



GOVERNMENT OF KERALA

Abstract

General Education Department- Recognition to service organizations of Teachers-
Conducting of Referendum- Orders issued.

GENERAL EDUCATION (J) DEPARTMENT

G.O(P)No. 99/11/G.Edn Thiruvananthapuram, Dated: 30/04/2011

Read:- (1) Representation dated: 10/08/09 from General Secretary, K.S.T.A.
(2) D.O. Letter No. S.S (1)/2009/DPI dated: 07/01/09 of DPI.
(3) Letter No. H (2)/ 3546/2010/DPI dated: 11/03/2010 of DPI.
(4) Judgment dated: 26/03/2010 of Hon'ble High Court in WP © No. 1688/2010 filed by Deseeya Adhyapaka Parishath

ORDER

1. The Kerala Education Act provides for the better organization and development of education institutions in the State. It applies to aided schools, recognized schools and Government schools even established before the commencement of the Act also. Aided Higher Secondary Schools and Vocational Higher Secondary Schools have also been brought under the purview of the Act.

2. Chapter XIV C of the KER framed in exercise of the powers conferred under Section 36 of the Act refers to Conduct Rules for the teachers coming under the Act. Rule 51 of Chapter XIV C of KER refers to the conditions for recognition of association of teachers coming under KER.

3. There are separate associations of teachers of Government Schools in the LP School Sector, UP School Sector, High School Sector, Higher Secondary School Sector and Vocational Higher Secondary Sector. Teachers coming under the purview of Government Schools are governed by the Conduct Rules for Government Servants. The forming of Associations and conditions of their functioning are as applicable to Government servants.

4. There are innumerable Associations of Teachers belonging to various categories both in the Aided Sector and Government Sector. This has most often caused grave and complex administrative hurdles in resolving the genuine and common issues of various categories of teachers.

5. Government intends to interact and discuss all the general academic and administrative issues affecting all teachers as well as specific issues of specific categories of teachers. It would be a cumbersome process for Government to discuss all and each issue with the innumerable number of Associations now functioning in the State. With the purpose of rendering speedy redressal of all issues affecting teachers of all categories and sectors (LP, UP, HS, HSS, VHSS) both in the aided and Government schools, Government intend to recognize and interact only with those association/ associations representing the entire teaching community as a single group.

6. Meanwhile the Hon'ble High Court in its judgment dated: 26/03/2010 in WP © No. 1688/2010 filed by Deseeya Adhyapaka Parishath directed Government to take up and complete the process of conducting referendum within six months from the date of receipt of a certified copy of that judgment. The Hon'ble High Court also grants extension of time limit for the compliance of above order.

7. To identify representatives of such teaching communities, and to ascertain the membership strength of teachers belonging to various categories in the teachers' association Government hereby accorded sanction to conduct a referendum. The representative group satisfying the norms of referendum will be recognized as an association with which Government would hereafter discuss all / specific issues affecting by the teaching community. Thus the judgment of Hon'ble High Court read as fourth paper above complied accordingly.

8. Government also approve the scheme appended this Government Order. The Referendum shall be conducted in accordance with the scheme.

SCHEME FOR REFERENDUM

Definitions

9. For the purpose of this scheme, the words and phrases shall have the meanings given against them.

- (a) "Appointed" means a teacher appointed by a competent authority.
- (b) "Association" means an Association recognized by the Government of Kerala in accordance with the procedure prescribed in this scheme.
- (c) "Ballot Box" means any box, cover bag or other receptacle used for insertion of ballot paper by voters.
- (d) "Competent Authority" means the manager in the case of Private Schools and the Government or its authorized officers in the case of Government Schools.
- (e) "Director of Public Instructions (DPI)" means the officer responsible for the conduct of the referendum.
- (f) "Electoral roll" means the final list containing the names of teachers, their designation and school who are eligible to vote in the referendum.
- (g) "Government School" means and includes a school established by the Government of Kerala and maintained and conducted by its officers or delegates and includes such schools or group of schools notified by the Government of Kerala as Government schools for the purpose of this scheme.
- (h) "Polling Station" means the place/s where the polling for the purpose of the referendum is conducted. Each polling station shall be located at the office of the Assistant

Educational Officer of each educational sub district or such other Government Schools notified by the Government to function as a polling station.

- (i) "Private School" shall have the same meaning assigned to it in the Kerala Education Act and rules.
- (j) "Returning Officer" means the officer authorized by the Director of Public Instructions to conduct the referendum and includes any Assistant Returning Officer performing any function, that he is authorized to perform by the Returning Officer.
- (k) "Sanctioned post" means a post carrying a scale of pay to which appointment can be made and approved for being paid pay and allowances from the public fund of the Government of Kerala by the Government or its authorized officers.
- (l) "Scale of pay" means the scale of pay to which a teacher is appointed by a competent authority.
- (m) "School" means and includes Government Schools and Private Schools imparting instructions to students in pre-primary schools, primary schools, secondary schools, higher secondary schools, vocational higher secondary schools, teacher training institutes other than offering B.Ed or M.Ed and similar courses, District Institute of Education and Training.
- (n) "Teacher" means a person appointed and holding a regular, substantive and sanctioned teaching post in a school appointed by the competent authority and approved by the Government of Kerala or its authorized officers for being paid pay and allowances from the consolidated fund of the State of Kerala and includes all such persons up to and

including the category of District Educational Officers and faculty of District Institute of Education and Training.

- (o) "Teaching post" means a post against which a person is appointed for imparting instructions to students in a school as required under a curriculum approved by the State Council for Educational Research and Training, Kerala.
- (p) "Voter or Elector" means a teacher appearing in the electoral roll.

10. Responsibilities of the Director of Public Instructions for conduct of elections

(1) For conducting the referendum, the Director of Public Instructions shall function as the Special Officer (Referendum). He shall be responsible for the smooth conduct of the referendum in accordance with the scheme. The referendum shall be conducted by the Special Officer (Referendum) in the polling stations. It shall be his authority and duty,-

- (a) to fix the date/s, and time of the referendum;
- (b) to prescribe the form of notice, nomination, letter of intimation, declaration paper, ballot paper, ballot paper cover and the envelop for the referendum, the form of any other record to be prepared or maintained in relation to the referendum and the instructions to be contained in the notification;
- (c) to decide, in cases of doubt, the validity or invalidity of each ballot paper or of each vote recorded thereon;
- (d) to declare the result of the referendum: and further to fix,-
 - (i) the date of notification;
 - (ii) the last date for receipt of nominations;
 - (iii) the date of scrutiny of nominations and publication of list of associations validity nominated;

- (iv) the last date and hour for withdrawal of nomination,
- (v) the date of publication of the final list of nominations;
- (vi) the date/s of issue of ballot paper;
- (vii) the date/s, place/s and hour/s for the poll;
- (viii) the date/s, place/s and hour of scrutiny and counting of votes; and,

(2) It shall be competent for the Director of Public Instruction when any emergency arises-

- (i) to assume the powers of the Returning Officer and function as such either by himself or by deputing any other person when in the course of the conduct of the referendum the Returning Officer cannot carry on his duties, or
- (ii) to postpone the date or dates fixed on the programme for transaction of business connected with the referendum at any intermediate stage. The Director of Public Instruction shall record his reasons for so doing.

(3) Unless otherwise specifically provided, the decision of the Director of Public Instruction on any question relating to referendum shall be final.

(4) If any question relating to the conduct of the Referendum arises, the Director of Public Instruction, shall refer it to the Principal Secretary to Government, General Education Department whose decision thereon shall be final.

(5) Returning Officer:- The Additional Director of Public Instructions or Joint Director of Public Instructions or Deputy Directors of Education authorized by Director of Public Instruction shall be Returning Officer for the referendum.

(6) General Duty of Returning Officer:- (a) It shall be the general duty of the Returning Officer at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided under the scheme.

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(b) The Returning Officer may, for sufficient cause, with the previous consent of the Director of Public Instructions, postpone the date or dates fixed in the programme for publication of final list of valid nominations, for despatch of ballot papers, for poll or for scrutiny and counting of votes, when at any intermediate stage of an referendum any objection to any question is raised which necessitates the postponement of the referendum.

(7) Assistant Returning Officer:- (a) The Returning Officer, may appoint one or more Assistant Returning Officers to assist him in the performance of his functions.

(b) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the counting of postal ballot and announcement of result of referendum, unless the Returning Officer is unavoidably prevented from performing the said functions.

11. Nominations of Associations

(1) Every teacher whose name has been included in the electoral roll may propose to nominate an association for participation in the referendum in such form prescribed for the same. Such nomination shall be supported by not less than 100 other teachers included in the electoral roll. The name proposed for such association shall be specified by the teacher proposing the nomination.

(2) Every teacher as defined in the scheme shall be entitled to take part in the referendum in accordance with the instructions issued by the Director of Public Instructions in this regard.

(3) Every teacher will be entitled to cast one vote in favour of one of the associations included in the final list of the

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valid nominations of association published by the Director of Public Instructions.

- (4) The Director of Public Instructions shall declare the number of votes obtained by each nominated associations.

12. Criteria for declaration as an Association

Nominated associations obtaining not less than 20% of the total number of votes cast shall be declared as an Association.

13. Formal amendment in this regard in Kerala Educational Rules will be issued separately.

(By order of the Governor)
JAMES VARGHESE
 Principal Secretary

To

The Director of Public Instruction, Thiruvananthapuram.
 All Deputy Directors of Education
 District Educational Officers } Through DPI
 Assistant Educational Officers.
 The Advocate General, Ernakulam (with C/L)
 The Director, Information and Public Relations Department,
 Thiruvananthapuram.
 The Director, IT @ School (for publishing in the website.)
 General Secretary, KSTA, Thycad. P.O., Thiruvananthapuram
 Stock File/Office Copy.

Forwarded/ By Order


 Section Officer