകൾക്ക് കരിക്കുലം പരിഷ്കരണത്തിന് മാതൃകയായിരുന്ന എം. ജി. യൂണിവേഴ്സിറ്റി സിലബസ്സ് വെട്ടിക്കുറയ്ക്കുന്നതിലൂടെ കച്ചവട താൽപര്യങ്ങൾക്ക് അക്കാദമിക താൽപര്യങ്ങളേക്കാൾ പരിഗണന നൽകുകയാണെന്ന് വി. എൻ. വാസുദേവൻ പറഞ്ഞു. എ.കെ.പി.സി.ടി.എ. സെക്രട്ടറി ഡോ. രാജൻ വർഗീസ്, എം. ജി. യൂണിവേഴ്സിറ്റി എംപ്ലോയീസ് അസോസിയേഷൻ സെക്രട്ടറി കെ. ഷറഫുദ്ദീൻ, മുൻ സെനറ്ററും ജയിംസ് മണിമല, ഡോ. കെ. പി. സുകുമാരൻ നായർ എന്നിവർ സംസാരിച്ചു.



## പന്തളം എൻ.എസ്.എസ്.കോളജിനുമുന്നിൽ ധർണ്ണ



പന്തളം എൻ. എസ്. എസ്. കോളജ് ഫിസിക്സ് അധ്യാപകൻ കെ. ആർ. ജയകുമാറിനെതിരെ എൻ. എസ്. എസ്. മാനേജ്മെന്റ് നടത്തുന്ന അച്ചടക്ക നടപടികൾ പിൻവലിക്കണമെന്നാവശ്യപ്പെട്ടുകൊണ്ട് 14.11.06 ചൊവ്വാഴ്ച, പന്തളം എൻ. എസ്. എസ്. കോളജ് എ. കെ. പി.

സി. ടി. എ. ബ്രാഞ്ചിന്റെ ആഭിമുഖ്യത്തിൽ കോളജിനു മുമ്പിൽ അധ്യാപകർ ധർണ്ണ നടത്തി. പ്രൊഫ. ടി. കെ. ജി. നായർ ധർണ്ണ ഉദ്ഘാടനം ചെയ്തു. ജില്ലാ സെക്രട്ടറി പ്രൊഫ. പി. രാജശേഖരൻ പിള്ള ഡോ. ടി. എ. സുകുമാരക്കുറുപ്പ് എന്നിവർ സംസാരിച്ചു.



# ഐഫക്ടോ

## 25-ാമത് അക്കാദമിക് കോൺഫറൻസും സെമിനാറും

സെന്റിനറി ആഡിറോറിയം, യൂണിവേഴ്സിറ്റി ഓഫ് മദ്രാസ്,  
ചെന്നൈ, 2006 ഡിസംബർ 1 - 3



### ഉദ്ഘാടന സമ്മേളനം

പ്രസിഡന്റ് പ്രൊഫ. തോമസ് ജോസഫിന്റെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന സമ്മേളനം മദ്രാസ് സർവ്വകലാശാല വൈസ് ചാൻസലർ ഡോ. എസ്. രാമചന്ദ്രൻ ഉദ്ഘാടനം ചെയ്തു. സമ്മേളനത്തെ അഭിവാദ്യം ചെയ്തുകൊണ്ട് ഡോ. എ. രാമസ്വാമി (വൈസ് ചെയർമാൻ, റി. എ. എൻ. എസ്. സി. എച്ച്. ഇ), ഡോ. റി. ബാലകൃഷ്ണൻ (വൈസ് ചാൻസലർ, പെരിയാർ യൂണിവേഴ്സിറ്റി), ഡോ. സി. സുബ്രഹ്മണ്യം (വൈസ് ചാൻസലർ, തമിഴ് യൂണിവേഴ്സിറ്റി), ഡോ. ഡി. ജാനകി (വൈസ് ചാൻസലർ, മദ്രൈരേസാ യൂണിവേഴ്സിറ്റി), ഡോ. എം. എസ്. പളുനിച്ചാമി (വൈസ് ചാൻസലർ, തമിഴ്നാട് ഓപ്പൺ യൂണിവേഴ്സിറ്റി), ഡോ. എസ്. ഭാസ്കരൻ (മെമ്പർ സെക്രട്ടറി - റി. എ. എൻ. എസ്. സി. എച്ച്. ഇ) എന്നിവർ സംസാരിച്ചു.

അസ്സോസിയേഷൻ ഓഫ് യൂണിവേഴ്സിറ്റി ടീച്ചേഴ്സ്, തമിഴ്നാട് പ്രസിഡന്റ് പ്രൊഫ. എൻ. സെന്താമര സ്വാഗതവും സെക്രട്ടറി ഡോ. പി. ജയഗാന്ധി നന്ദിയും രേഖപ്പെടുത്തി.

### ജനറൽ കൗൺസിൽ യോഗം

പ്രൊഫ. തോമസ് ജോസഫിന്റെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന യോഗത്തിൽ ജനറൽ സെക്രട്ടറി ഡോ. വി. കെ. തിവാരി 2005-06 വർഷത്തെ വാർഷിക റിപ്പോർട്ട് അവതരിപ്പിച്ചു. തുടർന്ന് വിവിധ സംസ്ഥാനങ്ങളിൽ നിന്നെത്തിയ പ്രതിനിധികൾ റിപ്പോർട്ടിനെ അധികരിച്ച് ചർച്ചയിൽ പങ്കെടുത്തു. എ. കെ. പി. സി. ടി. എ. യെ പ്രതിനിധീകരിച്ച് ജനറൽ സെക്രട്ടറി

പ്രൊഫ. ആർ. മോഹനകുമാറും പ്രവർത്തക സമിതി അംഗം കെ. ശശിധരനും ചർച്ചയിൽ പങ്കെടുത്തു. ഉന്നത വിദ്യാഭ്യാസം സംബന്ധിച്ച് ഐഫക്ടോ നയരേഖയുടെ കരട് സമ്മേളനത്തിൽ അവതരിപ്പിച്ചതിനെ പ്രതിനിധികൾ പൊതുവേ ശ്ലാഘിച്ചു.

### ദേശീയ സെമിനാർ

#### "Share knowledge share development"

പ്രസിഡന്റ് പ്രൊഫ. തോമസ് ജോസഫിന്റെ അദ്ധ്യക്ഷതയിൽ നടന്ന സെമിനാർ തമിഴ്നാട് ഉന്നതവിദ്യാഭ്യാസ മന്ത്രി ഡോ. കെ. പൊന്മുടി ഉദ്ഘാടനം ചെയ്തു.

ഐഫക്ടോ ജനറൽ സെക്രട്ടറി ഡോ. വി. കെ. തിവാരി വിഷയം അവതരിപ്പിച്ചു. ടീച്ചേഴ്സ് ഓഫ് ദ വേൾഡ്ന്റെ ചീഫ് എഡിറ്റർ ഡോ. കെ. കെ. തെക്കേടത്ത് മുഖ്യപ്രഭാഷണം നടത്തി. തുടർന്ന് ഡോ. സി. തങ്കമുത്തു (വൈസ് ചാൻസലർ, ഭാരതിദാസൻ യൂണിവേഴ്സിറ്റി), ഡോ. ജി. തിരുവസംഗം (വൈസ് ചാൻസലർ, ഭാരതിയാർ യൂണിവേഴ്സിറ്റി), ഡോ. എൽ. കണ്ണൻ (വൈസ് ചാൻസലർ, തിരുവള്ളൂവർ യൂണിവേഴ്സിറ്റി), ഡോ. എസ്. മണി (ഡയറക്ടർ, കോളജ് വിദ്യാഭ്യാസം) എന്നിവർ ചർച്ചയിൽ പങ്കെടുത്തു. ഐഫക്ടോ സോണൽ സെക്രട്ടറി ഡോ. പി. ജയഗാന്ധി സ്വാഗതവും എ. യു. റി. ട്രഷറർ ഡോ. എൻ. ഭാസ്കരൻ നന്ദിയും രേഖപ്പെടുത്തി.

### PLENARY SESSION

- Panel 1. Academic/Knowledge as resource for National Development  
2. Funding/Prioritisation of Finance in Higher Education.





3. Social Perspective/Higher Education and Social Justice
4. Structure/Governance of Colleges and Higher Education.

### VALEDICTORY SESSION

എഫ്. ഐ. എസ്. ഇ. ജനറൽ സെക്രട്ടറി പ്രൊഫ. മൂൺമോയ് ഒട്ടാപാഡ്യയുടെ അദ്ധ്യക്ഷതയിൽ കൂടിയ സമ്മേളനം തമിഴ്നാട് Information Minister ശ്രീ. ദളിതി ല്ലാവഴുതി ഉദ്ഘാടനം ചെയ്തു. എഫ്. ഐ. എസ്. ഇ. സെക്രട്ടറി പ്രൊഫ. ബി. വിജയകുമാർ ഐഎക്ടോ സെക്രട്ടറി പ്രൊഫ. എ. ജയിംസ് വില്യംസ് തമിഴ്നാട് ഗവൺമെന്റ് കോളജ് ടിച്ച്മെന്റ് അസോസിയേഷൻ പ്രസിഡന്റ് ഡോ. വി. സ്വാമിനാഥൻ എന്നിവർ സംസാരിച്ചു. പ്രൊഫ. എൻ. സെന്താമര സ്വാഗതവും ഡോ. സുനരാജൻ നമ്പിയും രേഖപ്പെടുത്തി.

എ. കെ. പി. സി. ടി. യെ. പ്രതിനിധീകരിച്ച് പ്രൊഫ. ആർ. മോഹനകുമാർ (ജനറൽ സെക്രട്ടറി), പ്രൊഫ. വി. രാഘവനാഥ് (വൈസ് പ്രസിഡന്റ്), ഡോ. കെ. കെ. ബാലചന്ദ്രൻ നായർ (ട്രഷറർ), കെ. വിജയധരൻ, സഹരൂറ്റിൻ (സെക്രട്ടറിമാർ), എ. പ്രതാപചന്ദ്രൻ നായർ, കെ. ശശിധരൻ, പ്രിൻസിപ്പാൾ (പ്രവർത്തനസമിതിാംഗങ്ങൾ) എന്നിവർ പങ്കെടുത്തു.

## Resolutions adopted by the XXV Annual Academic Conference of AIFUCTO - moved by the All Kerala Private College Teachers' Association.

1. The XXV Annual Academic Conference of the AIFUCTO resolved to request the Govt. of India to make a Central Legislation for regulating admission, fee structure etc. in Professional Self-financing Colleges in tune with the "The Kerala Professional Colleges Act 2006" and it may also be included in the 9th schedule of the constitution of India.
2. It is resolved that the AIFUCTO should implead in the apex court to ensure in the seniority criteria for appointment of Principals, in aided colleges, including institutions run by minority communities.
3. It is resolved to request the UGC to formulate criteria for democratisation of this academic and administrative systems of the universities all over India. It is also resolved to request the UGC to ensure the student representation in the University bodies.
4. At present the upper age limit for deputation of teachers under FIP is 45 years for men and 50 years for women. It is resolved to request the UGC to raise the upper age limit for granting deputation under FIP to a uniform level for all teachers.
5. NAAC is not competent to assess all the Higher Education Institutions in India in a rational way, considering the regional and socio-economic diversities. Hence it is resolved to request the UGC to formulate norms for the constitution of State Level Higher Education Assessment Council with the financial assistance of the UGC.
6. It is resolved to request to the UGC to stipulate that, the minimum teaching service for a person to be appointed as principal is 25 years

## MOVEMENT RESOLUTION

The XXV Annual Academic Conference of AIFUCTO held at Chennai from 1st to 3rd December 2006. Taking note of important International and National developments including the set back against American hegemony in Iraq, Iran and North Korea and pro-democratic developments in Nepal and Latin America and also taking into account the failure of the UPA Government to honour its NCMP commitment to the full, has resolved as follows:

AIFUCTO takes strong note of privatization and commercialization of Higher education by the Central Government and some State Governments. This is unconstitutional, violative of domestic rules and anti-people, anti-student and anti-teacher. This trend is to be countered through sustained struggles of all democratic forces.

AIFUCTO expresses its total resistance to WTO

and GATS inspired neo-liberal policies in the field of higher education. The one-room private universities of countries like Australia, USA, Canada and UK want to make forays into the vital sectors of education in India.

AIFUCTO notes with concern the continuous efforts of the State to withdraw from all vital sectors, including higher education, leaving space for local and foreign private players with the objective commodifying and commercializing education. The annual conference has initiated steps for formulating an alternative policy on Higher Education which emphasizes the democratization of access, content and structure of education. The draft document, which has put forward the slogan "SHARE KNOWLEDGE: SHARE DEVELOPMENT", has incorporated the policy perspective of AIFUCTO that



**QUALITY EDUCATION FOR ALL AT ALL LEVELS OF LEARNING** is one of the fundamental requirements for the realization of the objective of inclusive national development in the post industrial knowledge driven economy

While welcoming the UPA'S NCMP with regard to allocation of 60% GDP for education, AIFUCTO strongly resents the lack of political will as evident from just 0.4% increase in GOP allocation in 2005 - 2006 taking it to less than 3.6% of GDP. AIFUCTO has consistently advocated the public awareness campaigns in cooperation with trade unions, organizations of youth, students and women. All these progressive forces have to urgently joint together for launching a country wide resistance movement against the indifferent attitude of the UPA Government towards fulfilling its promises to the people.

AIFUCTO notes with concern that there has yet been no central legislation in regard to the 86th Constitution Amendment on the Right to Education. Abdication of fiscal responsibility and lack of sensitivity to federal ethos on the part of the Central Government is clear from its insistence that the States bear a part of the expenditure for implementing the scheme on terms dictated by the Central Government by passing the "Model Right to Education Bill 2006" by the State Assemblies.

AIFUCTO will take part in the national strike on 14th December 2006 along with the Confederation of Central and State Government Employees, Teachers and Workers on the basis of the 16 point charter of demands, which includes the following:

Check price rise.

Lift ban on recruitment.

Stop contractualization and out sourcing.

Stop downsizing and disinvestment of PSUs.

Restore right to strike.

Withdraw cuts in EPF and GPF.

No to legislation on Pension Fund Regulatory and Development Authority

No to raising of FDI cap in Telecom, Insurance and Banking

No to FDI in Defence, Retail, Agriculture and Education

AIFUCTO calls upon all its affiliates and all teachers to join the National General Strike on 14th December and make it a grand success.

AIFUCTO has resolved to hold a massive rally in New Delhi during the Budget Session of the Parliament to demonstrate its strong objections to the failure of the Central Government to allocate 6% of

GDP for education and to legislate on free and compulsory education and to demand that the Central Government constitute a full-fledged NATIONAL COMMISSION FOR EDUCATION on the model of Kothari Commission in order to address the constitutional commitments to democracy and social justice in the context of the new challenges in Education. The MARCH TO PARLIAMENT will be held on the 12th of March, 2007. AIFUCTO calls upon all affiliates to make preparation in advance for ensuring participation of large number of teachers in the March to Parliament. AIFUCTO will take all initiative to involve all teachers' organizations, and the organizations of youth, women, students, peasants and workers and civil society which oppose wrong policies of Government of India.

AIFUCTO has resolved to whole-heartedly join forces with the World Federation of Teachers' Unions (WFTU-FISE), the only international, democratic and progressive forum for teachers of the world. AIFUCTO calls upon all its affiliates to mobilize resources and personnel for holding the INTERNATIONAL CONFERENCE OF FISE to be held at Rajendra Bhavan, New Delhi from 9th to 11th March, 2007.

AIFUCTO demands immediate resolution to the pending problems including the following: 1) CAS from 1.1.96; 2) Professorship in all colleges under CAS; 3) Merger of 50% of DA for all teachers drawing UGC scales in all States; 4) Third promotion to all teachers; 5) Fitment fixation at Rs. 14940/-; 6) Extension in time for Refresher / Orientation courses; 7) Appropriate Scales of Pay for Instructors, Coaches and accompanists; 8) Granting of stagnation increments; 8) Uniform Implementation of UGC recommendations on Retirement Age, Retirement Benefits, Medical, Housing and Travel Allowances.

The Conference expressed serious concern at the negative terms of reference in the constitution of the new pay commission of the Central Government employees, like the absence of commitment to 1-1-2006 as the date of implementation of the new pay-scales and the proposal for the review of the pension scheme for the retired and serving employees.

AIFUCTO demands the constitution of the UGC/AICTE Pay-Review Committee at the earliest.

AIFUCTO further demands payment of interim relief and introduction of the new pay-scales from 1-1-2006.

**Prof. Thomas Joseph**  
President

**Dr. V.K. Tewari**  
General Secretary



## Empower states to regulate Private institutions: AIFUCTO

The All India Federation of University and College Teachers' Organisation (AIFUCTO) president Thomas Joseph demanded that the Centre should enact a legislation empowering States to effectively regulate private educational institutions. This would be one of the ways to ensure more access to education provided for all stakeholders, he added.

AIFUCTO general secretary V K Tewari said

that the federation was against the Foreign Direct Investment cap in education, which, if allowed, could lead to the mushrooming of "one-roomed universities" in the country. The whole policy of privatisation of education was against the interest of the common people. States should not legislate private universities. Further, entry of foreigners through the GATS agreement will only commodify and commercialise education.

## Teachers to march in Delhi

The All India Federation of University and College Teachers' Organisation has decided to conduct a massive rally during the Budget Session on March 12 in New Delhi pressing 16-point charter of demands, which includes allocation of six percent of the gross domestic product to education.

Dr V.K. Tewari, general secretary of AIFUCTO,

said, "The Union government should enact a legislation empowering state governments to regulate private universities."

The AIFUCTO, which has opposed foreign direct investment in education, said it was not averse to signing of MOUs by Indian universities with their foreign counterparts for academic collaboration.

**കടലുണ്ടി സർവ്വീസ് സഹകരണ ബാങ്ക്  
ലിമിറ്റഡ് നമ്പർ എഫ്. 1500**

**ഹെഡ് ഓഫീസ് : കടലുണ്ടി**

**ഫോൺ: 0495-2470233**

**ബ്രാഞ്ച്: ചാലിയം**

**ഫോൺ: 0495-2470307**

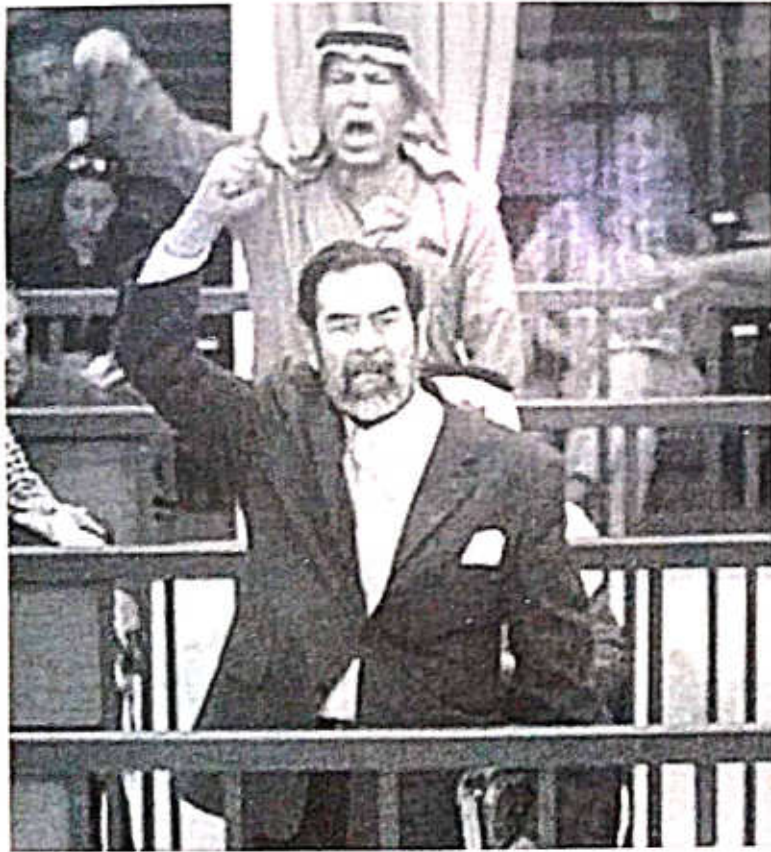
പ്രസിഡന്റ് :  
പി. രാധാകൃഷ്ണൻ

സെക്രട്ടറി (ഇൻചാർജ്ജ്)  
യു. വി. കലാവതി



# ന്യൂശംസതയ്ക്ക് മുന്നിലെ നിസ്സഹായ ലോകം

1958 ൽ സദ്ദാം ഹുസൈൻ കമ്മ്യൂണിസ്റ്റായിരുന്ന സ്വന്തം അളിയനെ കൊല ചെയ്തു. അറബ്ലാന്റിൽ സദ്ദാം മുതൽ പേർഷ്യൻ ഗൾഫ് വരെയുള്ള ഏകരാഷ്ട്രം സ്വപ്നം കണ്ട് പിറന്ന ബാത്ത് പാർട്ടി. ഇറാഖിന്റെ അതിർത്തിക്കുള്ളിൽ കമ്മ്യൂണിസ്റ്റ് വിരോധത്തോടുകൂടിയ സമീപനമായിരുന്നു കൈക്കൊണ്ടത്. ഈ വിരോധം തന്നെയായിരുന്നു സദ്ദാമിനെ സ്വന്തം അളിയനെ കൊല ചെയ്യാൻ പ്രേരിപ്പിച്ചത്. സദ്ദാം ജയിലിലുമായി. രണ്ട് ദശാബ്ദങ്ങൾ കടന്നുപോയി. 1979 ൽ ഇറാഖ് കാണുന്നത് ഇറാഖ് പ്രസിഡന്റായ സദ്ദാമിനെയാണ്.



ആത്മാഭിമാനത്തിന്റെ ധീരശബ്ദമായി, നിർഭയത്വത്തിന്റെ പ്രതീകമായി, യാങ്കികളുടെ ഉറക്കം കെടുത്തുന്ന ജലിക്കുന്ന സൂര്യനായി ഇനിയുള്ള കാലം സദ്ദാം ജീവിക്കും.

യുഗ്രഥിസും ട്രൈബിസും കുർദിസ്ഥാൻ മലകളുടെ രണ്ടു ഭാഗത്ത് ഉത്ഭവിക്കുന്നു. ഷാൻ അൽ അറബ് എന്ന ഒറ്റ നഗിയായി ഇവ സംഗമിച്ച് പേർഷ്യൻ ഉൾക്കടലിൽ ചെന്ന് ചേരുന്നു. ഷാൻ അൽ അറബ് ഇവിടുത്തെ കാവേരി പോലെയോ മുല്ലപ്പെരിയാർ പോലെയോ വളരെപ്പേരെ പേർഷ്യൻ (ഇറാനിയൻ) ഇറാഖി സാഹസ്യഹോതുവാവ നഗിയാണ്. 1935 ൽ ഒരു അന്താരാഷ്ട്ര കമ്മീഷൻ ഇടപെട്ട് ഈ പ്രശ്നം പരിഹരിച്ച് ഇറാഖിന് ഷാൻ അൽ അറബിന് മേൽ കൂടുതൽ ഉടമസ്ഥത നൽകി. ഇറാനും അത് അംഗീകരിച്ചിരുന്നു.

എണ്ണ കിനിയുന്ന ഈ രാഷ്ട്രങ്ങളെ കണ്ട് കൊതി ഊരി നിൽക്കുകയായിരുന്ന അമേരിക്ക. ഇറാനിൽ ഷായുടെ ഭരണകാലത്ത് സൗഹൃദം സ്ഥാപിച്ചെടുത്തു. ഷാൻ അൽ അറബിൽ ഇറാൻ അർഹിക്കുന്ന അധികാരം ഇല്ലാതെയാണ് 1935 ൽ സന്ധിയുണ്ടായത് എന്ന് ഇറാനെ അമേരിക്ക തെരുപ്പെടുത്തിക്കൊടുത്തു. ഇറാൻ ഷാ ഇളകി; ഇളകിന്ത്, അമേരിക്ക ഇക്കാര്യത്തിൽ തന്നെ പിന്മാങ്ങാനുണ്ട് എന്ന് ധരിച്ചപ്പോഴാണ്. ഇറാനും ഇറാക്കും യുദ്ധം ചെയ്യുന്നതിലേക്ക് അമേരിക്ക 'ഇയാണോ' കളിച്ചു. എട്ടുവർഷം യുദ്ധം നീണ്ടു. ഒരു ദശലക്ഷത്തോളം ജീവഹാനി ഉണ്ടായി.

ഇറാനിൽ ഷാ മേറി, ഖൊമൈനി എന്ന ഷിയാ നേതാവ് ഭരണമേറ്റു. ഷായെപ്പോലെ വളയാത്ത ഖൊമൈനിയെ തങ്ങളുടെ ചൊല്പടിക്കു കിട്ടുന്നില്ല എന്ന് കണ്ട അമേരിക്ക, ഇറാഖിനൊപ്പം ചേർന്നു. ആരായാൽ എന്ത്, ചങ്ങാത്തത്തിലൂടെ എണ്ണപ്പാടങ്ങളുടെ അധിശതത്തിലേക്കുള്ള കൃത്രിമവഴി എവിടെ തുറന്നെടുക്കാമെന്നതായിരുന്നു യാങ്കികളുടെ ഉള്ളിലിരിപ്പ്. സദ്ദാമിന് അമേരിക്കൻ പിന്തുണ കിട്ടി; ജൈവരാസായുധങ്ങളുടെ നിർമ്മാണത്തിന് പച്ചക്കൊടിയും. ജൈവായുധ നിർമ്മാണത്തിനുവേണ്ട അഫ്ഘാനോറോക്സിൻ കൊടുത്ത് ഇറാഖിനെ അമേരിക്ക ഉത്തേജിപ്പിച്ചു. കുർദിസ്ഥാൻ താഴ്വാരായ കുർദ്ദുകളെയും സദ്ദാമിനെയും ശത്രുക്കളാക്കി അമേരിക്ക മദിച്ചു. സദ്ദാം കുർദ്ദുകളെ വിഷവാതകമടിച്ചു കൂട്ടക്കൊല നടത്തി. ഇതിനിടെ ആയിരുന്നു സദ്ദാമിനെ തൂക്കിലേറിയതിന് കാരണമായ ദുരൈസ് സംഭവം - തന്നെ വധിക്കാൻ ശ്രമിച്ചതിന് 148 ഷിയാകളെ സദ്ദാം കൂട്ടക്കൊല ചെയ്ത സംഭവം. അങ്ങനെ കുർദ്ദുകളും ഷിയാകളും സുന്നിയായ സദ്ദാമിന്റെ ആജീവനാന്ത ശത്രുക്കളായി.

നീണ്ട ഇറാൻ യുദ്ധത്തോടെ സദ്ദാമിന്റെ പണം ഖൊടിഞ്ഞു. ഇറാഖ് കുവൈറ്റിൽ നിന്ന് വാങ്ങിയ കടം പെരുകി. പണം തിരിച്ചുകൊടുക്കാൻ കഴിയാത്ത അവസ്ഥ ഉണ്ടായപ്പോൾ അമേരിക്കയുടെ രഹസ്യ ഒത്താശയോടെ സദ്ദാം കുവൈറ്റ് ആക്രമിച്ചു. അപ്പോൾ അമേരിക്ക കുവൈറ്റിന്റെ രക്ഷയ്ക്കെത്തി. സദ്ദാമിനെ ഇങ്ങനെ കൃതികാൽ വെട്ടിയതിന് അയാൾ ആക്രോശിച്ചു. അമേരിക്ക



ക്കയുടെ മുഖത്തുനിന്ന് പരന്ന നൂറുത്ത് പരഞ്ഞു. അമേരിക്കൻ പട്ടാളം ഇറാഖിലെത്തിയപ്പോൾ, സദ്ദാം 'ഗ്യാസി'ന്റെ കാര്യം പറഞ്ഞ് അവരെ വിരട്ടി. ഭീരുക്കളായ അമേരിക്കക്കാർ ഗ്യാസി-മാസ്കും വച്ച് ഓണക്കാലത്തെ കരടികളിക്കാൻ തയ്യാറായി ഇറാക്കിനെ 'തറ പറിക്കാൻ' നടന്ന രംഗങ്ങൾ മറക്കാനായിട്ടില്ല.

കുവൈനിലെ മോചിപ്പിച്ച ശേഷം കാലത്താണ് ഇറാഖിലെ മാർകായുധങ്ങൾ പിടിക്കാൻ 'ലോകപോലീസ്' എത്തിയത്. ഇറാഖിന്റെ പുരാതന സംസ്കാര സ്തംഭങ്ങളൊക്കെ തകർത്തും കവർന്നും അമേരിക്ക വിട്ടുമാടിയാണ് ലോകം മുകമായി കണ്ടുനിന്നു. സദ്ദാമിനെ ഉളച്ചിരുന്ന കൂഴിയിൽ നിന്ന് പിടിച്ച് അമേരിക്കയിൽ കൊണ്ടുപോയി വീചാരണ ചെയ്തത് തൊട്ടിനിലത്തെ സംഭവം.

## ന്യൂസൗത്തയുടെ പരമ്പര

ഇപ്പോഴത്തെ ഹിരോഷിമയിലെ ക്രൂരത മുതലുള്ള മനുഷ്യത്വഹീന നടപടികൾ നിർബാധം തുടരുന്ന അമേരിക്കയെ ചോദ്യം ചെയ്യാനുള്ള തന്റേടവുമായി ഒരു ലോകസംഘടിതശക്തി വളരേണ്ടിയിരിക്കുന്നു. അമേരിക്ക വിന്യന്റാമിൽ നാപാ ബോംബ് വർഷിച്ച്, ഏജൻ്റ് ഓറഞ്ച് എന്ന വിഷം കലർത്തി അവിടുത്തെ കൃഷിയിടങ്ങളും വനങ്ങളും നശിപ്പിച്ച് ലക്ഷക്കണക്കിന് വിന്യന്റാമികളെ കൊന്നൊടുക്കി. ഇന്തോനേഷ്യയിൽ അഞ്ചുലക്ഷം കമ്മ്യൂണിസ്റ്റ്കാരെ കൊന്നൊടുക്കി. അമേരിക്കൻ ചാരസംഘടനയായ CIA ദുരാസൂത്രണം ചെയ്ത എത്ര എത്ര കൊലപാതകങ്ങൾ, ഗുഡാലോചനകൾ വിലപ്പെട്ട ജീവനുകളെ കവർന്നുകൊണ്ടുപോയിരിക്കുന്നു. ക്യൂബയുടെ പ്രിയചങ്ങാതി ചെഗുവേരയെ ബോളീവിയൻ കാട്ടുകളിൽ വച്ച് കൊന്നു. സ്വതന്ത്ര കോംഗോയുടെ ആദ്യ പ്രധാനമന്ത്രിയും അക്കാലത്തെ യുവാക്കളുടെ ആവേശവുമായിരുന്ന പാട്രിസ് ലുമുംബയെ വധിച്ചു. ചിലിയുടെ വിമോചകൻ സാൽവദോർ അലണ്ടെയുടെ രക്തസാക്ഷിത്വം അമേരിക്കൻ ഗുഡാലോചനയുടെ ഫലമാണ്. ജവഹർലാൽ നെഹ്രു ചേരിചേരാ പ്രസ്ഥാനത്തിന്റെ ശക്തിയായി നിലനിൽക്കുന്നത് സഹിക്കാൻ ആവാതെ അമേരിക്കയുടെ ചാരന്മാർ അദ്ദേഹത്തെ വധിക്കാൻ കേണിയൊരുക്കി. പക്ഷേ ഫലിച്ചില്ല. അദ്ദേഹം സഞ്ചരിക്കേണ്ടിയിരുന്ന വിമാനം 20000 അടി പൊക്കത്തിൽ വച്ച് പൊട്ടിത്തെറിച്ചു. ഗുഡാലോചന പുറത്തായത് കൊണ്ടാണ് നെഹ്രു വിമാനത്തിൽ കയറാതെ രക്ഷപ്പെട്ടത്. ക്യൂബൻ നേതാവ് ഫിദൽ കാസ്ത്രോയെക്കൊല്ലാൻ 600 പാഴ്ശമങ്ങൾ നടത്തിയിട്ടുണ്ട് യാകികൾ!

## ഇറാഖിനെ അസ്ഥിരീകരിക്കാൻ

ഇറാഖിലെ കുർദുകളെയും ഷിയാകളെയും സദ്ദാമിന്റെ കടുത്ത ശത്രുക്കളാക്കിയെടുക്കാൻ അമേരിക്ക നടത്തിയ കരുനീക്കങ്ങൾ ശക്തിയായി ഫലിച്ചു. സദ്ദാമിനെ തടവുകാരനായി പിടിച്ച് കൊണ്ടുവന്ന് ആരോപിച്ചു



കുറും, 148 ഷിയാകളെ ദുജയിലിൽ കൊന്നു എന്നതാണ്. അൽദവ എന്ന ഷിയാപാർട്ടിയുടെ നേതാവായ മാലികിയാണിപ്പോൾ ഇറാഖിലെ പ്രധാനമന്ത്രി. ഷിയാ പുരോഹിതർ അയഞ്ഞൊളള അൽ സാദ്ദ് ദുജയിൽ രക്തസാക്ഷിയാണ്. ഇദ്ദേഹത്തിന്റെ പുത്രൻ മൊക്ടാഡ അൽ സാദ്ദ് ഷിയാകളുടെ തീപ്പൊരി നേതാവാണ്. ഇന്നത്തെ ഇറാഖ് പ്രധാനമന്ത്രി മാലികി, സദ്ദാമിന്റെ കാലത്ത് ഇറാനിൽ അഭയം പ്രാപിച്ചയാളാണ്. ഇങ്ങനെ സദ്ദാമിനോട് പകയും വിദ്വേഷമുള്ളവർ ഭരണസോപാനത്തിലിരിക്കുന്ന കാലത്ത് സദ്ദാമിന്റെ വധം അവരെ സന്തോഷിപ്പിക്കും. ശത്രുവിനെ കൊന്നതിന് അവർ ആഹ്ലാദിക്കും. അമേരിക്ക കണക്കുകൂട്ടി. ഇത്തരം ആഹ്ലാദവർത്തമാനങ്ങളും സന്തോഷപ്രകടനങ്ങളും സദ്ദാമിനെ വധിച്ച നിമിഷം ഉയർന്നെന്ന് മാധ്യമങ്ങൾ സാക്ഷ്യപ്പെടുത്തുന്നു.

സുന്നികളുടെ ഈർ അൽ അദാഹ് അഥവാ ബലി പെരുന്നാൾ ദിനമായ ശനിയാഴ്ച സദ്ദാം വധം നടപ്പാക്കിയത് സുന്നികളെ കടുത്ത വിധത്തിൽ നോവിക്കാനാണ്. ഇതിനുള്ള വിരോധം അമേരിക്കക്കാർക്ക് കൂടി സുന്നികൾ വീതം വച്ചിട്ടുണ്ടെന്നത് പരമാർത്ഥം. എങ്കിലും ഷിയായും സുന്നിയും തമ്മിലുള്ള അകലം വർദ്ധിപ്പിക്കാൻ പോരുന്നതാണ് ഇത്. അവരുടെ അനൈക്യത്തിന്റെ വിടവിൽ നുഴഞ്ഞ് കയറി വേണമല്ലോ അമേരിക്കയ്ക്ക് കാര്യമായി എണ്ണ കൂടിക്കാൻ! അനുരഞ്ജനവും പരസ്പരം പൊറുക്കലുമാണ് ബലിപെരുന്നാളിന്റെ പൊരുളെങ്കിലും ആ ദിനത്തെ അതിന്റെ വിപരീത കാലുഷ്യങ്ങളിലേക്ക് മുകളിത്താഴ്ത്തുക എന്ന അമേരിക്കൻ കൗടില്യം തിരിച്ചറിയാൻ പാകത്തിലല്ല ശത്രുതാലിപ്തമായ ആ വിഭാഗങ്ങളുടെ മനസ്സ്. വധം നടന്നതിന്റെ അടുത്ത ദിവസമാണ് ഷിയാകളുടെ പെരുന്നാൾ. ശത്രുവധത്തിന്റെ പെരുന്നാൾ - ഘോഷമാക്കി മാറ്റാൻ അമേരിക്കയ്ക്ക് എത്ര നിസ്സാരമായി സാധ്യമായിരിക്കുന്നു.

## ഞാൻ ഇറാഖിന്റെ പുത്രൻ

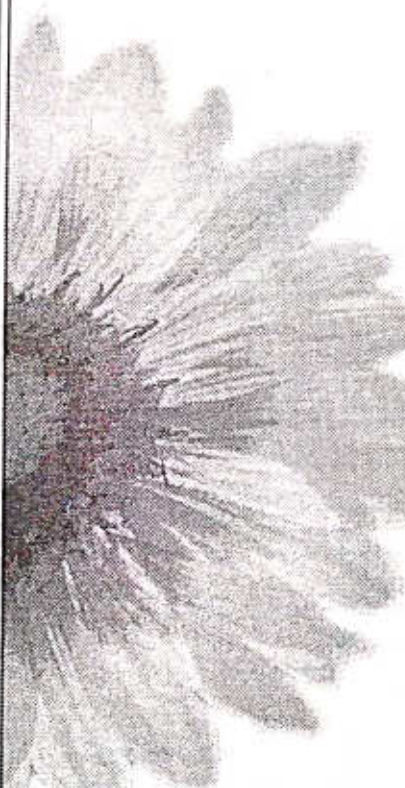
വീചാരണയുടെ ഒരു ഘട്ടത്തിൽ അന്നത്തെ അമേരിക്കൻ പ്രതിരോധ സെക്രട്ടറി ഡൊണാൾഡ് റംസ്ഫീൽഡിനെ സദ്ദാമിന്റെ അരികിലേക്ക് അയച്ച് അമേരിക്ക ഒരു സന്ധിക്ക് ശ്രമിച്ചിരുന്നു. വയശിക്ഷ വേണ്ടെന്ന് വയ്ക്കാമെന്നും മറേനതെങ്കിലും ഒരു രാജ്യത്ത് സുരക്ഷിത



സുഖവാസം ഏർപ്പെടുത്താമെന്നും അവർ വാഗ്ദാനം ചെയ്തു. ഒരു ഈജിപ്ഷ്യൻ മാസിക (അൽ ഉസ്ബു) റംസ്ഫിൽഡും സദ്ദാമും തമ്മിലുള്ള സംഭാഷണം പ്രസിദ്ധപ്പെടുത്തിയിരുന്നു. വാഗ്ദാനം മോശമല്ലെന്ന് പരിഹസിച്ച സദ്ദാം ചില വ്യവസ്ഥകൾ അങ്ങോട്ട് വച്ചു. ഇറാഖിന്റെ സാംസ്കാരിക പൈതൃകസ്വത്ത് നശിപ്പിച്ചത് തിരിച്ചുതരണം, എന്റെ ഇറാഖി സഹോദരങ്ങളുടെ നഷ്ടപ്പെട്ട ജീവൻ തിരിച്ചുതരണം, വിശുദ്ധരായ ഇറാഖി സഹോദരിമാരുടെ നഷ്ടപ്പെട്ട ചാരിത്ര്യം തിരിയെത്തരണം, ജയിലുകളിൽ കഴിയുന്ന ഇറാഖികളെ മോചിപ്പിക്കണം, നിങ്ങൾ ഇറാക്കിൽ നിന്ന് പിന്മാറ്റണം, തയ്യാറുണ്ടോ? എന്ന് സദ്ദാം അധികാരസ്വരത്തിൽ ചോദിച്ചു. തനിക്ക് മരിക്കാൻ ഭയമില്ല. വ്രണിതമായ ഇറാഖികളുടെ അഭിമാനത്തിന് അമേരിക്ക കണക്കു പറയേണ്ടിവരും. റംസ്ഫിൽഡ് വച്ച ഉപാധികളിലൊന്ന് - സദ്ദാം സ്വന്തം ആളുകളോട് പ്രക്ഷോഭണത്തിന്റെ പാത ഉപേക്ഷിക്കാൻ ഉപദേശം നൽകണമത്രെ. സദ്ദാം പ്രതിവചിച്ചു - അഭിമാനം വെടിഞ്ഞ് ഞാൻ നിങ്ങളുടെ ഔദാര്യത്തിൽ ജീവിക്കണം എന്ന്! അഭിമാനമില്ലാത്ത ജീവിതത്തിന് ഒരു വിലയുമില്ല. ആത്മാഭിമാനത്തോടെ മരിക്കാൻ ഭയമില്ലാത്ത ഇറാഖിന്റെ പുത്രനാണ് ഞാൻ! കൊലമരത്തിലേക്ക് ആനയിക്കപ്പെട്ടപ്പോഴും സദ്ദാമിന്റെ കണ്ഠം ഉതിർത്തത് ധീരതയുടെയും ആത്മാഭിമാനത്തിന്റെയും ശബ്ദമായിരുന്നു. "ഈശ്വരൻ വലിയവനിൽ വലിയവനാകുന്നു. എന്റെ രാഷ്ട്രം വിജയശ്രീലാളിതമാകും"

## സദ്ദാം അനശ്വരനായി

ഇറാഖ് എന്ന രാഷ്ട്രത്തെ അസ്ഥിരപ്പെടുത്തുക വഴി 'ഇറാഖിന്റെ എണ്ണയിൽ തുടങ്ങി ചുറുറുമുള്ള അറബ് രാഷ്ട്രങ്ങളുടെ എണ്ണമുഴുവനും' എന്ന ലക്ഷ്യസാക്ഷാത്കാരമാണ് അമേരിക്കക്ക് മുന്നിലുള്ളത്. ഇറാഖ് - അസ്ഥിരീകരണം നിർബാധം അവർക്ക് കഴിയുന്നു. ലോകം മുഴുവൻ കേടില്ലാത്ത 'ശബ്ദമുയർത്തലും പ്രതികരണങ്ങളുമായി' ഒരുങ്ങിക്കൂടിയാൽ ഇതല്ല. ഇതിലും വലുത് വരും. ഭാരതത്തിന്റെ 'ഭംഗിവാക്കിനെ' വിവേകമുള്ള ഭാരതീയർ വിമർശിച്ചുകഴിഞ്ഞു. ഈ പംക്തികളിൽ മിഡിൽ ഈസ്റ്റിലെ പ്രകമ്പനങ്ങൾക്ക് പരിഹാരം, അറബ് രാജ്യങ്ങളുടെ ഐക്യമാണെന്ന് ചൂണ്ടിക്കാണിക്കപ്പെട്ടിട്ടുണ്ട്. പരസ്പരം കലഹിക്കാനുള്ള പ്രവണത അവസാനിക്കണം. തമ്മിൽപോരാൻ അവിടുത്തെ അപകടകരമായ സത്യം. സദ്ദാമിന്റെ പൂർവ്വകാല ദുഷ്ടചെയ്തികൾ മറന്ന് സദ്ദാമിന്റെ ധീരതയെ വാഴ്ത്തുകയാണ് ഇന്ന് ലോകം മുഴുവനും. കമ്മ്യൂണിസ്റ്റ് കാരനെ കൊന്ന് ജയിലിൽ പോയ സദ്ദാമിന് കമ്മ്യൂണിസ്റ്റുകാരുടെ പിന്തുണ നേടാനായി. അവർ അതിർ കടന്ന വികാരവായ്പും അമിത വിശേഷണങ്ങളും കൊണ്ട് സദ്ദാമിന്റെ വീരമൂല്യം വിന് ചെങ്കുതി തൊടുന്നു. ആത്മാഭിമാനത്തിന്റെ ധീരശബ്ദമായി, നിർഭയത്വത്തിന്റെ പ്രതീകമായി, യാങ്കികളുടെ ഉറക്കം കെടുത്തുന്ന ജലിക്കുന്ന സൂര്യനായി ഇനിയുള്ള കാലം സദ്ദാം ജീവിക്കും.



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# How far Indian Rupee is Liberalised ?

In the year 1994 India accepted in principle current account convertibility of Indian rupee. The Government of India decided to revisit the theme of fuller capital account convertibility (CAC) and constituted a committee to set out a road map to fuller CAC. The main areas of CAC are external commercial borrowings (ECB), foreign investment, NRI deposits, Indian corporate investments abroad, relaxation given to authorized dealers and banks in India, transactions related to resident Indians, etc.

The present capital account convertibility limits are given below.

## 1. ECB

- \$500 million or equivalent with a minimum average maturity of 5 years.
- \$20 million if maturity is 3-5 years
- Less than \$20 million if maturity period is up to 1 year.

## 2. FDI:

Allowed in all activities except in a few items

## 3. FIIs

- Aggregate holding of all FIIs should not exceed 24% of paid up capital of a company
- This limit could be raised to 49% if general body passes a resolution.

## 4. Single FII

The ceiling for investment is 10% of total paid up capital

## 5. NRI

Deposits are repatriable. NRIs are allowed to remit proceeds from sale of their immovable properties (house, shopping complex, real estate etc) in India. The ceiling is \$ 1 million (ie, Rs.4.5 crores per year)

## 6. Investment by Indian Companies abroad

- Allowed up to certain limits ie up to 100% of their networth
- They can purchase immovable properties abroad

## 7. Indian banks

- They can invest FCNR (B) funds in overseas markets

- Can also hedge against currency risks and price risks

## 8. Resident Indians

- They can remit foreign exchange for employment abroad, education, medical treatment, emigration, foreign tours, gifts etc. Limit is uniformly \$ 1,00,000 based on self declaration.
- Open, hold and maintain current account in India out of foreign exchanged acquired by them.
- Can retain foreign currency upto \$2000
- Can invest in rated bonds/fixed income securities abroad upto certain limits
- Can borrow interest free loans upto \$, 2,50,000 from their close relatives in foreign country.
- Can hold international credit cards

The following are the important countries which follows fuller CAC (with certain limits) with the year of introduction.

UK 1979	Finland 1991
Germany 1981	Spain 1992
Netherlands 1986	Portugal 1992
Denmark 1988	Ireland 1993
France 1990.	Greece 1994
Sweden 1989	Australia 1985
Italy 1990	New Zealand 1985
Belgium 1990	Austria 1991

All these countries retain a variety of capital controls with specific provision relating to banks and credit institution and institutional investors. No country has 100% CAC. There are three pre requisites for liberalizing the capital account as pouted out by Griffith Jones, Williamson and Gottschalk. Viz. (a) financial sector reforms (b) fiscal balance (c) properly designed monetary and exchange rate policy. All this will take time in India. So, we must not rush to announce formal acceptance of the CAC obligations with fanfare or out of pressure from developed countries or out of false prestige. Let us go step by step till we satisfies the basic fundamentals.



## How far Indian Economy is strong in fundamentals

The GDP growth rates during a decade reflect the strength of Indian economy in many areas. It is also true that large parts of our population are still to experience a decisive improvement in their standard of living. The percentage of the population below the poverty line is decreasing as per NSS records. (There are alternative claims also) Far too

many people still lack access to basic services such as health, education, clean drinking water and sanitation facilities. These problems are more severe in some states than in others. The strength of the economy are reflected in some of the macro-economic indicators. The weakness of the economy are reflected in some of the socio-economic indicators. The tables given below depicts both the strength and weakness.

Table. 1

### Macro Economic Indicators

Variable	Ninth Plan	Tenth Plan
GDP growth (%)	5.5	7.0
Agriculture	2.0	1.8
Industry	4.6	8.0
Services	8.1	8.9
Saving (% of GDP)	23.1	28.2
Investment (% of GDP)	23.8	27.5
Current account balance	-0.7	+0.7
Combined fiscal deficit	8.8	8.4
Forex resources (US billion)	54.2	151.6

Table 2

### SOCIO-ECONOMIC INDICATORS

Variables	Years		Best state 2005	Worst state 2005
	1990	2005		
Poverty (%)	36.0	27.8	6.16	47.15
Per capita National Product (Rs)	7321	11799	16679	3557
Elementary Education (16-14 years) %	55.3	71.1	93.1	55.8
Infant mortality	80	60	11	83

Important challenges ahead are with regard to public services to poor, deceleration in agricultural growth, poor manufacturing competitiveness, environmental problems, and divide between the rich and the poor.

### MONTHLY TIPS

**Financial inclusion:** It is the delivery of banking services at an affordable cost to the vast sections of disadvantaged and low income group.

**No-frill account:** To make available a basic banking no frill's account either with 'NIL' or very minimum balance, to vast sections of population.

**Financial Quotient:** FQ planned enables one to test his/her own level of understanding about the banking and finance subjects.



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2006 ലെ ഏറ്റവും പ്രധാനപ്പെട്ട നൂറ് ശാസ്ത്രവർത്തകൾ അമേരിക്കയിലെ ശാസ്ത്രമാസികയായ 'ഡിസ്കവറി' പ്രസിദ്ധീകരിക്കുകയുണ്ടായി. അതിൽ നിന്നും ഏറ്റവും പ്രധാനപ്പെട്ട അഞ്ച് വർത്തകളാണ് ഇതാവണം ഉൾപ്പെടുത്തിയിരിക്കുന്നത്.

# പാരമ്പര്യേതര ഊർജ്ജാല്പാദനത്തിൽ വമ്പിച്ച മുതൽമുടക്ക്

പെട്രോളിയം ഇന്ധനങ്ങളുടെ വിലവർദ്ധനവ് പാരമ്പര്യേതര ഊർജ്ജാല്പാദനത്തിനു ലോകരാഷ്ട്രങ്ങളെ പ്രേരിപ്പിച്ചു. അമേരിക്കയിലും ചൈനയിലും വൻ മുതൽ മുടക്കാണ് 2006 ൽ ഇതിനായി നടത്തിയത്. ജലവൈദ്യുതി മാറി നിർത്തിയാൽ അമേരിക്കയിൽ മൂന്നു ശതമാനം ഊർജ്ജം മാത്രമാണ് ഇപ്പോൾ പാരമ്പര്യേതര സ്രോതസ്സുകളിൽ നിന്നും ഉല്പാദിപ്പിക്കുന്നത്. അമേരിക്കയിലും യൂറോപ്പിലും കാരിൽ നിന്നും വൈദ്യുതിയുല്പാദിപ്പിക്കുന്ന വിൻഡ്മില്ലുകളുടെ എണ്ണം വൻവർദ്ധനയാണ് കാണിച്ചത്. അമേരിക്കയിലിപ്പോൾ പതിനായിരം മെഗാവാട്ട് ഊർജ്ജം കാരിൽ നിന്നും ഉല്പാദിപ്പിക്കുന്നുണ്ട്. (25 ലക്ഷം വീടുകളുടെ വൈദ്യുതാവശ്യം നിറവേറ്റുവാൻ പര്യാപ്തമാണിത്). സൗരോർജ്ജത്തിലുള്ള താല്പര്യവും വർദ്ധിച്ചിട്ടുണ്ട്. 2025 ഓടെ അമേരിക്കയുടെ 25% ഊർജ്ജവും സൗരോർജ്ജപാനലുകളിൽ നിന്നും കാരാടി യന്ത്രങ്ങളിൽ നിന്നുമായിരിക്കും ലഭിക്കുന്നത്. ചൈനയും ഈ മേഖലയിൽ വൻ മുതൽമുടക്കാണ് നടത്തുന്നത്. ജൈവ ഇന്ധനങ്ങൾ, ഫ്യൂവൽസെൽ തുടങ്ങിയ മേഖലകളിലും ഗവേഷണം പുരോഗമിക്കുകയാണ്.

## തമോദ്രവ്യം ദൃശ്യമായി

പ്രപഞ്ചത്തിലെ എൺപതു ശതമാനവും തമോദ്രവ്യം (dark matter) ആണെന്നു കണക്കാക്കപ്പെടുന്നു. മൂന്നു ബില്യൺ പ്രകാശ വർഷങ്ങൾക്കകലെ രണ്ട് ഗാലക്സി കൂട്ടങ്ങൾ കൂട്ടിയിടിച്ചതിന്റെ ദൃശ്യം തമോദ്രവ്യമുണ്ടെന്നതിന് നേരിട്ടുള്ള തെളിവ് കഴിഞ്ഞ വർഷം നൽകി.



## ഹിമ മല ഉരുകുന്നു

ലോകതാപനില ഉയരുന്നതനുസരിച്ച് ഹിമമലകളും അപത്യക്ഷമായിക്കൊണ്ടിരിക്കുകയാണെന്ന് ശാസ്ത്രജ്ഞർ കണ്ടെത്തി. ഗ്രീൻലാൻഡിൽ നടത്തിയ പഠനം 2003 നും 2005 നുമിടയിൽ നൂറ് ബില്യൺ ടൺ ഹിമം ഉരുകി നഷ്ടപ്പെട്ടതായാണ് കണ്ടെത്തിയത്. ഇത് അഞ്ച് വർഷം മുമ്പുള്ളതിനേക്കാൾ മൂന്നിരട്ടി വേഗതയിലാണ് നടക്കുന്നത്. ഇത് സമുദ്രനിരപ്പുയരാൻ കാരണമാകും. 2100 ൽ സമുദ്രനിരപ്പ് 12 ഇഞ്ച് കൂടുതലാകുമെന്നും പല തീരദേശസ്ഥലങ്ങളും കടലിനടിയിലാകുമെന്നും ശാസ്ത്രജ്ഞർ മുന്നറിയിപ്പ് നൽകുന്നു.

## തിരുത്തപ്പെടുന്ന ജനിതകം

എലികളിൽ നടത്തിയ പരീക്ഷണത്തിൽ ഡി. എൻ. എ. യുടെ സഹായമില്ലാതെ തന്നെ ജനിതക സ്വഭാവം അടുത്ത തലമുറയിലേക്ക് കൈമാറുന്നതായി കണ്ടെത്തി. ആർ. എൻ. എ. വഴിയാണ് ഈ സ്വഭാവ സാക്ഷ്യം നൽകുന്നത്. ഗ്രീൻമെൻഡൽ വിശദീകരിച്ച ജനിതക ശാസ്ത്രത്തിൽ ഒരു വഴിയിരിവാകും ഈ കണ്ടെത്തലാണ് ശാസ്ത്രജ്ഞർ കരുതുന്നത്.

## കൃത്രിമ ബ്ലാഡറുകൾ

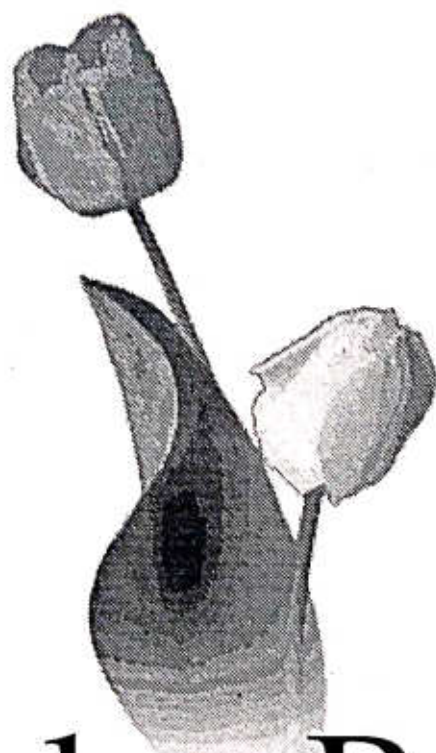
രോഗം മൂലം പ്രവർത്തനമഹിതമായ മനുഷ്യാവസ്ഥയിലുള്ളവരുമായി പരീക്ഷണശാലയിൽ നിർമ്മിച്ച കൃത്രിമാവസ്ഥ ഉപയോഗിക്കാമെന്ന് സിമിളികരിച്ചതും കഴിഞ്ഞവർഷമാണ്. രോഗിയുടെ കോശങ്ങളിൽ നിന്നു തന്നെ വികസിപ്പിച്ചെടുത്ത കൃത്രിമ ബ്ലാഡറുകളാണ് ഇങ്ങനെ വച്ചുപിടിപ്പിച്ചത്.

### Reference

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- പ്രൈവറ്റ് എയിഡഡ് കോളേജ് അധ്യാപകരുടെ റിട്ടയർമെന്റുമായി ബന്ധപ്പെട്ടുള്ള കെ. എസ്. ആറിലെ നിബന്ധനകളുടെ ഒരു ഏകദേശരൂപം അറിഞ്ഞെങ്കിൽ മാത്രമേ ഇത് സംബന്ധിച്ച് കഴിഞ്ഞ ആഗസ്റ്റ് 11 ന് ഒരു അസാധാരണ ഗസറായി പ്രസിദ്ധീകരിച്ച സർക്കാർ ഉത്തരവിന്റെ (GO (P) No. 331/2006/Fin dated/10.08.2006) പരിണിതഫലം ശരിക്കും മനസ്സിലാക്കാൻ സാധിക്കുകയുള്ളൂ. കെ. എസ്. ആറിലെ റൂൾ 60(സി) അനുസരിച്ച്, ഒരു അധ്യയന വർഷത്തിന്റെ ഇടയിൽവെച്ച് 55 വയസ്സ് പൂർത്തിയാക്കുന്ന അധ്യാപകർക്ക് പ്രസ്തുത അധ്യയന വർഷം അവസാനിക്കുന്ന ദിവസംവരെ സർവീസിൽ തുടരാൻ അവകാശമുണ്ട്. (പക്ഷേ, അധ്യയനവർഷം ആരംഭിച്ച് ഒരുമാസത്തിനുള്ളിലാണ് 55 വയസ്സ് പൂർത്തിയാകുന്നതെങ്കിൽ പ്രസ്തുത അധ്യയനവർഷം ആരംഭിക്കുന്ന ദിവസംമുതൽ ആ അധ്യാപകന്റെ ജോലി അവസാനിക്കുകയും ആ ദിവസം മുതൽ ആ മാസം അവസാനിക്കുന്ന തീയതി വരെ പ്രസ്തുത അധ്യാപകന് പ്രത്യേക അവധി അനുവദിക്കുകയും ചെയ്യുന്നതാണ്.) മുൻപറഞ്ഞ പ്രകാരം അധ്യയനവർഷം അവസാനം വരെ സർവീസിൽ തുടരാൻ അനുവദിച്ചിരിക്കുന്ന അധ്യാപകൻ 55 വയസ്സാകുന്ന തീയതിയിൽ ലീവിലായിരിക്കുകയും പ്രസ്തുത അധ്യയനവർഷത്തിന്റെ അവസാനത്തെ ദിവസത്തിന് മുമ്പായി തിരികെ ജോലിയിൽ പ്രവേശിക്കാൻ സാധിക്കാതെ വരുകയും ചെയ്താൽ ആ അധ്യാപകൻ 55 വയസ്സ് തികയുന്ന മാസത്തിന്റെ അവസാനത്തെ ദിവസം നിർബന്ധമായും സർവീസിൽ നിന്ന് പിരിയേണ്ടതാണ്. ഈ നിബന്ധന വ്യാഖ്യാനിച്ചാണ്, 55 വയസ്സ് തികയുന്നതിന് മുമ്പ് ലീവിൽ പ്രവേശിച്ചാൽ ഒരു അധ്യാപകന് വേണമെങ്കിൽ പ്രസ്തുത അധ്യയന വർഷം മുഴുവൻ ലീവിൽ തുടരാൻ എന്ന് വന്നത്. (55 വയസ്സ് തികയുന്ന തീ

യതിക്ക് ശേഷം കാമ്പസിലിന് അല്ലാതെ മറ്റൊരതെങ്കിലും ലീവിന് അപേക്ഷിച്ചാൽ, ലീവിന് അപേക്ഷിച്ച തീയതി മുതൽ പ്രസ്തുത അധ്യാപകനെ റിട്ടയർ ചെയ്തിരിക്കണമെന്നും സർക്കാർ ഉത്തരവുണ്ട്.)

പക്ഷേ, കഴിഞ്ഞ ആഗസ്റ്റ് 10 ന് പുറപ്പെടുവിച്ച ഉത്തരവ് മുഖേന കെ. എസ്. ആറിലെ 60 (സി) വകുപ്പ് സർക്കാർ ദേവഗതി ചെയ്തു. ദേവഗതി ചെയ്യപ്പെട്ട വകുപ്പ് പ്രകാരം, 55 വയസ്സ് തികയുന്ന തീയതിക്ക് ലീവിലായിരിക്കുന്ന അധ്യാപകൻ, പ്രസ്തുത തീയതിയുടെ അടുത്ത പ്രവൃത്തി ദിവസം ജോലിക്ക് ഹാജരായില്ലെങ്കിൽ ആ മാസത്തിന്റെ അവസാനത്തെ ദിവസം സർവീസിൽ നിന്ന് റിട്ടയർ ചെയ്തതായി കണക്കാക്കും. അതായത് 55 വയസ്സ് തികയുന്ന ദിവസം ഒരധ്യാപകൻ ലീവിലാണെങ്കിൽ അതിന്റെ അടുത്ത പ്രവൃത്തിദിവസം തന്നെ പ്രസ്തുത അധ്യാപകൻ തിരികെ ജോലിയിൽ പ്രവേശിച്ചിരിക്കണം. ആ അധ്യയന വർഷത്തിന്റെ അവസാനംവരെ ലീവിൽ തുടരാൻ അവകാശമില്ല എന്നിരുന്നാലും, പ്രസ്തുത ഉത്തരവ് പുറപ്പെടുവിച്ച ആഗസ്റ്റ് 10-ാം തീയതിക്ക് മുമ്പ് അനുവദിക്കുകയും പ്രാബല്യത്തിൽ വരുകയും ചെയ്തു ലീവുകൾ റദ്ദാക്കേണ്ട ആവശ്യമില്ല എന്ന് പിന്നീട് സർക്കാർ വ്യക്തമാക്കുകയുണ്ടായി. (സർക്കാർ നമ്പർ 51/2006/Fin. dated 9.11.2006)

- FIP യിൽ പോയ അധ്യാപകരുടെ പകരക്കാരനായി ജോലിചെയ്യുന്ന ഗസറ്റ് അധ്യാപകരുടെ വേതനം എങ്ങനെയാണ്?
  - FIP യിൽ പോയ അധ്യാപകരുടെ പകരക്കാരായി ജോലിചെയ്യുന്ന ഗസറ്റ് അധ്യാപകരുടെ വേതനം രണ്ട് വിധത്തിലാണ്.
1. NET യോഗ്യതയുള്ള അധ്യാപകർക്ക് 8000 രൂപ അടിസ്ഥാനശമ്പളവും അത് പ്രകാരമുള്ള ക്ഷാമബത്തകളും വേതനമായി ലഭിക്കും.
  2. NET യോഗ്യതയില്ലാത്ത മറ്റ് അധ്യാപകർക്ക് യു.ജി. സി. നിർദ്ദേശിച്ചിരിക്കുന്നത് ഒരു ലക്ഷം ക്കൂടുമിന് 250 രൂപയാണ്. ഒരു മാസത്തിൽ പരമാവധി ലഭിക്കുന്ന തുക 10,000 രൂപയാണ്.

വായനക്കാരുടെ സർവ്വീസ് സംബന്ധമായ സംശയങ്ങൾക്ക് എഴുതുക.

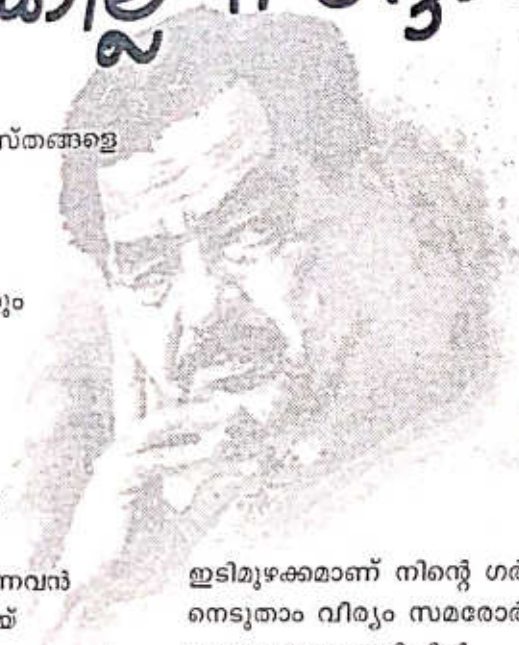
പ്രൊഫ. കെ. എസ്. ജയചന്ദ്രൻ

മേലന, മണ്ണുത്തി പി. ഒ., തൃശ്ശൂർ- 680 651  
ഫോൺ: 0487-2371971



# ഇല്ല മരിക്കില്ല സദ്യം

കറുത്ത നീതിയുടെ കരാളഹസ്തങ്ങളെ  
 യേപ്പെടാത്തവൻ സദ്യം  
 സാമ്രാജ്യ കഴുകന്മാർക്ക്  
 എന്നും പേടി സ്വപ്നം  
 ഇറക്കിനും ലോക ജനതയ്ക്കും  
 തീവ്രമാമാവേശം  
 ഇല്ല മരിക്കില്ല സദ്യം  
 ലാൽ സലാം സദ്യം.  
 യാങ്കികൾ ബാഗ്ദാദിൽ  
 അധിനിവേശം നടത്തിയപ്പോൾ  
 ധീരമായ ആവേശമായ്  
 ജനകോടികൾക്ക് ഹരമായ് നിന്നവൻ  
 'തിക്രിത്തി'ൻ പട്ടണം ധന്യമായ്  
 മരണത്തെ ജയിച്ചവൻ സദ്യം.  
 സദ്യം നീ ജീവിക്കുന്നു  
 നിന്റെ രക്തസാക്ഷിത്വം  
 ഞങ്ങൾക്കെന്നുമാവേശം.



ഇടിമുഴക്കമാണ് നിന്റെ ഗർജ്ജനം  
 നെടുതാം വിര്യം സമരോർജ്ജം നീ.  
 ഈ പോരാട്ട ഭൂമിയിൽ  
 നിൻ ഗർജ്ജനങ്ങൾ നിലക്കുന്നില്ല.  
 ജനതതിയെന്നും നിന്നോടൊപ്പം  
 സദ്യം പ്രണമം, പ്രണാമം നിത്യം.

**മൈനാഗപ്പള്ളി വില്ലേജ്**  
**സർവീസ് കോ- ഓപ്പറേറ്റീവ് ബാങ്ക് ലിമിറ്റഡ് നം. Q 69.**  
**മൈനാഗപ്പള്ളി പി.ഒ., ഫോൺ: 2847749**

സ്ഥാപിതം	- 10.03.1959
അംഗങ്ങൾ	- 17400
ഓഹരിമൂലധനം	- 155 ലക്ഷം രൂപ
നിക്ഷേപം	- 1600 ലക്ഷം രൂപ
വായ്പ ബാക്കിനില്പ്	- 1400 ലക്ഷം രൂപ
പ്രവർത്തനമൂലധനം	- 1285 ലക്ഷം രൂപ

**എല്ലാവിധ ബാങ്കിംഗ് പ്രവർത്തനങ്ങളും നടത്തിവരുന്ന  
 താലൂക്കിലെ ഒരു ക്ലാസ് വൺ സ്ഥാപനം.**

എസ്. അജയകുമാർ  
 പ്രസിഡന്റ്

ജി. ഓമനക്കുട്ടൻപിള്ള  
 സെക്രട്ടറി



**വയനാട് ജില്ല**

# സ്കോളർഷിപ്പ് വിതരണവും സെമിനാറും

സെന്റ് മേരീസ് കോളജ് എ. കെ. പി. സി. ടി. എ. യൂണിറ്റ് സംഘടിപ്പിച്ച സ്കോളർഷിപ്പ് വിതരണവും എഡ്യൂക്കേഷണൽ സെമിനാറും 09.11.06 ചൊവ്വാഴ്ച 1.30 ന് കോളജ് സെമിനാർ ഹാളിൽ വെച്ച് കോളജ് പ്രിൻസിപ്പൽ പ്രൊഫ. തോമസ് പോൾ ഉദ്ഘാടനം ചെയ്തു. എ. കെ. പി. സി. ടി. എ. അംഗങ്ങളുടെ സഹകരണത്തോടെ രൂപപ്പെടുത്തി എടുത്ത ധനസഹായനിധി കോളജിൽ നിന്നും തിരഞ്ഞെടുക്കപ്പെട്ട അർഹരായ കുട്ടികൾക്ക് ബത്തേരി എം. എൽ. എ. ശ്രീ. പി. കൃഷ്ണപ്രസാദ് വിതരണം ചെയ്തുകൊണ്ട് പ്രഭാഷണം നടത്തി. തുടർന്ന് നടന്ന സമ്മേളനത്തിൽ “ആഗോളവൽക്കരണ കാലഘട്ടത്തിൽ ഉന്നതവിദ്യാഭ്യാസം നേരിടുന്ന വെല്ലുവിളികൾ” എന്ന വിഷയത്തെ ആസ്പദമാക്കി പഴശ്ശി രാജ എൻ. എസ്. എസ്. മട്ടന്നൂർ കോളജിലെ പ്രൊഫ. സി. പത്മനാഭൻ വിഷയം അവതരിപ്പിച്ച് ചർച്ച നയിച്ചു. ചർച്ചയിൽ ജില്ലാ എ. കെ. പി. സി. ടി. എ. പ്രസിഡന്റ് പ്രൊഫ. പ്രസാദ് (മേരി മാതാ കോളജ്, മാനന്തവാടി),



പി. കൃഷ്ണപ്രസാദ്

സി. പത്മനാഭൻ

ജില്ലാ സെക്രട്ടറി പ്രൊഫ. ബാലഗോപാലൻ (സെന്റ് മേരീസ് കോളജ് സുൽത്താൻ ബത്തേരി), പ്രൊഫ. രാജഗോപാലൻ, യൂണിറ്റ് പ്രസിഡന്റ് (പഴശ്ശിരാജാ കോളജ് പുല്പള്ളി), പ്രൊഫ. മധു (യൂണിറ്റ് പ്രസിഡന്റ്, ഡബ്ളിയു. എം. ഒ. കോളജ്, മുട്ടിൽ) എന്നിവരും വയനാട്ടിലുള്ള മറ്റു കോളജുകളിൽ നിന്നും യൂണിറ്റുകളിൽ നിന്നും ധാരാളം അദ്ധ്യാപകരും വിദ്യാർത്ഥികളും പങ്കെടുത്തു. യോഗത്തിൽ യൂണിറ്റ് പ്രസിഡന്റ് പ്രൊഫ. സി. എം. ജയിംസ് അദ്ധ്യക്ഷനും, സെക്രട്ടറി പ്രൊഫ. ഷാജൻ മാത്യു സ്വാഗതവും, പ്രൊഫ. ജയിംസ് മാത്യു നന്ദിയും രേഖപ്പെടുത്തി.

## എ.കെ.പി.സി.ടി.എയ്ക്ക് എതിരില്ല

സുൽത്താൻബത്തേരി സെന്റ് മേരീസ് കോളജ് സ്റ്റാഫ് കൗൺസിൽ തിരഞ്ഞെടുപ്പിൽ പ്രൊഫ. കെ. ബാലഗോപാലൻ (Dept. of Economics) പ്രൊഫ. വറുഗീസ് വൈദ്യൻ (Dept. of Chemistry) എന്നിവരെ എതിരില്ലാതെ തെരഞ്ഞെടുത്തു.

## അനുമോദിച്ചു

തൊഴിലുറപ്പ് പദ്ധതിയുടെ വയനാട് ജില്ലാ അസി. കോ - ഓർഡിനേറ്ററായി നിയമിതനായ പ്രൊഫ. കെ. ബാലഗോപാലനെ 19.10.06 ന് ചേർന്ന എ. കെ. പി. സി. ടി. എ. യൂണിറ്റ് യോഗം അഭിനന്ദിച്ചു.

എ. കെ. പി. സി. ടി. എ. സെന്റ് മേരീസ് കോളജ് യൂണിറ്റിന്റെ സജീവ പ്രവർത്തനമായ പ്രൊഫ. ബാലഗോപാലൻ, എ. കെ. പി. സി. ടി. എ. വയനാട് ജില്ലാ സെക്രട്ടറിയായും പ്രവർത്തിച്ചുവരുന്നു.

## തിരഞ്ഞെടുക്കപ്പെട്ടു

കോഴിക്കോട് യൂണിവേഴ്സിറ്റി സെൻട്രൽ കോ-ഓപ്പറേറ്റീവ് സ്റ്റോപ്പിന്റെ വൈസ് പ്രസിഡന്റ് ആയി സുൽത്താൻ ബത്തേരി സെന്റ് മേരീസ് കോളജ് കോമേഴ്സ് വിഭാഗം അദ്ധ്യാപകൻ പ്രൊഫ. സണ്ണി മാത്യു തെരഞ്ഞെടുക്കപ്പെട്ടു.

**കൊല്ലം ജില്ല**

# സ്വീകരണം നൽകി

കേരള സർവ്വകലാശാല സിൻറിക്കേറ്റ് അംഗങ്ങളായ പ്രൊഫ. എ. പ്രതാപചന്ദ്രൻനായർ, പ്രൊഫ. ചാണ്ടപ്പിള്ള പണിക്കർ, പ്രൊഫ. സിറിൽ ജോൺസൺ എന്നിവർക്ക് എ.കെ. പി. സി. ടി. എ ഫാത്തിമ കോളജ് യൂണിയൻ സ്വീകരണം നൽകി. പ്രൊഫ. പ്രേംകുമാർ ഏലിയാസ് അദ്ധ്യക്ഷാവഹിച്ചു. പ്രൊഫ. എസ്. സജു, പ്രൊഫ. വിജയധരൻ, ഡോ. ശ്രീവൽസൻ, ഡോ. എഫ്. ജോർജ്

ഡിക്രൂസ്, പ്രൊഫ. പോൾ സേവിയർ ഡോ. മേരി സ്റ്റൈവ്സ്, പ്രൊഫ. ജോർജ് പോൾ എന്നിവർ പ്രസംഗിച്ചു. പി. എച്ച്. ഡി. നേടിയ ഡോ. ടി. ജെസ്സി, ഡോ. ഹേമ ട്രീസ വർഗ്ഗീസ്, ഡോ. ജോസഫ് ജെയിംസ് എന്നിവർക്ക് മെഡൽ നൽകി. ബി. എസ്. സി. ഫിസിക്സ് ഒന്നാം റാങ്ക് നേടിയ വൈ. ഫിനാമേരിക്ക് ഉപഹാരം നൽകി.



# MINUTES OF THE MEETING WITH REPRESENTATIVES OF TEACHERS' ORGANISATIONS AND OFFICIALS AT DURBAR HALL ON 20-10-06.

1. The meeting started at 5.15 pm and was presided over by Hon'ble Minister for Education & Culture. The list of participants is attached herewith.
2. The Hon'ble Minister welcomed the participants and expressed regrets for the delay in coming to the meeting. Then he requested them to explain the problems as briefly as possible.
3. Shri. R. Mohankumar, General Secretary, AKPCTA started with the first demand. i.e., "Denial of salary of newly appointed private aided College teachers". He dealt at length on the problem citing the Rules and Acts. The law passed by legislature is being denied continually. The dearth of teachers in colleges is a reality. Though some courses were sanctioned between 1998 and 2001, no course has been sanctioned between 2001 and 2005. As such considering the staff strength prepared by Director of Collegiate Education in October 2002 as a basic document, he appealed to Government to issue a general direction to disburse the salary of all Private Aided College Teachers whose appointments have been duly approved by the University. He mentioned, inter alia that the staff strength should be fixed by the 'academic body' and not the non-teaching staff in the office of the Director of Collegiate Education. Otherwise there will be a situation wherein even examinations could not be conducted due to dearth of teaching staff.
4. Shri. Augustine Joseph of KPCTA required clarification about the difference in the no of excess teachers. It was 638 in the adalat conducted by the Director of Collegiate Education in 2002 but 2500 in the GO issued on 10-8-2006. The ambiguity should be cleared by conducting another adalat or by some other means. He agreed with AKPCTA General Secretary on other aspects of the issue.
5. Shri. M. T. Joseph, KPCTA wished to know whether Government has changed the criterion in fixing work load and whether it is the reason for the difference in number of excess teachers in 2002 and 2005.
6. Director of Collegiate Education explained that the staff fixation statement of 2002 was not meant for appointment but for retaining the teachers became excess due to delinkig of PDC for which at least one hour work load was considered. This fact was mentioned in the proceedings itself. But the University wrongly took it as the actual staff strength and has been approving appointments.
7. Then Shri. R. Mohanakumar asked whether course sanctioned between 1998 and 2001 were considered in the fixation of staff strength. Director of Collegiate Education replied that courses sanctioned with conditions such as "without exceeding budget limit 'without additional financial commitment'" has not been considered.
8. Principal Secretary, H.Edn. explained that almost 408 courses were sanctioned between 1998-2001 with certain conditions. When staff strength was calculated excluding those courses, excess teachers were found to be around 2000. As per the direction of the then CM in the meeting held with Management Association on 28-2-2006 staff strength was reworked considering these courses. Even then the number of excess teachers were found to be around 1380 and deficit 1500. The issue involved is financial commitment on the part of Government. FD's strong rejection of the proposal is the cause of this problem. As a policy matter this can again be taken up with the FD.
9. Principal Secretary also said that the worknorms are determined by the University and the Director of Collegiate Education has only applied it.
10. Shri. R. Mohanakumar observed that this is not disputed issue and it has been mentioned in GO dated 10-8-2006 that the courses sanctioned between 1998-2001 will be considered for staff fixation. He also pointed out instances of incumbents approaching courts and obtaining judgment and Government moving for appeal which is against the declared policy of LDF Govt that no unaided courses will be sanctioned.
11. Deputy Director of Collegiate Education, Thrissur pointed out instances where teachers are not getting salary for over two years and approaching courts which will adversely affect the teaching learning process.
12. Shri. Augustine Joseph expressed the view that it is not a problem which can be solved instantly. He urged the Government to solve the problem by conducting another Adalat or so.



13. Shri. Prathapchandran Nair, Syndicate Member said that denial of salary is due to some decisions taken in the Secretariat and expressed concern about what the teachers should do in this precarious situations. There is no need for another adalat and appointment should be approved based on the work, load assessed by Adalat 2002. He emphasized that it is the power of the University to assess workload staff strength course, etc., but these have been taken away from them after 2001 and requested for restoring these powers to University.
14. Shri. M.T. Joseph said that work load should be assessed considering courses sanctioned after 1998 also. Teachers having long service should not be sent to school thereby wounding their dignity. He also expressed the need for a full time Director of Collegiate Education.
15. Shri. R. Mohanakumar urged that the request for continuity in HS schools from 104 deputed teachers is to be ordered urgently lest they should also be included in the pool of excess teachers. He also expressed concern against sending such files to FD for concurrence.
16. Shri. Mohana Kumar, Deputy Director of Collegiate Education, Kollam expressed the need for a centralized legal system so that affidavits given from various DDs should not differ among themselves. He also expressed the need for Government direction in the issue of giving salary.
17. Hon'ble Minister summarized the issue and said that the further pendency of the issue will be detrimental to the academic atmosphere in the colleges. The decision to accommodate teachers having at least one hour work load has been taken to protect them. As such the Minister promised a decision will be taken by Government consulting FD since it involves financial commitment most probably within 2 months or at the most in three months. The question of decision taken at Secretary level at present will also be considered, if need be, along with the question of protecting the reasonable autonomy of the University based on the common criteria accepted by Government.  
"Minister assured that the salaries presently drawn by teachers will not be withheld. The Minister further said that the Government is contemplating amendment to various University Acts and Statutes to ensure autonomy and accountability of the Universities".
18. The next point discussed was refusal of salary to teachers after placement. This is being done by Deputy DCEs a circular issued by Director of Collegiate Education against the basic G.O.(P) No. 171/99/H.Edn. dated 21-12-1999 (implementing UGC scheme). Shri. R. Mohankumar and Shri. Augustine Joseph detailed the issue. Deputy Director Kollam observed that workload has to be considered for giving placement as per the circular issued by Director of Collegiate Education dated 9-2-2004, and also as directed by the Accountant General (Audit). On being asked by the Hon'ble Minister how a backing off from the basic GO occurred, the Principal Secretary explained that this was due to the direction that the work load of excess teachers due to pre degree delinking should not be considered for placement because the teacher working on the excess post does not have the approved work load. "Minister directed that the placements approved by University should be honoured".
19. "Orders will be issued for the continuance of the deputation of 104 teachers now working on deputation in higher secondary schools"
20. Next Shri. R. Mohanakumar raised the issue of counting of broken spells of services for placement. Shri. Augustine Joseph also raised the same issue. Minister promised to examine the matter. Shri. K.S. Mohan Das, DD, Kottayam said that several court cases are pending in connection with the issue.
21. Shri. Augustine Joseph raised the issue of Earned Leave Surrender. Shri. R. Mohanakumar, Shri. Prathapchandran Nair, DD, Thrissur etc. spoke on the issue. Hon'ble Minister assured that this will be examined.
22. As regards withholding of advance increments awarded to Selection Grade Lecturers when they are redesignated as Readers the Minister said that this anomaly has to be corrected immediately.
23. Minister also promised to examine placement of lecturers (selection grade) on completion of 9/10 years of total service for Ph.D / M. Phil degree holders.
24. The next issue discussed was withholding of salary of teachers who are mutually transferred. Shri. R. Mohanakumar, Shri. Prathapchandran and Sri. Augustine Joseph spoke on the issue. Hon'ble Minister said that the issue has already been settled issuing G.O. He also promised to issue guidelines, if necessary, regarding salary of teachers who are on refresher courses. As regards PF credit card hon'ble Minister assured that it will be settled as early as possible using modern technology. The delay in passing arrear salary bills was instructed to be settled within 3 months. Other issues such as reckoning of Private Aided service for pension ambiguity in admissibility of HRA consequent on pay revision 2004 and other pay revision issues will be examined, Hon'ble Minister promised.
25. "The Minister directed that the anomaly of reduction of HRA for teachers under Ernakulam Deputy Directorate be rectified. The amount received from UGC for payment of substitute salary shall also be



# Disburse salary without delay: Upa Lok Ayukta

Acting on the complaint of J. Harikrishna Pillai, the branch secretary of All Kerala Private College Teachers' Association (AKPCTA), Upa Lok Ayukta Justice N. Krishnan Nair has come to the rescue of the teaching and non teaching staff of Dr Padiyar Memorial Homoeopathic (PMH) Medical College, Chottanikkara. Justice Krishnan Nair has directed the authorities concerned to disburse the salaries without delay.

Dr Harikrishna Pillai brought to the attention of Kerala Lok Ayukta about the untold miseries of the teachers and other staff members of PMH Medical College, due to the inordinate delay in payment of salaries.

According to Rules for Payment of Salaries to the Staff of Private Homoeopathic Medical Colleges (1996), the Establishment Bill of the teachers and staff of private homoeopathic medical colleges has to be verified and passed by the principal of Government Homoeopathic Medical College, Thiruvananthapuram, on the capacity as the controlling officer, prior to the payment of salary.

The teachers and staff of PMH Medical College had to wait for months for their salaries as the Establishment Bills were reportedly entangled in the office of the Principal of Government HMC in Thiruvananthapuram.

*Text of the judgment is given in Page 43*

Express News Service

- disbursed without further delay".
26. "The Minister assured that the questions of merger 50% Dearness Allowance with Basic Pay and relaxing the G.O. regarding leave availed after the date of superannuation for the current year will be taken up with the Finance Minister".

The meeting came to an end at 8 p.m.

## LIST OF PARTICIPANTS

### SL.No. NAME & DESIGNATION

1. Shri. A. Prathapachandran Nair, AKPCTA
2. Shri. R. Mohanakumar, General Secretary, AKPCTA
3. Shri. K.S. Jayachandran, AKPCTA.
4. Shri K. Vijayadharan, Secretary, AKPCTA, Lecturer, SN College, Kollam.
5. Shri. A.P. Kuttykrishnan, President, AKPCTA (Sir Syed College, Taliparamba)
6. Smt. M.S. Girija, Deputy Director of Collegiate Education, Thiruvananthapuram.
7. Smt. J. Thulasi Bai, Additional Director, Collegiate Education, Thiruvananthapuram,
8. Shri. C. Mohanakumar, Deputy Director of Collegiate Education, Kollam.
9. Shri. K.S. Mohana Das, Deputy Director of Collegiate Education, Kottayam.
10. Dr. C. Vasanthakumari, Deputy Director of Collegiate Education, Kozhikode.
11. Smt. K.V. Lalitha Devi, Deputy Director of

12. Collegiate Education, . Ernakulam.
13. Smt. G. Leela, Accounts Officer, O/o the Deputy Director of Collegiate Education, Ernakulam.
14. Shri. M. P. Paulose, Accounts Officer, O/o the Deputy Director of Collegiate Education, Ernakulam.
15. Shri. P. Ramachandran Nair, Special officer for scholarship Director of Collegiate Education (Annexue), Thiruvananthapuram.
16. Shri. V. Balakrishnan, Accounts Officer, Director of Collegiate Education's Office, Thiruvananthapuram.
17. Shri. M. Mohan kumar, Accounts Officer, Director of Collegiate Education's Office, Trivandrum.
18. Smt. M. Padmaja Kumari, Accounts Officer, Director of Collegiate Education's Office, Thiruvananthapuram.
19. Smt V.S. Ambika Rani, A/o (PF), Director of Collegiate Education, Thiruvananthapuram.
20. Shri. T.G. Scharia, A/o O/o the Director of Collegiate Education, Kollam.
21. Shri. P.S. Gopalakrishnan, AO, Deputy Director of Collegiate Education, Kozhikode.
22. Smt. D. Sreekumari, AO, O/o the Deputy Director of Collegiate Education, Kollam.
23. Smt. K. Pankajakshy, AO, Deputy Director of Collegiate Education, Thrissur.



## KERALA LOK AYUKTA PRESENT

THE HON'BLE MR. JUSTICE N. KRISHNAN NAIR, UPA LOK AYUKTA

Tuesday, the 12<sup>th</sup> day of December, 2006

### Complaint No. 804/2006

- Complainants : Dr. J. Harikrishna Pillai  
Secretary, AK PCTA
- Respondents : 1 Dr. Padiyar Memorial Homoeopathic Medical College  
Chottanikkara P.O  
Eranakulam District
- : 2 V.M. Janakikutty  
Principal and controlling Officer  
Government Homoeopathic Medical  
College, Manakkad P.O  
Triruvananthapuram

By senior Government pleader

### ORDER

The grievance voiced in the complaint is the inordinate delay in disbursing the salaries to the teaching and non teaching staff of Dr. Padiyar Memorial Homoeopathic Medical College, Branch Chottanikkara P.O , Eranakulam. The complainant is the Branch Secretary of the All Kerala Private College Teachers Association. Dr. Padiyar Memorial Homoeopathic Medical College, Chottanikkara. The system of direct

Payment of salary by the government was implemented in the college vide GO(MS) No. 100/2000/ H & FWD dated 25. 4. 2000. The principal Government Homoeopathic College Thiruvananthapuram is the Sanctioning –Controlling officer. As per the "Rules for payment of salaries to the staff of Private Homoeopathic Medical Colleges 1996", the principal of the concerned college shall be the drawing officer in respect of the members of staff. The principal of concerned college has to prepare the establishment bill and forward the same to the principal, Government Homoeopathic Medical College, Thiruvananthapuram. The principal of the Government Homoeopathic medical college, Thiruvananthapuram shall verify and pass the bill and return the bill duly counter signed to the concerned principal. It is alleged that the teachers and staff of the college have to wait for month to get their salaries on account of laches on the part of second respondent. It is also alleged that though a sum of Rs. 12 lakhs was available in the salary account, the amount was diverted for giving leave surrender and other arrears. It is prayed that direction may be given to disburse the salaries of the teaching and non teaching staff without delay

On getting notice, the principal, Dr. Padiar memorial Homoeopathic Medical College , Chottanikkara filed counter affidavit stating that there is no delay on the part of the Principal to forward the salary bills of the employees to the Controlling officer . The Principal, Government Homoeopathic Medical College, Thiruvananthapuram has filed a statement raising the following contentions. The allegation that there is inordinate delay in disbursing salaries to the teaching and non teaching staff of Dr. Padiar Memorial Homoeopathic Medical College, Chottanikara is baseless. Te private aided Homoeo Colleges are bound to prepare salary bills according to the procedure prescribed in the GO (MS) NO. 154/ 96/ I & FWD dated 23. 3. 96, and to submit the bills to the controlling Officer. For scrutiny and processing of the salary bills of aided Homeopathic Colleges at least 10 days time is required. During the academic year 2005 -2006 the delay in disbursing the salary occurred only in the month of February 2006. The allegation that fund was diverted for giving leave surrender and other arrears is baseless. The bills forwarded by the principal have to be verified as per the directions contained in the GO. If the bills is not in order, it will be returned to the concerned aided college for rectifying the mistake. The delay in passing



the bills was due to the omissions and errors in the bills. All the allegations raised in the complaint are baseless. On these contentions the 2<sup>nd</sup> respondent wanted the complaint to be dismissed. Heard both sides

On a consideration of the materials on record I find that the allegation in the complaint that there is inordinate delay in disbursing the salaries to the teaching and non teaching staff of Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara is not baseless. It is seen from the statement filed by the complainant that the salary for the month of December 2004 was disbursed only in April 2005. It is also seen that the salary for the month of January 2005 was disbursed only on 8.4.2005. Even according to the second respondent the salary bill of the Chottanikkara College was received in the office on 25.2.2006 and the bill was passed only on 15.3.2006. It is true that the controlling Officer has to verify the bills forwarded by the principals of aided colleges and return the same after duly counter signed. But I cannot agree with the second respondent that for the scrutiny and processing of the salary bills at least 10 days time is required. As stated earlier there are instances where salaries were paid after two or three months. The undue delay on the part of the second respondent to return the bills duly counter signed is nothing but maladministration. There has been willful negligence or undue delay in taking action in the exercise of administrative functions. Therefore to distress the grievance of the complainant the following directions are given to the respondents.

1. The principal of Dr. Padiar Memorial Homoeopathic Medical College shall prepare the establishment bill on 20<sup>th</sup> of every month and forward the same to the second respondent.
2. The second respondent shall return the bill after duly counter signed within 5 days from the date of receipt of the bill from the first respondent

If the above directions are not complied with, proceedings shall be initiated against the respondents under section 19 of the Kerala Lok Ayukta Act.

The complaint is disposed of as stated above.

Sd/  
JUSTICE. N. KRISHANAN NAIR, UPA LOK AYUKTA

TRUE COPY  
Sd/  
Dy.Registrar

## ബ്രാഞ്ച് സെക്രട്ടറിമാരുടെ ശ്രദ്ധയ്ക്ക്

ജേർണലിൽ പ്രസിദ്ധീകരിക്കാനുള്ള ലേഖനം, ചെറുകഥ, കവിത, തുടങ്ങിയ സാഹിത്യ സൃഷ്ടികൾ സർവ്വീസ് സംബന്ധമായ ചോദ്യങ്ങൾ, വിജ്ഞാനപ്രദമായ കുറിപ്പുകൾ, മറ്റ് വാർത്തകൾ, ഫോട്ടോകൾ പരസ്യങ്ങൾ ഇവയൊക്കെ ചീഫ് എഡിറ്റർക്ക് അയയ്ക്കുക.

**വാർഷിക വരിസംഖ്യ 75 രൂപ മാത്രം**

**ഒരു ബ്രാഞ്ച് കുറഞ്ഞത് 1500 രൂപയുടെ പരസ്യമെങ്കിലും ശേഖരിച്ച് അടിയന്തിരമായി എത്തിക്കുക.**

പരസ്യങ്ങൾക്കുള്ള താരിഫ് കാർഡുകൾ ജില്ലാ സെക്രട്ടറിയിൽ നിന്നോ മാനേജിംഗ് എഡിറ്ററിൽ നിന്നോ ലഭിക്കുന്നതാണ്.

ചീഫ് എഡിറ്ററുടെ വിലാസം  
ഡോ. എസ്. ജയരാജ്കുമാർ  
ഗീതാജ്ഞലി, 79 ഉള്ളൂർ ഗാർഡൻസ്,  
കൊച്ചുള്ളൂർ, മെഡിക്കൽ കോളേജ് പി. ഒ.  
തിരുവനന്തപുരം- 695 011,  
ഫോൺ: 0471-2440004

മാനേജിംഗ് എഡിറ്ററുടെ വിലാസം  
ഡോ. വി. ജയകുമാർ  
ഐശ്വര്യ, റി. സി. 55/494,  
ശാരദാ ഗാർഡൻസ് ലെയ്ൻ, നീരമൺകര  
പാപ്പനംകോട് പി. ഒ, തിരുവനന്തപുരം -695 018,  
ഫോൺ: 0471 -2491432

**ഓഫീസ്**

എ.കെ. പി. സി. ടി. എ സാംസ്കാരിക കമ്മിറ്റി ഓഫീസ്,  
മാതൃഭൂമി റോഡ്, വഞ്ചിയൂർ, തിരുവനന്തപുരം- 695 035, ഫോൺ: 0471-2463494, ഫാക്സ്: 0471 - 2468984  
E-mail: akpcta@sanchamel.in, www.akpcta.org



(1)  
GOVERNMENT OF KERALA  
Finance (Provident Fund) Department  
NOTIFICATION

G. O. (P) No. 384/2006/Fin.

Dated: Thiruvananthapuram, 26th September, 2006.

S. R. O. No. 698/2006.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala, hereby make the following rules further to amend the General Provident Fund (Kerala) Rules, 1964, namely:—

RULES

1. *Short title and commencement.*—(3) These rules may be called the General Provident Fund (Kerala) Amendment Rules, 2006.

(2) (a) They shall come into force at once.

(b) The provisions of these rules shall also apply to unsettled accounts of a subscriber who died prior to the date of coming into force of these Rules.

2. *Amendment of the Rules.*—In the General Provident Fund (Kerala) Rules, 1964,—

(1) in rule 2, for clause (c) the following shall be substituted, namely:— (c) "Family" means:

- (a) Wife—in the case of a male subscriber
- (b) Husband—in the case of female subscriber
- (c) Minor Sons
- (d) Unmarried/widowed/divorced daughters
- (e) Major/Sons (Sons/who have attained legal majority)
- (f) Married daughters
- (g) Father
- (h) Mother
- (i) Minor brothers
- (j) Unmarried sisters
- (k) Children of a pre-deceased son or daughter
- (l) The paternal grand parents

*Note:*— Item (c), (d), (e) and (f), include step children, adopted children, posthumous children and item (g), (h) include adoptive parent;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of a community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rule relates, unless the subscriber subsequently indicates by express notice in writing to the Accounts Officer that she shall continue to be so regarded; and

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently cancels formerly in writing her notice excluding him.

(2) in rule 32, in sub-rule (1) for clause (b), the following shall be substituted, namely:—

"(b) if no such nomination in favour of a member/members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable as indicated below:—

(i) if there are one or more surviving members of the family as at items (a), (b), (c) and (d) of rule 2 (c), the amount becomes payable to all such members in equal shares;

(ii) if there are no such surviving members of the family as in (i) above, but one or more surviving members as in items (e) and (f) of rule 2 (c), the amount becomes payable to all such members in equal shares;

(iii) if there are no such surviving members of the family as in (i) and (ii) above, but one or more surviving members, as at items (g) and (h) of Rule 2 (c), the amount becomes payable to all such members in equal shares;

(iv) if there are no such surviving members as in (i), (ii) and (iii) above, but one or more surviving members as at items (i), (j), (k) and (l) of rule 2 (c) the amount becomes payable to all such members in equal shares."

By order of the Governor,  
K. JOSE CYRIAC,  
Principal Secretary to Government.



### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)  
In the existing clause (c) of rule (2) of the General Provident Fund (Kerala) Rules 1964 where the family is defined only the wife/husband, as the case may be, children of the subscriber and the widow and the children of a deceased son of the subscriber is mentioned. Now the Government have decided to include parents, minor brothers, unmarried sisters and paternal grand parents of the subscriber in the definition. Government have also decided to amend Rule 32 (1) (b) of the General Provident Fund (Kerala) Rules, 1964 for specifying the members of the family on priority basis, on the death of a subscriber for disbursing the amount standing at the credit of the Provident Fund account in the case of subscribers having family but has not filed nomination under rule 8 thereof. The amended provisions shall also apply to unsettled accounts of a subscriber who died prior to the date of coming into force of this Rules.

This notification is intended to achieve the above object.

(2)

### GOVERNMENT OF KERALA

#### Abstract

PAY REVISION 2004—REGULAR PROMOTIONS AND TIME-BOUND HIGHER GRADES ON OR AFTER 1-7-2004—FIXATION OF PAY—ANOMALY—STEPPING UP OF PAY—ORDERS ISSUED  
FINANCE (PAY REVISION ANOMALY RECTIFICATION CELL) DEPARTMENT

G.O. (P) No. 405/06/(16)/Fin.

Dated, Thiruvananthapuram,  
7th October, 2006.

Read:—G. O. (P) No. 145/06/Fin. dated 25-3-2006.

- As per Rule 6, Annexure 2 of the Government Order read above, in cases where a Senior Government Servant promoted to a higher post (other than time-bound higher grade) before 1-7-2004 draws less pay in the revised scale than that of his junior promoted to the higher post after 1-7-2004, the pay of the senior employee shall be stepped up to the level of the pay of the junior with effect from the date on which the junior draws higher pay, subject to satisfaction of the specific conditions.
- It is brought to the notice of the Government that in certain cases where senior and junior who got promotion on different dates after 30-6-2004, the senior happens to draw less pay than that of his junior due to the application of the rules relating to option/fixation of pay ordered in the Government Order read above, it is also reported that in certain cases of time-bound higher grade granted during the period from 1-7-2004 to 24-3-2006, certain seniors happen to draw less pay than that of their juniors due to the application of the rules in the orders read above.
  - Government have examined the matter in detail and are pleased to order that the benefit of stepping up under rule 6, Annexure 2 of G. O. (P) 145/2006/Fin dated 25-3-2006 will be extended to those senior employees who were promoted (including through grant of time-bound higher grade) during the period from 1-7-2004 to 24-3-2006 and happened to draw less pay than that of the juniors who were/are promoted to higher post/grade after 1-7-2004, not because of their non-judicious option for the pay, revision 2004, but solely due to the application of the rules of fixation of pay in the G. O. read above.
  - Stepping up of pay of the Senior in such cases shall be subject to Rule 6 (i) to (iv), Annexure 2 of the G. O. read above provided that:
    - The anomaly should have arisen due to the application of Rule 7 (3) of the G. O. read above, while exercising option by the senior;
    - the period of service of the senior that qualifies for weightage shall not be less than that of the junior as on the date of option of the junior.
  - Appointing authorities shall be competent to sanction stepping up in such cases of anomaly in pay subject to the above provisions. Before issuing sanction orders in respect of Non-Gazetted Officers, the Appointing Authority shall verify the correctness of the fixation of pay of the juniors who draw higher pay. In the case of Gazetted Officers, sanction orders shall be issued subject to verification by the AG. For issuing sanction it shall be ensured that the anomaly is solely due to the application of the pay fixation rules in Annexure 2 of the G O. read above, and not due to non-judicious option, for pay revision, exercised by the Senior.

By order of the Governor,

**B. SASIDHARAN PILLAI,**  
Additional Secretary (Finance).



(3)  
**GOVERNMENT OF KERALA**  
**Finance (PARC) Department**  
**CIRCULAR**

No. 50/06/(14)/Fin.

*Dated, Thiruvananthapuram, 2nd November, 2006.*

*Sub:—Pay Revision 2004—Surrender of Earned Leave—Clarifications issued.*

*Ref:—G. O. (P) No. 145/06/Fin. dated 25-3-2006.*

In the Government Order read above, orders were issued revising the scale of pay and other allowances of the State Government Employees and Teachers.

As per para 34 of the Government Order read above, the number of Earned Leave that can be surrendered once in a financial year has been enhanced from 20 to 30 days.

In view of doubts raised by certain departmental authorities, it is clarified that surrender of Earned Leave is restricted to once in a financial year, and therefore those who have already surrendered 20 days Earned Leave during the year 2006-07 are not eligible to surrender the balance of 10 days during the current financial year.

**B. SASIDHARAN PILLAI,**  
*Additional Secretary (Finance).*

(4)  
**GOVERNMENT OF KERALA ABSTRACT**

**PUBLIC SERVICES—RECKONING PRIOR SERVICE FOR SERVICE BENEFITS—  
FIXING TIME LIMIT—ORDERS ISSUED**

**FINANCE (RULES) DEPARTMENT**

G. O. (P) No. 452/06/Fin.

*Dated, Thiruvananthapuram, 6th November, 2006.*

**ORDER**

It has come to the notice of Government that in many cases Government employees approach Government/Competent Authority at the fag end of their service or at the time of their retirement on superannuation or thereafter to get their prior service such as provisional service, prior service in lower posts, service in other departments, bar service etc. reckoned for increment, grade promotion or pension. This causes a lot of administrative inconvenience and also inordinate delay in settling their pensionary benefits. This tendency is due to the fact that Statutory rules do not prescribe any time limit for entertaining such requests. Also, no guidelines have been issued in this regard. Government have examined the matter in detail and are pleased to issue policy guidelines in this regard.

2. An officer, who wishes to get his prior provisional or regular service or any other service in one department/institution counted for any service benefit on joining duty in another department, shall apply for the same before the Competent Authority/Government within a period of 5 years of the date of his entry in the new department/institution. Under no circumstances, orders will be issued by the Competent Authority/Head of Department/Government within a period less than 5 years before the retirement on superannuation.
3. Those who are already in service are hereby given 2 years time from the date of this order for preferring such claims. Heads of Department and appointing authorities shall take a decision on the above claims within a period of 3 years from the date of receipt of the claim or within a period of 2 years before the date of retirement on superannuation of the officer, whichever is later.
4. This order will not apply in respect of those who are already in service and who will superannuate on or before 31-12-2011.

By order of the Governor,

**K. JOSE CYRIAC**  
*Principal Secretary (Finance).*



(5)  
**GOVERNMENT OF KERALA**  
**Finance (Rules) Department**  
**CIRCULAR**

No. 51/2006/Fin.

*Dated, Thiruvananthapuram. 9th November, 2006.*

*Sub:—* Amendment to Rule 60 (c) Part I Kerala Service Rules—  
Dale of effect—Clarification—Issued.

*Ref:—* G. O. (P) No. 331/2006/Fin. dated 10-8-2006.

As per the Government Order read above, Rule 60 (c) of Part I Kerala Service Rules was amended to the effect that if the teaching staff are on leave-on the day they attain the age of 55 years and fail to rejoin duty on the first working day immediately after the date of superannuation, they shall be retired with effect from the date of superannuation under Sub Rule (a) of Rule 60 Part I Kerala Service Rules. Now a doubt has been raised as to whether it applies to cases where the leave was availed prior to 10-8-2006. Government clarify that the amendment takes effect only from 10-8-2006 and so the leave sanctioned and availed of prior to 10-8-2006 need not be cancelled.

**K. JOSE CYRIAC,**  
*Principal Secretary (Finance).*

(6)  
**(GOVERNMENT OF KERALA)**

**Abstract**

Higher Education Department — U.G.C. Scheme - Advance increments for teachers who secured Ph.D prior to 1-1-1996 under Career Advancement Scheme - orders issued.

**HIGHER EDUCATION (C) DEPARTMENT**

G.O.(MS)No.148/2006/H.Edn.

Dated, Thiruvananthapuram, 13/11/2006

Read:- 1. G.O.(P)NO.171/99/H.Edn.dated 21-12-99.

2. Judgment dated 31.7.2006 in WA.Nos 1044, 1117, 1207, 1444, 1447, 1538, 1545, 1586, 1814, 2363, 2364, 1217, 1396 & 118/2005. CO.C(C)657/2005 & W.P.(C) 31426/2005.

**ORDER**

As per the Government Order read first above, the revised U.G.C. Scheme 1998 was implemented in the State with effect from 1.1.1996. The stipulation regarding the minimum length of service for career advancement as Lecturer (Senior scale) and Lecturer (Selection Grade)/Reader has been modified in the revised U.G.C Scheme as clarified by Ministry of Human Resources Development, Government of India, subsequently. This modified provision was implemented only from the date of notification of the Scheme by the Government of India, ie. 27.7.1998.

2. The Hon'ble High Court of Kerala has, in judgment dated 31.7.2006 read as second paper above ordered that all college teachers who have acquired Ph.D degree prior to 1.1.1996 including Readers, Professors and Principals, who were not given the benefit of any advance increments as per earlier Career Advancement Scheme will be entitled to two advance increments which will be applicable from 27.7.1998.

3. Government have examined the matter in detail and are pleased to order that college teachers who have acquired Ph.D prior to 1.1.1996 including Readers, Professors and Principals who were not given the benefit of any advance increments as per earlier Career Advancement Scheme, are eligible for two advance increments which will be applicable from 27.7.1998. The lecturers when redesignated as Readers will continue to receive the benefit.

BY ORDER OF THE GOVERNOR  
Sd/-

**P. J. THOMAS**  
Additional Chief Secretary &  
Principal Secretary to Government



ഉന്നത വിദ്യാഭ്യാസ (കെ) വകുപ്പ്  
തിരുവനന്തപുരം  
തീയതി: 13.11.2006

അഡീഷണൽ ചീഫ് സെക്രട്ടറി  
& പ്രിൻസിപ്പൽ സെക്രട്ടറി  
കോളജ് വിദ്യാഭ്യാസ ഡയറക്ടർ,  
തിരുവനന്തപുരം

സർ,

വിഷയം: ഉന്നത വിദ്യാഭ്യാസ വകുപ്പ് - യു. ജി. സി.യുടെ എഫ്. എ. പി. ഡെപ്യൂട്ടേഷൻ എക്സ്റൈസ് - സ്പെഷ്യാലൈസ് നൽകുന്നത് - സംബന്ധിച്ച്.

സൂചന: 7.10.2006 ലെ താങ്കളുടെ എഫ്. എ. പി. (1) 20250/05/കോവിവ നമ്പർ കത്ത്

മേൽ സൂചനയിലേക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. ഉന്നത വിദ്യാഭ്യാസ നിലവാരം ഉയർത്തുക എന്നത് സർക്കാരിന്റെ പ്രഖ്യാപിത ലക്ഷ്യമാണ്. യു. ജി. സി. പഠനപരിപാടി ലഭിച്ചവർക്ക് ഒരു വർഷത്തേക്ക് കൂടി അത് തുടരാൻ യു. ജി. സി. തന്നെ അനുമതി നൽകിയിട്ടുള്ള സാഹചര്യത്തിൽ യു. ജി. സി. കാലാവധി തീരുന്നതുവരെ ഈ വിഭാഗത്തിൽപ്പെട്ടവർക്കെല്ലാം യു. ജി. സി. യുടെ അംഗീകാരം കിട്ടുന്ന മുറയ്ക്ക് ഡെപ്യൂട്ടേഷൻ അനുവദിക്കാവുന്നതാണ് എന്ന സർക്കാരിന്റെ നിലപാട് താങ്കളെ അറിയിച്ചുകൊള്ളുന്നു.

വിശ്വസ്തതയോടെ,

പി. ജെ. ടോമസ്,  
അഡീഷണൽ ചീഫ് സെക്രട്ടറി &  
പ്രിൻസിപ്പൽ സെക്രട്ടറി

(8)

# GOVERNMENT OF KERALA

## Abstract

PAY REVISION 2004—HRA ETC. TO THOSE COVERED BY UGC/  
AICTE SCALE OF PAY—MODIFICATIONS—ORDERS ISSUED

FINANCE (PAY REVISION ANOMALY RECTIFICATION CELL) DEPARTMENT

G O. (P) No. 481/06/(17)/Fin.

Dated, Thiruvananthapuram, 28th November, 2006.

Read.- 1. G O. (P) No. 145/06/Fin. dated 25-3-2006.

## ORDER

In the Government Order read above, orders were issued revising the scale of pay and other allowances of the State Government employees and teachers.

As per para 38 of the Government Order read above, employees who remain in the pre-revised scales of pay beyond 1-3-2006, HRA and other additions to pay at the revised rates will be paid on the basis of their pre-revised pay plus D. A. @ 59% of pay. State Government Employees who are not on State Scales of Pay (eg. UGC/AICTE) also, are eligible for the allowances at the revised rates w.e.f. 1-3-2006, as per para 41 of the Government Order.

It is brought to the notice of the Government that in the case of teaching staff on UGC/AICTE Scales of Pay, D.A. @ 59% is not reckoned for payment of HRA at the revised, rates.

In the above circumstance, Government are pleased to order that the provisions in para 38 of the Government Order read above shall be applicable to State Government employees and, teachers including those in Aided Educational Institutions, who are not on State Scales of Pay (eg. UGC/AICTE), if they were entitled to such benefits and allowances prior to Pay Revision—2004.

These orders shall take effect from 1-3-2006.

By order of the Governor,  
B. SASIDHARAN PILLAI,  
Additional Secretary,  
For Principal Secretary (Finance)



(9)

കേരള സർക്കാർ  
സംഗ്രഹം

ജീവനക്കാർ - 14-12-2006 വെ. ഭാഗീയ പണിമുടക്ക് - ജീവനക്കാർ ആഹിസുകളിൽ  
ഹാജരാകാതിരുന്നത് - അർഹതപ്പെട്ട അവധി അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.  
പൊതുഭരണ (എസ്. എസ്.) വകുപ്പ്

സ. ഉ. (പി) നമ്പർ 385/2006/ പൊ. ഭ. വി.

തിരുവനന്തപുരം, 2006 ഡിസംബർ 29

ഉത്തരവ്

14-12-2006-ൽ നടന്ന ഭാഗീയ പണിമുടക്കിനോടനുബന്ധിച്ച് ആഹിസുകളിൽ ഹാജരാകാതിരുന്ന ജീവനക്കാർ  
ക്കും അദ്ധ്യാപകർക്കും കാഷ്വൽ അവധി ഉൾപ്പെടെയുള്ള അർഹതപ്പെട്ട അവധി അനുവദിച്ചുകൊണ്ട് ഉത്തരവ് പുറ  
പ്പെടുവിക്കുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,  
ഇ. കെ. ഭരത് ഭുഷൻ,  
പ്രിൻസിപ്പൽ സെക്രട്ടറി

University Grants Commission  
Bahadur Shah Zafar Marg  
New Delhi-110 002

No. F.3-1/98(PS)

November, 2006

Dr. V.K. Tewari,  
General Secretary, AIFUCTO,  
493-Urban Estate,  
Jalandhar-144022, Punjab.

Sub: - Comments on Draft Model Statutes for Educational Tribunal Act - Regarding.

Sir/Madam,

The UGC had constituted an expert committee for framing of Model Statutes for making Educational Tribunal Act. The final version of the Draft Model Statutes duly approved by the Commission was sent to the MHRD for necessary action. The MHRD has desired that the comments of all the Universities, State Governments and Teachers Associations may be obtained in this regard.

You are therefore, requested to send your comments on the draft Model Statutes (Copy enclosed) as early as possible.

Yours faithfully,  
(Mrs. Shashi Munjal)  
Under Secretary

എ.കെ.പി.സി.ടി.എ  
49-ാം സംസ്ഥാന സമ്മേളനം  
2007 മാർച്ച് 9, 10, 11 തീയതികളിൽ  
കോട്ടയ്ക്കൽ, മലപ്പുറം ജില്ല

**സ്വാഗതസംഘ രൂപീകരണയോഗം**

2007 ഫെബ്രുവരി 3, വൈകുന്നേരം 5 മണി  
പ്ലാസാ ഓഡിറ്റോറിയം, കോട്ടയ്ക്കൽ, മലപ്പുറം ജില്ല





കേരളസർവ്വകലാശാലയിൽ നിന്നും ഫിസിക്സിൽ ഡോക്ടറേറ്റ് നേടിയ കൊല്ലം എഫ്. എം. എൻ. കോളജ് അദ്ധ്യാപിക ഹൈ ട്രീസാ വർഗ്ഗീസ് Spectroscopic Investigations of certain salicylates & Melamine Diborate എന്ന വിഷയത്തെ അധികരിച്ച് മാർ ഇവാന്റോയിസ് കോളജിലെ ഡോ. ഡെയ്സി ഫിലിപ്പിന്റെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



കേരളസർവ്വകലാശാലയിൽ നിന്നും കൊമേഴ്സിൽ ഡോക്ടറേറ്റ് നേടിയ കൊല്ലം എഫ്. എം. എൻ. കോളജ് അദ്ധ്യാപകൻ വി. ജോസഫ് ജെയിംസ്. ക്യാപ്പിറൽ അസൻ പ്രൈസിംഗ് മോഡൽ ഇന്ത്യൻ മൂലധന വിപണിയിൽ എന്ന വിഷയത്തെ അധികരിച്ച് ഡോ. പി.ജി.ധർമ്മരാജന്റെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



കേരളസർവ്വകലാശാലയിൽ നിന്നും ഹിന്ദി സാഹിത്യത്തിൽ ഡോക്ടറേറ്റ് നേടിയ എരമല്ലിക്കര ശ്രീ അയ്യപ്പാ കോളജിലെ അദ്ധ്യാപകൻ ആർ. എസ്. ഹരികുമാർ. ഇലാപന്ദ്ര ജോഷിയുടെ നോവലുകൾ - സാമൂഹ്യമനശ്ശാസ്ത്രപഠനം എന്ന വിഷയത്തിൽ ശാസ്താ റ്റോട്ട ദേവസാംബോർഡ് കോളജിലെ ഡോ.പി. സനൽകുമാറിന്റെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



കേരളസർവ്വകലാശാലയിൽ നിന്നും കൊമേഴ്സിൽ ഡോക്ടറേറ്റ് നേടിയ പന്തളം എൻ. എസ്. എസ്. കോളജ് അദ്ധ്യാപകൻ വി.ആർ.മോഹനൻ നായർ. കേരളത്തിലെ ആശുപത്രി വ്യവസായത്തിന്റെ പ്രവർത്തനങ്ങൾ എന്ന വിഷയത്തെ അധികരിച്ച് വി.ടി. എം.എൻ.എസ്.എസ്. കോളജ് അദ്ധ്യാപകൻ ഡോ.വിജയചന്ദ്രൻപിള്ളയുടെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



കേരളസർവ്വകലാശാലയിൽ നിന്നും പൊളിറ്റിക്കൽ സയൻസിൽ ഡോക്ടറേറ്റ് നേടിയ പന്തളം എൻ. എസ്.എസ്.കോളജ് അദ്ധ്യാപകൻ പി. സുകുമാരൻനായർ. Indo Bangladesh Relations എന്ന വിഷയത്തെ അധികരിച്ച് കേരള സർവ്വകലാശാല രാഷ്ട്രതന്ത്രവിഭാഗം മുൻമേധാവി ഡോ. കെ. രാമൻപിള്ളയുടെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



മഹാത്മാഗാന്ധി സർവ്വകലാശാലയിൽ നിന്നും ഫിസിക്സിൽ ഡോക്ടറേറ്റ് നേടിയ മാനാനം കെ. ഇ. കോളജ് അദ്ധ്യാപകൻ ടി.ജി. ഗോപിനാഥൻ Electrical, Optical & Structural Properties of the Organic Semi Conductor Thin Films - PbPc, ZnPc & MgPc എന്ന വിഷയത്തെ അധികരിച്ച് എം.ജി. സർവ്വകലാശാലയിലെ ഡോ. സി. എസ്. മേനോന്റെ മേൽനോട്ടത്തിലായിരുന്നു ഗവേഷണം.



അഭിനന്ദനങ്ങൾ



എ.കെ.പി.സി.ടി.എ

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# സംസ്ഥാന സമ്മേളനം

2007 മാർച്ച് 9, 10, 11

കോട്ടയ്ക്കിൽ മലപ്പുറം ജില്ല

പ്രതിനിധി സമ്മേളനം • ഉദ്ഘാടന സമ്മേളനം  
വിദ്യാഭ്യാസ - സാംസ്കാരിക ട്രേഡ് യൂണിയൻ സമ്മേളനം  
ആർ.ആർ.സി. അനുസ്മരണ പ്രഭാഷണം • പ്രകടനം • പൊതു സമ്മേളനം  
ക്ഷേമനിധി വിതരണം • യാത്രയയപ്പ് സമ്മേളനം