

A G E N D A

of the General Body Meeting of
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
to be held at 12.00 noon on **SUNDAY, the
21 st May, 2006 at**
Late Narayanrao Amrutrao Deshmukh
Mahavidyalaya, Chandur Bazar
Dist. Amravati

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, the 21st May 2006 at Late Narayanrao Amrutrao Deshmukh Mahavidyalaya, Chandur Bazar Dist. Amravati is as follows :-

POSTPONED ITEM

ITEM NO. 415 : TO INCREASE LIFE MEMBERSHIP FEE :

On behalf of the Executive Committee Prof. S.A.Tiwari will move the following resolution. :-

That the life membership Fee of NUTA be increased from Rs. 4001 to Rs. 10001/-

Notes

(A) The provision in the Constitution of the Association is in para 3, which reads as follows :

"The Life Membership Fee may be increased at any time by a resolution passed by the General Body".

(B) The Executive Committee of NUTA at its meeting held on 30th April 2006 (Vide Item No. 39) resolved to Approve the following arrangement :-

(1) From the date of the publication of this Bulletin till 21st May 2006 Life Membership Fee or the partial payment towards Life Membership Fee shall be accepted by the Treasurer only in the form of crossed Demand Draft. During this period, under no circumstances, the Treasurer will accept the Life Membership Fee by cheque or cash.

(2) However Crossed Demand Draft issued by any Scheduled Bank in Vidarbha on or before 21st May 2006 for Rs. 4001 or 2001/- in favour of "**Treasurer NUTA L.M. Fund**" will be received by the Treasurer on 21st May 2006 at the venue of the General Body Meeting before the said item is resolved and the said payment will be treated as a payment made by the concerned teacher towards Life Membership Fee of NUTA, as if paid on or before 21st May 2006.

(3) The Treasurer will issue receipt of such crossed Bank Draft and mention on each receipt name of the concerned teacher and the date on which such Bank Draft was issued and the name of the Bank concerned.

(4) Any teacher can become a member (Subject to the approval by the Executive Committee of NUTA) of NUTA by paying the L.M.Fees of Rs. 4001/- in one instalment or in three instalments. In the case of three installments, First instalment of Rs. 2001/- must be paid by a crossed Bank Draft drawn in the name of Treasurer NUTA on or before the said item is resolved in the manner aforesaid.

(5) After paying the first instalment, the teacher shall pay the remaining amount of Rs. 2000/- in two equal instalments, within a period of one year i.e. before 21st

May 2007.

(6) This facility of partial payment of the L.M. Fees of Rs 4001/- in three instalments to be paid in one year shall be available only to such teachers who pay the first instalment of Rs. 2001/- on or before the said item is resolved in the General Body Meeting and in the manner aforesaid.

(7) If there is a failure in paying the total amount of L.M.fees of Rs. 4001 during the said period of one year, the partially paid instalments shall be treated as donations.

(C) See Appendix A forming part of the STATEMENT NO.9 REGARDING THE FIXED SECURITIES OF THE ASSOCIATION AS ON 31ST MARCH, 1998. Circulated on page 46 of 1999 NUTA Bulletin. One of the investment (out of 13) is at the rate of 14 percent per annum. None of it is below 13 percent per annum.

(D) Investment made during the year 2003 and thereafter are having the low interest rate of 5.25 percent per annum. See Appendix A of STATEMENT No. 16 REGARDING THE FIXED SECURITIES OF THE ASSOCIATION AS ON 31ST MARCH, 2005 circulated on page 64 of 2005 NUTA Bulletin. None of the investments is having more than 6 percent rate of interest. Only one investment could be invested at the rate of 6 percent per annum.

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION MEETING NOTICE : 2 Date : 01.05.2006

From
Dr.E.H.Kathale,
Secretary, NUTA,
N-162, Reshim Bagh, Nagpur-440 009.

To,
All the members
of the Nagpur University Teachers' Association
Dear members,

I have the honour to inform you that in exercise of the powers conferred on it by Article VIII of the Constitution of NUTA, the Executive Committee has decided to have the meeting of General Body at **12.00 Noon** on the date and at the place mentioned below.

2. Agenda of the General Body meeting is printed in this NUTA Bulletin. If you propose to suggest any amendments to any of the proposals/Resolutions included in the Agenda, you may send it to me within a period of one week from the date of the posting of this Bulletin. It will not be possible for the amendments received after the due date to be included in the additional agenda. Please send one copy of your amendment to Prof. B.T.Deshmukh, President, NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

3. Rules for proposing amendments to the proposals/resolutions are printed on page 97 of 1977 NUTA Bulletin. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,
Sd/- **Dr. E.H.Kathale**
Secretary, NUTA

Date and Place of the meeting
at 12.00 Noon on, Sunday, the
21st May, 2006 at
Late Narayanrao Amrutrao Deshmukh
Mahavidyalaya, Chandur Bazar
Dist. Amravati

ITEM NO. 424 :

CONFIRMATION OF MINUTES :

(A) **TO CONFIRM** the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the **28 th August, 2005 at Savitri Jyotirao Social Work College, Yavatmal**

Notes :- 1) Copy of the minutes was Circulated on pages 121 to 127 of 2005 NUTA Bulletin.

2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the **28 th August, 2005 at Savitri Jyotirao Social Work College, Yavatmal** vide No.CIM/20 Dated 20th October, 2005 published on page 135 of 2005 NUTA Bulletin. No correction was received.

ITEM NO. 425 :

APPROVAL TO THE ANNUAL REPORT :

TO CONSIDER AND APPROVE the Annual Report regarding the working of the Association for the calendar year ending on 31st December, 2005.

Notes :

(i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association is prepared by the Executive Committee (vide item No.32 of 2006) and is to be placed for the approval of the General Body.

(ii) The Copy of the Annual Report is circulated in this NUTA Bulletin on page 18 to 19

(iii) Prof. E.H.Kathale, Secretary will present the Annual Report on behalf of the Executive Committee.

ITEM NO. 426 :

APPROVAL TO THE ANNUAL BUDGET :

TO APPROVE the Annual Budget of the Association for the Financial year commencing on 1st April, 2006.

Notes :

(i) Prof. S.A.Tiwari, Treasurer, NUTA, will present the Budget on behalf of the Executive Committee.

(ii) The copy of the Budget is circulated on page No.17 of 2006 NUTA Bulletin.

ITEM NO.427 :

APPOINTMENT OF THE AUDITORS :

TO CONSIDER AND APPROVE the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2006 namely :-

"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2006"

Notes :

(i) As per Article VII of the Constitution of NUTA the "General Body shall appoint auditors annually in the Annual Meeting of the Association."

(ii) The Executive Committee resolved to recommend the above resolution, (Vide item No. 36 of 2006) which is now placed before the General Body for its approval.

(iii) Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee, will move the resolution.

विषय क्रमांक ४२८ :

नेटसेट बाबतची सद्यस्थिती :

कार्यकारी मंडळाच्या वतीने प्रा.अनिल ढगे हे पुढील प्रस्ताव मांडतील.:-

महाराष्ट्र प्राध्यापक महासंघाचे अध्यक्ष प्रा.सी.आर.सदाशिवन यांनी "Note on the developments in respect of NET/SET" या विषयावर प्रसृत केलेल्या, तसेच अखिल भारतीय महासंघाचे महासचिव प्रा. व्ही.के.तिवारी यांनी या विषयावर ("Note on National Eligibility

Test (NET)") प्रसृत केलेल्या टिपणीतील मताशी हे सभागृह सहमती व्यक्त करित आहे. :-

Notes :- (1) "Note on the developments in respect of NET/SET" as prepared by Prof. C.R.Sadasivan, President of Maharashtra Federation of University & College Teachers' Organisations, Mumbai is circulated on page 15 of 2006 NUTA Bulletin.

(2) "Note on National Eligibility Test (NET)" as prepared by V.K.Tiwari, General Secretary, AIFUCTO is circulated on page 16 of 2006 NUTA Bulletin.

विषय क्रमांक ४२९ :

शेतकऱ्यांच्या आत्महत्याबाबत

कार्यकारी मंडळाच्या वतीने डॉ.एकनाथ कठाळे हे पुढील प्रस्ताव मांडतील.:-

'हेल्प लाईन'च्या नेतृत्वाखाली बुधवार, दिनांक ८ फेब्रुवारी २००६ रोजी दुपारी १.३० वाजता झालेल्या लोकप्रतिनिधींच्या बैठकीमध्ये मंजूर करण्यात आलेल्या प्रस्तावाचे (यापुढे 'प्रस्ताव' असा उल्लेख) व हेल्प लाईनचे सरकार्यवाह श्री. प्रभाकरराव वैद्य यांनी मा. राज्यपालांना पाठविलेल्या दिनांक १४ फेब्रुवारी २००६ च्या पत्राचे काळजीपूर्वक अवलोकन केल्यानंतर ही सभा पुढील प्रमाणे निर्णय घेत आहे.

१) महाराष्ट्रासारख्या प्रगत राज्यामध्ये शेतकऱ्यांच्या एकामागून एक होणाऱ्या आत्महत्या हा तीव्र चिंतेचा विषय झाला असून समाजातील सर्व जाणकारांनी या प्रश्नावर निश्चित भूमिका घेण्याची गरज निर्माण झालेली आहे. हेल्प लाईनच्या नेतृत्वाखाली करण्यात येत असलेल्या प्रयत्नांना ही सभा सक्रीय पाठींबा व्यक्त करित आहे.

२) "आत्महत्या करणारे कास्तकार मुख्यत्वे कोरडवाहूचे कास्तकार आहेत व ते कर्जबाजारी होते असे स्पष्टपणे दिसून येते. जलसिंचन या विकास क्षेत्रातील सतत फोफावणाऱ्या प्रादेशिक असमतोलाच्या विपारी वृक्षाला आलेली ही आत्महत्यांची कटू फळे आहेत." या प्रस्तावातील मताशी ही सभा पूर्णपणे सहमती व्यक्त करित आहे.

३) "भारतीय घटनेतील ३७१(२) हे कलम आजही जिवंत आहे व त्या कलमातील अधिकारांचा वापर करून केंद्र शासनाच्या गृहमंत्रालयाने निर्गमित केलेला, भारताच्या मा. राष्ट्रपतींनी ९ मार्च १९९४ रोजी काढलेला व आता ज्याची मुदत सन २०१० पर्यंत वाढविली आहे तो आदेश आजही जिवंत आहे. महाराष्ट्राच्या राज्यपालांनी शासन राजपत्रात प्रसिद्ध केलेला ३० एप्रिल १९९४ चा आदेश व ऑगस्ट १९९४ चे नियम आजही जिवंत आहे. राज्यपालांनी १५ डिसेंबर २००१ व १२ मार्च २००३ रोजी काढलेले निदेश हे आजही जिवंत आहे "The allocation of funds or outlays made by the Governor shall be reflected in the Annual Financial Statement to be placed before the State Legislature and the development activities with regard to the outlays as aforesaid, shall be carried out or caused to be carried out by the State Government and the funds so allocated shall be non-divertible" ही या कायद्यातील जिवंत तरतूद आहे. या कायद्यातील तरतुदीची सन २००२-२००३, २००३-२००४ आणि २००४-२००५ व त्या पुढील वर्षात अम्मलबजावणी झाली नाही" हा प्रस्तावातील मजकूर चिंताजनक असून राज्य शासनाची त्याबाबतची कृती संतापजनक व घटनाबाह्य आहे असे या सभेला वाटते.

४) हा अनुशेष दूर करण्यासाठी इमानेइतबारे प्रयत्न करतो म्हटले तरी तो भरून निघण्यास काही काळ निश्चितच लागेल. दरम्यानच्या काळात "घटनाबाह्य वर्तनाच्या पोटी जलसिंचन अनुशेष दूर होणे तर दुरच राहिले पण तो सतत वाढत आहे, हे लक्षात घेता जलसिंचन असुविधेप्रति सानुग्रह अनुदान देण्याची मागणी करण्यात येत आहे. जलसिंचनाच्या विकासक्षेत्रातील अद्यावत सरासरीवर १००० कोटी रुपयांच्या वर अनुशेष असलेल्या प्रत्येक जिल्ह्यामध्ये कोरडवाहू शेतीला प्रति हेक्टर १० हजार रुपये, व १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यामध्ये ५ हजार रुपये प्रति हेक्टर हे सानुग्रह अनुदान देण्यात यावे." ही जी मागणी प्रस्तावाद्वारे करण्यात आलेली आहे त्याशिवाय ही खोलवर झालेली जखम भरून काढण्याचा वेगळा कोणताही उपाय उपलब्ध नाही असे या सभेचे मत आहे.

५) विद्युत भारनियमनाबाबत प्रस्तावामध्ये "विद्युत भारनियमनाचे संकट नियोजनशुन्य कारभारातून निर्माण झालेले मानवनिर्मित संकट आहे.योजनापूर्वक निर्माण करण्यात आलेल्या जलसिंचन अनुशेष व कृषी पंपाच्या विद्युतीकरणाचा अनुशेष या दोन विकास क्षेत्रातील असमतोलाचा वर्षानुवर्ष तडाखा बसलेल्या

Maharashtra Federation of University & College Teachers' Organisations

University Club House, B-Road, Churchgate, Mumbai-400 020

NOTE

ON THE DEVELOPMENTS IN RESPECT OF NET/SET

After MFUCTO adopted its detailed Resolution on the NET/SET in Maharashtra and decided to challenge the UGC for its contempt of the High Court of Bombay and also for demanding placement and other benefits to all non-NET/SET teachers in the state many developments have taken place.

Firstly, the Dr. Mungekar Committee has began its work in right earnest. The Committee is to decide on the need for and eligibility of NET as eligibility condition for teachers in Universities and Colleges. The UGC which was to take final decision in respect of exemption under Clause 2 of 4th April 2000 UGC Notification as per High Court Orders, stopped the exercise and kept it in abeyance.

After the Dr. Mungekar Committee was appointed and after the new Chairman of UGC (Dr. Thorat) took over, AIFUCTO decided to hold a Dharna outside the UGC on 7th March 2006. The AIFUCTO was called by the new Chairman of the UGC for a discussion. AIFUCTO also sought a meeting with Dr. Mungekar to discuss report on funding as also on the continuance of NET/SET as eligibility condition for teachers. Dr. V.K.Tiwari requested Prof. Dr. K.K. Theckedath and Prof. C.R. Sadasivan to

remain present for the meeting with Dr. Mungekar to discuss NET/SET issue. It was also decided that a detailed Note should be presented at the meeting for consideration by the Dr. Mungekar Committee and the task of drafting and presenting the Note on behalf of the AIFUCTO was left to Prof.C.R.Sadasivan. On behalf of MFUCTO also a detailed Note was sent to Dr. Mungekar as Chairman of the said Committee bringing out detailed facts about NET/SET condition in Maharashtra and also the High Court rulings. For Maharashtra an interim Report by the Committee was requested as the issue was already delayed and the time frame fixed by the High Court has also long expired. The Notes will be circulated.

AIFUCTO National Secretariat along with Prof. Dr. Theckedath and Prof. Sadasivan met Dr. Mungekar at his planning Commission Office and held detailed discussion. Dr. Mungekar pointed out that the Committee would go into all aspects of the question of eligibility condition in the form of NET/SET for teachers and take final decision. He expressed his opinion that NET appeared to be an unwarranted qualification condition placed on teachers and it may have to be given up. However, he stated that some alternative may be searched for and requested the AIFUCTO also to think in that respect.

In the meantime, newspapers reported that Dr. Mungekar Committee had submitted interim report to the HRD Ministry and the news report stated that the recommendation was M.Phil for college teachers and Ph.D. for University teachers. After the news report appeared in the press, on behalf of MFUCTO President C.R. Sadasivan telephonically enquired about the developments. Dr. Mungekar pointed out that the report was interim report and it would help teachers immediately. However, final Report will be submitted in a month or two which might do away with NET.

As far as filing of Writ Petition in the High Court is concerned, discussions were held with Advocates including senior counsels. It was suggested that instead of filing a contempt petition against UGC (though UGC has committed contempt), it would be better to wait for the Report of the Committee and if NET/SET was given up, Petition could be filed for claiming all benefits in service for non-NET/SET teachers in Maharashtra. In that case the chances of getting favorable orders were bright.

Further discussion at the MFUCTO level would help in this respect.

Mumbai
20th April 2006.

(C.R.Sadasivan)

व विषम वागणूकीने बेजार झालेल्या सर्व विभागांनी भारनियमनाचा तडाखा मात्र समतोलपणे स्वीकारावा हे प्रतिपादन अशास्त्रीय आहे. उपलब्ध सिंचन सुविधांवर भारनियमनाचा परिणाम तर होतोच पण त्याच बरोबर एकूणच विकासावर सुद्धा त्याचा विपरित परिणाम होतो. विषम विकास झालेल्या जिल्ह्यांना भारनियमनाचा भार समानपणे लागू करणे हा राज्यकर्त्यांच्या क्रौर्याचा भाग समजला पाहिजे. १००० कोटी रुपयाच्या वर जलसिंचनाचा अनुशेष असलेल्या जिल्ह्यांना संपूर्णपणे भारनियमनापासून मुक्ती दिली पाहिजे. १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यात ते २ तासापेक्षा जास्त असता कामा नये. उर्वरित भारनियमन हे विकसित (विगरअनुशेष) जिल्ह्यांनी वाटून घेतले पाहिजे.” ही जी मागणी प्रस्तावाद्वारे करण्यात आलेली आहे ती विनाविलंब मान्य करण्यात यावी व ताबडतोबीने त्याबाबतची अंमलबजावणी करण्यात यावी असे या सभेला वाटते.

६) हा दिर्घमुदतीचा, चिकाटीने व चिवटपणे चालणारा लढा आहे. कोरडवाहू शेतकऱ्यांवर आलेल्या अभूतपूर्व संकटसमयी ते संकट परतवून लावण्यासाठीच्या धडपडीला सातत्यपूर्ण सक्रीय पाठिंबा देण्याच्या प्रयत्नांचा एक भाग म्हणून कृषिविषयक व अनुशेष विषयक प्रश्नाविषयी लोकमानसामध्ये जाणीवा व जागृती निर्माण करण्याच्या हेतूने ‘नुटा बुलेटीन’च्या माध्यमातून यापुढील काळात सकस प्रयत्न सातत्याने करण्यात यावे असा धोरणात्मक निर्णय घेण्यात येत आहे. संघटनेच्या कामाचा एक भाग समजून अशा आंदोलनाची वैचारिक बैठक बांधण्यामध्ये व्यवसायाने शिक्षक असलेले सदस्य, अशा सदस्यांची संघटना, अशा संघटनेचे मुखपत्र यांनी पार पाडावयाची कामगिरी यांचा एक नवा अध्याय या धोरणात्मक निर्णयामुळे सुरू करण्याचा विचारपूर्वक निर्णय घेण्यात येत आहे.

नोट्स :- (१) ‘हेल्प लाईन’च्या नेतृत्वाखाली बुधवार, दिनांक ८ फेब्रुवारी २००६ रोजी दुपारी १.३० वाजता झालेल्या लोकप्रतिनिधींच्या बैठकीमध्ये मंजूर करण्यात आलेला प्रस्ताव नुटा बुलेटीनच्या याच अंकातील पृष्ठ २० वर प्रसृत करण्यात आला आहे.

(२) हेल्पलाईनच्या वतीने सरचिटणीस प्रा.प्रभाकरराव वैद्य यांनी महाराष्ट्राच्या मा. राज्यपालांना लिहिलेले दिनांक १४ फेब्रुवारी २००६ चे पत्र नुटा बुलेटीनच्या याच अंकातील पृष्ठ २३ वर प्रसृत करण्यात आले आहे.

विषय क्रमांक ४३० :

कुंठीत वेतनवाढीचा लाभ

प्रा. ए.वाय.खराबे पुढील प्रस्ताव मांडतील.:-

“वेतनश्रेणीच्या कमाल टप्प्यावर पोहोचलेल्या शिक्षकांना कुंठीत वेतनवाढीचा (Stagnation increment) लाभ मिळावा.”

RULES FOR PROPOSING AMENDMENTS (Reproduced from page 97 of 1977 NUTA Bulletin)

1. Any proposal before the meeting may be amended
 - (a) by leaving out a word or words or
 - (b) by leaving out a word or words in order to add or insert a word or words or
 - (c) by adding or inserting a word or words.
2. An amendment to be in order shall : (a) not constitute a direct negative to the original resolution : (b) be relevant to and within the scope of the resolution to which it is moved.

AIFUCTO

All India Federation of University & College Teachers' Organizations

493 Urban Estate (Phase I) Jalandhar- 144 022]

NOTE

ON NATIONAL ELIGIBILITY TEST (NET)

1. Introduction :

1.1 The UGC by its Notification dated 19th September 1991 introduced NET as eligibility condition for appointment of teachers in the country in addition to the qualification condition of post graduate with B+ (55 % marks). The State Governments were required to adopt the said qualification condition and the **Universities were required to make Statutes to bring into existence the new qualification condition including NET as eligibility condition.**

1.2. Thereafter though the States accepted the UGC Regulation, in most States **NET was never introduced as minimum "Entry point" qualification condition by the legally available machinery.** Nor did the Universities make Statutes. This was because candidates having cleared NET were not available in sufficient numbers as to fill in the hundreds of vacancies of teachers that were existing and arising in the country.

1.3. Many State Governments also introduced State Eligibility Test (SET) and UGC accepted the said SET as equivalent to NET for appointment of teachers. Though this provided opportunity to candidates to appear for State level Eligibility Test in vernacular languages, the pattern of SET examination being strictly on the lines of the NET, **the curricula prescribed for the Tests did not at all reflect the curricula taught in the Universities in the State concerned.** Thus the situation was not improved in an appropriate manner to get NET/SET qualified teachers to the hundreds of posts in the colleges and the Universities.

1.4. In the process, thousands of teachers came to be appointed through duly constituted selection committees from 1991 after NET was introduced by the UGC and this has continued almost till date. These thousands of teachers have been left high and dry by the Colleges in which they were working and the Universities to which these colleges were affiliated. **The State of Maharashtra which has been one of the leading States in several walks of economic and social life in the country including in the education arena, is a case in point.** The Government of Maharashtra has admitted in the Government Resolution dated 8th October 2001 that more than 6000 teachers were holding the posts of Lecturers in colleges without having cleared NET/SET and these teachers have come into the system through the properly constituted selection committee interviews after the posts were advertised in national dailies.

2. Abysmally low percentage of passing NET/SET

2.1 It has been noticed that the percentage of candidates clearing NET/SET is abysmally low, even as low as 1 to 4 %, **and in some of the subjects for years together the results have been 0%. More shocking is the fact that the national scholars who have topped in the University at the post graduate examinations with gold medals and some with even Ph.D., have been shown as not clearing the NET/SET.**

2.2 Studies have been conducted by teachers and others for identifying the reasons for the abysmally low percentage of passing the NET/SET. It has been found that the syllabi, course contents and the nature of the examinations held did not match with the syllabi, course content and the nature of the examinations in the different Universities in the States. **The examination system for the NET/SET has not been transparent inasmuch as there is no mark sheet issued to the candidates who appear for the said examination but only a passing Certificate is issued to them.** In most cases though the candidates appear for three papers, on the basis of one of the papers assessed if the candidate gets less than 50 Marks, the other two papers are assessed at all and he is declared to have not passed the Test. Candidates have been demanding that they should get mark list so that they could know the performance in each paper and improve upon the said performance in the future. But this request is not considered at all. **There is also no provision for verification of marks and or revaluation of answer books.** At a time when the UGC has called upon all

the Universities and even colleges to give to the students Zerox copies of answer books after they are assessed and results declared, such a provision does not exist in NET/SET. **The confidence of the candidates in the examination system for NET/SET has been wiped out.**

2.3 Bureaucratic approach to the NET/SET rather than academic approach is also identified. **A handful of persons decide as to who should be declared passed** keeping in mind what the bureaucrat in the different States suggest as the number of vacancies that exist or that will arise in the immediate future

3. University Degrees and PG Degrees devalued :

3.1 The Universities in the country hold thousands of examinations each year for conferment of degrees and post graduate degrees based on syllabi, course contents, textbooks, reference books framed by the academic community. For passing most of these courses, apart from the written examinations, students have to make submissions of assignments/projects/dissertations/theses on the basis of which performance of the students is judged and marks. Grades assigned including first class and or distinction. With the NET/SET being introduced, **the graduate and post graduate degrees get ignored and in a sense stand devalued.**

3.2 Indian scholars who have done years of research and completed M.phil and Ph.D. in different disciplines including multi-faculty disciplines cannot be appointed in teaching posts in the colleges and the Universities because they have not cleared NET/SET examination. These scholars are shocked when they are told that they have to appear for and clear NET/SET qualification condition and prefer to opt out of teaching careers. Though the Education and pay Commissions, the HRD Ministry and the UGC have time and again insisted that the best national talents should be attracted to academic posts and efforts must be made to retain them in the academic fields, NET/SET has acted as an obstacle in the last 15 years after NET was introduced as eligibility condition.

3.3 India has reached a stage in its economic and educational development due to which a number of Indian teachers and research scholars are seeking to return to the motherland to be engaged in academic sector. The Universities and colleges in the country are not in a position to appoint such scholars even with Ph.D. degrees and post doctoral work, as Readers and/or Professors inasmuch as they have not cleared NET/SET qualification condition.

3.4 India has today colleges and educational institutions in many small taluka are as drawn far away from the urban centres. These are located in typically Indian villages and these institutions do not at all find NET/SET cleared candidates for appointment to teaching posts. These institutions do not appoint any one to teaching posts. Alternatively some one is appointed in a kind of exploitative tenure system who cannot give his best to the student community in view of the nature of his appointment and emoluments paid. In either case, the system only enables putting the students to academic loss.

4. Loss to the Candidates from Reserved categories & women :

4.1 It has also been the experience in the country in general and in some States in particular that the worst affected among the scholars are those belonging to the backward classes who in spite of the constitutional guarantee and reservation of posts are not getting appointed due to their being non NET/SET. Clearing of the NET/SET examination calls for a kind of cultural exposition to magazines and general knowledge in national and international arenas which is difficulties for some categories of the backward classes.

4.2 Women candidates are also affected very badly by the condition of eligibility. Several candidates- women, backward classes and others - who are already working as teachers are not getting even a few days leave in the systems to be able to prepare and appear for the examination though clearing of NET/SET is put on them as condition for future continuation in the

posts. There are many subjects in which NET/SET is not being held such as Rural Development in Maharashtra which is an important discipline even in the University of Mumbai for its colleges in the rural areas.

5. Misuse and abuse of NET/SET condition to exploit :

5.1 It has been experienced all over the country that the condition of NET/SET is being misused and abused by the Managements of educational institutions aided and unaided alike for appointment of candidates without NET/SET qualification on terms and conditions which are atrociously exploitative and slavish.

5.2 The bureaucracy in all the States have also been using the NET/SET condition to deny service benefits to such appointees who number thousands. While **Maharashtra stands top in this respect, other states have also not lagged behind.** For instance, denial of approvals in appointments, denial of increments, denial of counting of service for retiral benefits, denial of benefits of placements in senior and selection grade, academic improvement such as participation in FIP, minor and major research programs, and so on. However, they are assigned full workload, made to take the full load of cocurricular and extracurricular activities and compelled to participate in all examination duties even while down grading them as non NET/SET. In fact, even the beneficial schemes of Government of India and the State Governments which the political parties have drawn up for the teachers, are being denied to the Non-NET teachers, by the bureaucracy.

6. Time to end The NET/SET Fraud on Education :

6.1 AIFUCTO has obtained details of the happenings to teachers in particular and to education in general by the NET/SET condition. We have exposed the bluff of NET/SET from time to time and called upon the UGC to withdraw and totally do away NET/SET from the system. Though we were promised that the UGC would consider the question at the appropriate time, **that appropriate moment for the UGC never came.**

6.2 It is in this context that the AIFUCTO and all the teachers' organizations in the country have welcomed the constitution by the HRD Ministry of the Committee headed by Dr. Bhalchandra Mungekar with some other eminent academicians to reconsider the eligibility condition for teaching community. This is a new development which has come though late in the day, we are sure, will provide an opportunity to completely do away with the eligible conditionality for the appointment of the teachers in the colleges and universities in the country at a time when huge developments in the education sector in the country are slated to take place.

7. Let National Talent and Merit be Guiding Principle :

7.1 The AIFUCTO has always stood and still stands by its support for throwing open the doors of educational institutions to the best national talent and meritorious scholars of our country living in India and abroad for appointments as teachers in the Universities and colleges. Merit has to be measured on the basis of the performance of the candidates in the different Universities at the Graduation and post Graduation levels with 55 per cent of marks as existing today. This should be combined advertisements of posts of teachers in the national dailies with interviews of candidates being conducted by Selection Committees consisting of academic luminaries and experts drawn from different parts of the country. **Let the process of advertisements of posts, interview and selection by the selection committees, be directed towards achieving the goal of a genuine search for national talent, merit and scholarship for appointment of teachers at the higher levels of education.**

7.2 Let us work towards eliminating all obstacles in the way of achieving the objective of attracting the best national talent towards teaching and retaining them in the education sector.

New Delhi
7th March 2006

(V.K.Tewari)
General Secretary, AIFUCTO

BUDGET FOR THE FINANCIAL YEAR - 2006-2007

OFFICIAL ACCOUNTING YEAR OF THE TRUST : 2005-2006 (AS PER SCHEDULE VII-A OF THE B.P.T.A. 1950)

Name of the Trust : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION.

Regn. of the Trust : B.P.T.A. Regn. No. F-1594 & Soc. Regn. Act. Regn. No. MAH-15-73(NGP)

ESTIMATED RECEIPTS	RS. P.	ESTIMATED DISBURSEMENTS	Rs. P
I. OPENING BALANCE :		A) NON-RECURRING :	
i) Cash in hand ... ..	... ..	i) Major Repairs or rebuilding of the assets etc. ... ..	... ..
ii) Cash in Bank	15,000 00	ii) Net purchase of immovable property ... ..	... ..
II. ESTIMATED RECEIPTS :		B) RECURRING :	
(A) NON RECURRING		i) Rents, rates taxes etc.	5,000.00
i) Ordinary Donations to be received for specific earmarked objects (permanent subscription to NUTA Bulletin) ... ..	... ..	ii) Administrative Expenses ... ..	... ..
ii) Ordinary Donations ... ..	... ..	a) Stationery, Typing , Cyclostyling & Printing	2,50,000.00
(B) RECURRING :		b) Travelling Expenses	40,000.00
i) Rent etc. on immovable property ... ..	... ..	c) Postage and Telephone.	15,000.00
ii) Interest on Fixed Deposits	3,00,000 00	d) Misc. expenses	4,000.00
iii) Dividend shares etc ... ..	... ..	e) Bank commission	400.00
iv) Income from Agri. land ... ..	... ..	f) Legal Expenses	1,000.00
v) Other revenue Receipt ... ..	... ..	g) Audit fees	1,500.00
vi) Legal Aid Fund ... ..	... ..	h) Affiliation fees ... ..	... ..
III. REALISATION FROM DISPOSAL OF ASSETS :	... ..	i) MFUCTO	4,000.00
IV EXCESS OF EXPENDITURE OVER INCOME :	44,500 .00	ii) AIFUCTO	7,000.00
	... ..	iii) Contribution to public trust\ admn. Fund ... ..	... ..
		vi) Books Library	12,000.00
		iii) Payment of Salaries	9,600.00
		iv) Transfer of Depreciation Fund ... ..	... ..
		v) Special & Current repairs of building Furniture etc	10,000.00
		vi) Excess of income over expenditure ... ..	... ..
TOTAL Rs.	3,59,500.00	TOTAL Rs.	3,59,500.00

NOTE : Estimated enrolment of members during the year is expected to be 10. On this account the Association will receive an estimated amount of Rs. 40,010/- However this amount cannot be included in the estimated receipts because this amount is to be invested in fixed deposit receipts or any other Govt. Securities as per Article III of the Constitution . - Sd. **S. A. Tiwari**, Treasurer.NUTA

SECRETARY'S REPORT ON THE WORKING OF THE ASSOCIATION FOR THE YEAR ENDING ON 31st DECEMBER, 2005

Prepared by the Executive Committee of NUTA under article (VI)(b)(ii) of the Constitution of NUTA and presented by Secretary on behalf of the NUTA Executive

Dear Friends,

(1) It gives me great pleasure to accord you all a cordial welcome on behalf of the Executive Committee of NUTA and on my own behalf. It is indeed a proud privilege for me to place before this august body a brief account of our activities and achievements during the year 2005.

(2) Right from its inception, NUTA has been committed to the cause of the welfare of the teaching community. In keeping with this commitment, the organization took up several issues concerning teachers during the period of this report.

(3) During the current reporting year, the organization achieved success in getting a few of our demands fulfilled by the Government. The President of the organization, Prof. B.T.Deshmukh followed up the issues in the legislative council with his usual perseverance and got the relevant orders issued by the Government. They include G.R. dated 19th March 2005 on reimbursement of medical expenses incurred by the Govt. Employees and their family members on treatment taken in private hospitals during emergency period, G.R. dated 24th March, 2005 on release of increased D.A. w.e.f. 1st April, 2005 to the Govt. and other full time employees, G.R. dated 28th March, 2005 regarding Dearness-Relief on pension/family pension, G.R. dated 17th June, 2005, regarding placement of lecturers from senior scale to selection grade under C.A.S., G.R. dated 14th July, 2005 on release of D.A. w.e.f. 1st July 2005 to the Govt. and other eligible employees, G.R. dated 5th August, 2005 and 8th November, 2005 with respect to Dearness Relief on pension/family pension. It must be mentioned here that the pressure built up by the organizations of Govt. and semi Govt. employees outside the house was mainly instrumental in moving the Govt. in this behalf.

(4) Prof. B.T. Deshmukh, President, NUTA and his associates in the Legislative Council with their parliamentary skills and perseverance succeeded in getting the positive assurances from the minister of the concerned departments on important issues like bringing 22 social work colleges on grant basis, withdrawing circular regarding pay cut of sanctioned casual leave availed by I.T.I teacher, withdrawing various circulars issued by the Director of Higher Education in contradictory to the Govt. G.R. particularly about salary scheme, implementation of increased D.A. etc.

(5) ELECTION TO THE EXECUTIVE COMMITTEE OF NUTA.

In accordance with the provision of article VI (a) (ii) of the constitution of NUTA the General Body of NUTA in its meeting held at Savitri Jyotirao Social Work College, Yavatmal on 28th August, 2005 elected the office bearers of the Executive Committee for the term of five years beginning on 1.1.2006. On your behalf, I congratulate all the newly elected office bearers of NUTA Executive Committee. I take this opportunity to bring on record the contribution and services rendered to the organization by members of the outgoing Executive Committee particularly Principal K.M.Wagh, Prof. / Sumant Deshpande, Prof. A.G.Bande, Prof. R.S.Nawhal, Prof. D.D.Somani, Prof. S.V.Ambekar, Prof. S.G.Wasade, Principal Dr. Prabhakar Gupta and Prof. D.R.Satpute.

(6) DISTRICT UNIT ELECTIONS :

The Programme of District unit elections was announced and notice to that effect was issued on page number 77 of 2005 NUTA Bulletin. I am very happy to inform you that this process of electing the office bearers and members of District Unit was completed in a democratic and peaceful manner in all the districts. The number of members attending these unit meetings was very satisfying. I am especially thankful to Prof. D.D.Somani, Prin. D.A.Dhole, Prin. R.S.Deshmukh, Prof. P.A. Sahastrabudhe, Prof. S.S. Deshmukh, Prin. V.P.Dhorme, Prin. Anjan Naidu, Prin. Dr. Vijay Ainchwar, Prin. P.H.Balbudhe, Prin. B.J.Hadake, Prof. G.B.Wankar and Prin. P.R. Thakre who worked as working Chairman in their respective districts and conducted the election successfully. I, on behalf of the NUTA Executive and you all congratulate the newly elected office bearers and members and also wish them a successful tenure.

(7) Participation in Action Programme :

The members of NUTA participated in various action programmes in response to the call given by AIFUCTO and MFUCTO from time to time to press for the solutions to pending problems of the teaching community.

(A) Friends you are all aware that the Executive Committee of MFUCTO at its meeting held on 13th March 2005 had adopted a movement resolution to highlight our pending demands and the problems faced by the teachers including the implementation of the UGC Leave package. (Page No. 20 of 2005 NUTA Bulletin) From the Resolution it would be seen that the MFUCTO had taken an assessment of omissions and commissions of Director of Higher Education, Maharashtra State, during the period he had been holding that office and, therefore, a series of agitational programmes were announced. I am pleased to inform this august body that all these agitational programmes were successfully implemented under the able leadership of MFUCTO.

(B) Friends, you are aware that the problem of NET/SET affected teachers has yet to be resolved successfully. NUTA under the able leadership of MFUCTO is committed to protect the legitimate interest of the affected teachers.

You are also aware that in response to the legal notice issued by MFUCTO, UGC had informed through its letter dated 3rd August, 2005 that the matter was referred to its legal consultant who had also suggested that the UGC should consider the cases within the parameters of relaxation as contemplated under the UGC regulations of 1991 and 2000 if the applications were forwarded by the college/ institution through the University as directed by the Bombay High Court. The suggestion given by the Legal Consultant was enough to exhibit the casual approach of UGC on serious issue affecting 6000 teachers within the State of Maharashtra.

The MFUCTO Executive Committee in its meeting held on 11.9.2005 after considering the UGC. Letter of 3rd August, 2005 had condemned the attitude of UGC towards the problem of NET/SET affected teachers and decided the agitational programme against the attitude of UGC. which includes the Statewide morcha and Dharna on 1st October 2005 and 5th Decemeber, 2005 respectively in front of the office of Joint Secretary, UGC at Pune. University-wise morcha on

25th November 2005 and District-wise Melawas in between September, 2005 and October, 2005 were also part of the agitation.

Friends, I am pleased to bring it on record that in all these agitational programmes, participation of teachers from both the universities area was encouraging.

(8) Problem of NET/SET affected Teachers :

Friends, you are aware that Government of Maharashtra, had issued a G.R. on 18th October, 2001, whereby teachers appointed on or after 11.12.1999 were to be terminated before completion of their probation period. Some of the teachers from different Universities of Maharashtra were issued termination orders and other teachers falling in this category were in the process of issuance of termination orders as a consequence of resolution dated 18.10.2001. These teachers had filed petitions before the Mumbai High Court and the Benches of Mumbai High Court at Nagpur and Aurangabad and they were granted status quo/stay. Ultimately their petitions were clubbed for final hearing by Hon'ble Mumbai High Court. You are also aware that Mumbai High Court had delivered an important judgement in respect of this bunch of petitions on 18.4.2002. According to this decision of the Mumbai High Court a time bound programme was given to submit the proposals to the UGC for the grant of relaxation by the respective universities before 18th December, 2002. You are also aware that MFUCTO too had submitted a memorandum to the UGC on appointment of teachers in the universities and colleges in Maharashtra and the NET/SET qualification condition dated 30th March, 2003 and requested the UGC to provide an opportunity to the MFUCTO to explain in person the various aspects of this problem in the form of improper treatment of NET/SET qualification condition. The UGC had informed that the matter was under consideration of the Commission and it was in consultation with the universities in the State of Maharashtra. I regret to bring to your notice that UGC did not respond positively and an opportunity to MFUCTO has not so far been given to explain its stand on the issue. On the contrary UGC has pressurized the Universities in Maharashtra through the State Government for submitting the proposals of non NET/SET teachers who were appointed from 1991 to 31st December, 1999 for seeking relaxation from NET/SET. In fact while submitting the proposals of the Lecturers who were appointed after 31st December, 1999, the Vice-Chancellor of Amravati University and the Registrar of Nagpur University had made it very clear that the teachers appointed between 1991 and 1999 require no relaxation / exemption as they were lawfully appointed. In view of delay on the part of the UGC to comply with the directions contained in the two Division Bench Judgements and in view of the untold sufferings of the Non NET/SET teachers in Maharashtra by arbitrary acts on the part of the UGC and the Universities in our State, MFUCTO adopted an important Resolution on 11.9.2005 to direct its fight against the UGC for its failure to resolve the issue. As part of the programme of action, apart from sending Memorandum to the UGC, demonstrations were planned to be staged, viz, (i) on 1st October, 2005 outside the Western UGC Zonal Office at Pune. (ii) on 25th November 2005 mass deputation to the VC to give memorandum to the UGC through the Vice-Chancellors of all Universities in Maharashtra (iii) on 5th December, 2005 Demonstration outside the Western UGC Zonal Office at Pune. I am glad to inform this august body that all these programmes were successfully implemented in both the University areas. I assure all of you that the NUTA and MFUCTO have been carefully watching the situation and will see that the interests of the non NET/SET teachers are fully protected.

(9) University Senate Election :

During this year, elections to the Sant Gadge Baba Amravati University Senate were held. And I am glad to inform this august gathering that the electorate showed overwhelming support to the organization and elected 15 NUTA, activists to the Senate from teachers constituency and 8 from Registered Graduates Constituency. Thus in Sant Gadge Baba Amravati University Senate election, most of the Elected representa-

tives were from the panel fielded by organization. I congratulate all of them and assure this house that they will work towards the fulfillment of the commitments made in the election manifesto.

(10) Tasks Ahead :

Friends, It is true that some of our demands have been met by the struggle of NUTA under the able leadership of the MFUCTO. However, some of the old issues have remained to be resolved and in the meantime new issues have been thrown up which the teachers have to face such as contractual appointments, commodification of education, starting of self financing courses and institutions and exploitation of teachers and non-teaching staff working in the said system. You are aware that the NUTA is committed to taking up the problems of every section of the teaching community irrespective of their number and strength in the organization. NUTA Executive Committee is aware that it will have big tasks ahead viz'

- a) Oppose the move of the Central Government towards privatization of pension and Gratuity,
- b) Fight for implementation of the UGC leave package
- c) Justice to NET/SET affected teachers;
- d) Compelling government to withdraw orders on contractual appointments,
- e) Release of pension to teachers on the date of their retirement.
- f) The discrimination caused by the government regarding the date of implementation of fifth pay commission pay scales to the teachers of unaided engineering colleges has also not been done away with. It would be an important task for us to see that justice is done to them;
- g) To take up the problems of social work colleges in Maharashtra;
- h) To take up the problems of Ayurved College teachers in Maharashtra.
- i) Ambani-Birla report alongwith waghmare Committee has posed a serious challenge before the field of education in general and higher education in particular. It will have to be fought tooth and nail in the years to come. The issues pertaining to the Librarians and the Directors of physical education will have also to be addressed.

(11) MEMBERSHIP OF NUTA :

The NUTA membership has reached upto 4944 at the end of year. This year the increase in membership is 120.

(a) I am glad to inform you that NUTA Bulletin has completed 30th year of its purposeful existence. This year we have circulated 136 pages of NUTA bulletin. If you go through the NUTA bulletin from first to the last page, you will find that NUTA Executive has tried to give up-to-date information to all its members about their problems and how the NUTA Executive particularly its President Prof. B.T. Deshmukh has focussed them at Maharashtra Govt. level through the Legislative Council.

(b) I am thankful to the press and their representatives both from Nagpur and Amravati areas, for wide coverage of the activities of the Association. This report shall not be complete unless I acknowledge the active cooperation and support of all the members of NUTA and also from non-members i.e. University, College and Junior College Teachers in the activities of the Association and response given by them to the various calls given by NUTA from time to time.

Yours
(Dr. E.H. Kathale)
Secretary, NUTA

बुधवार, दिनांक ८ फेब्रुवारी २००६ रोजी दुपारी १.३० वाजता झालेल्या लोकप्रतिनिधीच्या बैठकीत सम्मत झालेला

शेतकऱ्यांच्या मोठ्या प्रमाणावर होत असलेल्या आत्महत्या रोखण्यासाठी तात्पुरत्या व कायमस्वरूपी उपाययोजनांचा प्रस्ताव

(१) विदर्भाचा १९८२ मध्ये जलसिंचनाचा रुपयामध्ये अनुशेष ५२७ कोटी रुपयाचा होता, तो १९९० मध्ये १५५० कोटी, १९९२ मध्ये २५४७ कोटी व १९९४ मध्ये ४२६५ कोटी रुपयाचा झाला. आता अधिकृत आकडेवारी नुसार सन २००४ च्या राज्यसरासरीवर विदर्भाचा अनुशेष १००३२ कोटी रुपये निश्चित झाला असून मराठवाड्याचा १९८२ मध्ये जलसिंचनाचा रुपयामध्ये अनुशेष २६०.६७ कोटी रुपयाचा होता, तो १९९० मध्ये ९७९.५७ कोटी, १९९२ मध्ये १६०७.१३ कोटी व १९९४ मध्ये २७७० कोटी रुपयाचा झाला. अधिकृत आकडेवारी नुसार सन २००४ च्या राज्यसरासरीवर मराठवाड्याचा ५४८६ कोटी रुपये निश्चित झाला आहे. जून २००४ च्या राज्यसरासरीवर १५०० कोटी रुपयाच्या वर अनुशेष असलेले महाराष्ट्रात एकूण सहा जिल्हे असून त्यापैकी ४ जिल्हे अमरावती विभागातील व २ जिल्हे मराठवाडा विभागातील आहेत. अमरावती, बुलढाणा व अकोला (वाशिमसह) या जिल्हांचा अनुशेष तर प्रत्येकी दोन हजार कोटी रुपयांच्या वर आहे. असा दोन हजार कोटी रुपयांच्या वर अनुशेष असलेले महाराष्ट्रात हे फक्त तीनच जिल्हे आहेत. सर्वच क्षेत्रात अनुशेष मोठ्या प्रमाणात वाढलेला आहे हे खरे असले तरी जलसिंचन व कृषिपंपांचे विद्युतीकरण या विकास क्षेत्रातील प्रादेशिक असमतोल हा स्फोटक भावना निर्माण करण्याइतका एकतर्फी वाढलेला आहे. अधिकृत आकडेवारीनुसार जून २००४ च्या राज्यसरासरीवर राज्याचा या क्षेत्रातील अनुशेष १८,८८९ कोटी रुपयाचा असून त्यामध्ये विदर्भाचा अनुशेष १०,०३२ कोटी रुपयाचा व मराठवाड्याचा अनुशेष ५४८६ कोटी रुपयाचा आहे. अनुशेषग्रस्त जिल्हांच्या कृषी जीवनावर या प्रादेशिक असमतोलामुळे तीव्र आघात झालेला आहे असे या सभेचे मत आहे.

(२) महाराष्ट्रासारख्या भारताच्या नकाशावरील प्रगतिशील राज्यामध्ये मोठ्या प्रमाणावर होणाऱ्या आत्महत्या हा महाराष्ट्राच्या नावाला लागलेला मोठा काळिमा आहे ही गोष्ट सर्वांनी समजून घेण्याची आवश्यकता आहे. महाराष्ट्राचे अर्थमंत्री मा. श्री. जयंत पाटील यांनी "मानव विकास अहवाल २००२" ला दिलेल्या संदेशात ही गोष्ट पुढील शब्दात स्पष्टपणे कवळ केली आहे. "गेल्या चार दशकांत, सूत्रबद्ध नियोजन आणि प्रभावी धोरणे यामुळे महाराष्ट्राने विविध क्षेत्रांत विस्तृत प्रगती केली आहे. या विकासाचा लाभ राज्याचे विविध विभाग आणि तेथील वेगवेगळ्या सामाजिक स्तरांवरील जनता यांना समप्रमाणात मिळू शकलेला नाही, ही दुर्दैवाची बाब आहे." "संयुक्त राष्ट्र विकास कार्यक्रम" (United Nations Development Programme) व भारत सरकारचे नियोजन आयोग यांच्या सहकार्याने महाराष्ट्र शासनाच्या नियोजन विभागाने "मानव विकास अहवाल महाराष्ट्र २००२" या नावाने एक अधिकृत अहवाल २००२ मध्ये प्रकाशित केला आहे. या अहवालाच्या पहिल्याच प्रकरणांमध्ये अगदी सुरुवातीलाच मानव विकास म्हणजे काय? त्याची व्याख्या ('युएन्डीपी'ने केलेली) उद्धृत केली असून ती संकल्पना अहवालाच्या पृष्ठ १ वर पुढील शब्दात स्पष्ट केली आहे. :- "मानव विकास म्हणजे काय? शिक्षण, आरोग्य आणि उपजीविकेचे साधन या जीवनाच्या तीन महत्त्वाच्या पैलूंसाठी दिलेला लढा आणि त्यांची प्रत्यक्षात झालेली पूर्तता, यांचा मिलाफ म्हणजेच मानव विकास. जीवनातील या तीन महत्त्वाच्या घटकांसाठी सुरु असलेला संघर्ष हा एक दैनंदिन अनुभव असतो. एक व्यक्ती म्हणून हा लढा चालू असतोच, शिवाय समाज आणि राष्ट्राच्या पातळीवरही तो सुरु असतो. शालेय शिक्षण, आरोग्यसेवा, जीवनमान, पोषाहार तसेच मिळकत यांची गोळाबेरीज म्हणजेच विकास प्रक्रिया. खरे तर आरोग्य, शिक्षण इत्यादी सेवांची गुणवत्ता आणि सहज उपलब्धता या आसाभोवती मानवी आयुष्य फिरते आहे. मिळकतीचा विचार करावयाचा झाला, तर ती नियमित, किमान जीवन जगण्याच्या विविध पर्यायांतून तुम्हाला निवड करावी लागते. मानवी विकासाची पातळी तेथेच निश्चित होते." शास्त्रीयदृष्ट्या विचार केल्यास उपजीविकेच्या साधनांवर आलेल्या प्रचंड तणावाचा हा दृष्य परिणाम आहे. जलसिंचन या विकास क्षेत्रातील सतत फोफावणाऱ्या प्रादेशिक असमतोलाच्या विषारी वृक्षाला आलेली ही आत्महत्यांची कटू फळे आहेत असे या सभेला वाटते.

(३) आत्महत्या करणारे कास्तकार मुख्यत्वे कोरडवाहूचे कास्तकार आहेत व ते कर्जवाजारी होते असे स्पष्टपणे दिसून येते. जलसिंचनाचा महत्तम अनुशेष असलेल्या जिल्ह्यांमध्ये आत्महत्यांचे प्रमाण जास्त आहे. शेताच्या कडेने वाहणारे पाटाचे पाणी आत्महत्यांच्या विचारापासून शेतकऱ्याला परावृत्त करते. सिंचन सुविधामुळे भरपूर चाऱ्याची उपलब्धता असल्याने दोन दुभत्या गाई ज्याच्या दाराशी बांधलेल्या आहेत त्या कास्तकारांच्या मनात आत्महत्यांचे

विचार सहसा येत नाही. तात्पुरत्या उपाययोजनांची व्यवस्था होत असतांना जलसिंचन अनुशेषाचे निर्मूलन या कायम स्वरूपी उपाययोजनाकडे लक्ष देणे आवश्यक आहे कारण त्याला घटनात्मक तरतुदीचा आधार आहे. ही बाब स्पष्ट करण्यात येत आहे.

(४) महाराष्ट्र राज्याच्या निर्मितीनंतर निर्माण झालेला प्रादेशिक असमतोल भरून काढण्याला राज्याच्या आतापावेतोच्या कोणत्याही मंत्रिमंडळाने न्याय दिला नाही म्हणून भारतीय संविधानातील कलम ३७१ (२) ची व्यवस्था अमलात आली. महाराष्ट्र राज्य विधानमंडळाच्या उभय सभागृहांनी जरी विकास मंडळांच्या स्थापनेचा ठराव दिनांक २६ जुलै १९८४ रोजी एकमताने मंजूर केलेला असला तरी प्रत्यक्षात वैधानिक विकास मंडळांची स्थापना दिनांक १ मे १९९४ रोजी म्हणजे त्यानंतर जवळ जवळ १० वर्षांनी झाली. एखाद्या राज्यातील विकसित भाग आपल्या विकासाच्या आधारे जी राजकीय शक्ती प्राप्त करून घेतात त्या राजकीय शक्तीचा वापर करून अविकसित भागांच्या विकासाला पूरक ठरणाऱ्या एखाद्या लहानशा घटनात्मक तरतुदीला सुद्धा प्रत्यक्ष अमलात येण्यापासून किती दीर्घकाळ प्रलंबित ठेवू शकतात याचे स्वतंत्र भारताच्या इतिहासात - घटनेच्या कलम ३७१ (२) इतके - दुसरे नामवंत उदाहरण शोधून सापडेल असे वाटत नाही. पण शेवटी दिनांक ९ मे १९९४ रोजी मा. राष्ट्रपतींनी आदेश निर्गमित केले. भारतीय घटनेतील ३७१(२) हे कलम आजही जिवंत आहे व त्या कलमातील अधिकारांचा वापर करून केंद्र शासनाच्या गृहमंत्रालयाने निर्गमित केलेला भारताच्या मा. राष्ट्रपतींनी ९ मार्च १९९४ रोजी काढलेला व आता ज्याची मुदत सन २०१० पर्यंत वाढविली आहे तो आदेश आजही जिवंत आहे. महाराष्ट्राच्या राज्यपालांनी शासन राजपत्रात प्रसिद्ध केलेला ३० एप्रिल १९९४ चा आदेश व ऑगस्ट १९९४ चे नियम आजही जिवंत आहे. राज्यपालांनी १५ डिसेंबर २००१ व १२ मार्च २००३ रोजी काढलेले निदेश हे आजही जिवंत आहे "The allocation of funds or outlays made by the Governor shall be reflected in the Annual Financial Statement to be placed before the State Legislature and the development activities with regard to the outlays as aforesaid, shall be carried out or caused to be carried out by the State Government and the funds so allocated shall be non-divertible" ही या कायद्यातील जिवंत तरतूद आहे. या कायद्यातील तरतुदीची सन २००२-२००३, २००३-२००४ आणि २००४-२००५ व त्या पुढील वर्षात अम्मलबजावणी कां झाली नाही? याची जबाबदारी निश्चित करण्याची आवश्यकता आहे. असे या सभेला वाटते.

(५) गेले ३०-४० वर्षे लोकनियुक्त मंत्रिमंडळांना प्रादेशिक असमतोल दूर करण्यात अपयश आल्यामुळे कलम ३७१(२) ची उपाययोजना करण्यात आली. हे अधिकार राज्यपालांनी स्वतः वापरावयाचे आहेत. महाराष्ट्राच्या अॅडव्होकेट जनरलनी याबाबत १७.१२.२००३ रोजी "Directives issued by the Hon'ble Governor on 15 December 2001 and 12 March 2003 pursuant to Article 371 (2) of the Constitution of India." या विषयावर स्पष्टपणे लेखी अभिमत दिले आहे. त्यांचे मत सभागृहासमोर ठेवण्यात आले असून त्यातील महत्त्वाचे मुद्दे पुढील प्रमाणे :-

III. OPINION

III.1. In my opinion

(1) there is no doubt that the directives given by the Hon'ble Governor are mandatory. (Para III.1 of the opinion)

(2) Article 371 begins with a *non obstante* clause. The words, "notwithstanding anything contained in the Constitution" are significant. It marks a departure from the scheme of the Constitution which makes all financial matters the province of the Legislature. (Para III.1.A of the opinion)

(3) The main order dated 9 March 1994, under Article 371(2) was issued by the President of India. The governor has to act under the presidential order. The development Boards for Vidarbha, Marathwada and the rest of

Maharashtra order, 1994 brings into force the Development Boards and all matters within the meaning of this order are to be **within the exclusive discretion of the Governor** who does not act on the aid or advice of the Council of Ministers. It is therefore clear that this is a constitutional obligation vested in the Governor by the President of India as a matter of constitutional provisions and policy. (Para III.1.B of the opinion)

(4) The aforesaid Constitutional provisions and the scheme of the various orders which have been passed mark a **deliberate departure from the ordinary rules of Legislative business** based on broad policy considerations incorporated in Article 371 (2) and this must prevail. (Para III.1.D of the opinion)

III.2. (5) I turn now to the next issue. I am of the opinion that the **allocations of funds made by the Governor must be reflected under the Annual Financial Statement to be placed before the State Legislature and this requirement is mandatory.** (Para III.2 of the opinion)

ion)

भारतीय संविधानातील तरतुदीविषयी, मा. राष्ट्रपतींच्या आदेशाविषयी, मा. राज्यपालांच्या निदेशाविषयी अॅडव्होकेट जनरलने उपरोक्त अभिमत दिल्यानंतरसुद्धा त्याकडे करण्यात आलेले दुर्लक्ष हे संतापजनक आहे असे या सभेचे मत आहे.

(६) भारतीय संविधानातील कलम ३७१ (२) चा भंग होतो. मा. राष्ट्रपतींच्या आदेशाचा भंग होतो. मा. राज्यपालांच्या घटनात्मक निदेशांचे पालन केले जात नाही ही अत्यंत गंभीर अशी घटनाभंगाची घटना आहे. शेकडोंच्या संख्येने होणाऱ्या आत्महत्यामुळे या घटनाभंगाच्या प्रकाराचे गांभीर्य मोठ्या प्रमाणात वाढले आहे. अतएव अशा परिस्थितीत लोकप्रतिनिधीचे एक शिष्टमंडळ मा. राष्ट्रपती, मा. पंतप्रधान, मा. अध्यक्षा, राष्ट्रिय सल्लागार समिती, केंद्र शासन व केंद्रिय गृहमंत्र्याकडे नेऊन याबाबतचे गांभीर्य त्यांच्या लक्षात आणून देण्यात यावे असा निर्णय घेण्यात येत आहे. घटनात्मक तरतुदीची काटेकोर अम्मलबजावणी व्हावी म्हणून मा. राज्यपालांना व त्याचबरोबर राज्य स्तरावरील उपाययोजना अमलात आणाव्यात म्हणून मा. मुख्यमंत्र्यांकडे शिष्टमंडळ नेण्याचा निर्णय घेण्यात येत आहे.

(७) केंद्र शासनाकडे या संदर्भात सादर करावयाच्या प्रमुख मागण्या पुढील प्रमाणे असतील :-

हेल्पलाईन

कार्यालय : श्री हनुमान व्यायाम प्रसारक मंडळ, अमरावती -४४४६०५

फोन : (०७२१) २५७२६७०, २५६५७७० फॅक्स (०७२१) २५७२७५७

To,

His Excellency The Governor,
State of Maharashtra, Raj Bhavan, Mumbai.

Date 14.2.2006

Resp. Sir,

The growing incidences of suicides of Vidarbha farmers is a matter of serious concern. The ever mounting backlog in development sectors of irrigation and connectivity of agriculture pumps, unreliable dryland farming, constant crop failure and resultant indebtedness are some of the principal causes behind the suicide phenomena. Broadly speaking it is a direct impact of regional imbalance generated so far in the above mentioned two development sectors. To arrest this trend and to solve the problems confronting Vidarbha farmers, especially cotton growers, and farming, there is an express need of broad efforts on the part of the State as well as the Central Government. As a part of the exercise, 'Helpline' had brought all-party MLAs, MLCs and MPs of Western Vidarbha on one platform on **January 15** last and the issues of the farmers and farming in backlog-hit dryland area were discussed studiously and threadbare.

2. The second meeting of these public representatives was held on **February 8** wherein resolutions proposing probable solutions of the problems were adopted. The resolutions adopted at February 8, 2006 meeting have been supported by 55 public representatives who have also unanimously agreed to pursue these resolutions at the state as well as at the Central level. **Full text of the copy of the resolutions is enclosed herewith as appendix 'A'** The three-tier format of the resolutions include demands at state level, demands at Central level and amendments to the special package announced by the State Government to aid and guide the farmers in six districts of 'Western Vidarbha'

3. Vide Section 371 (2) of the Constitution of India, a special arrangement in the form of Statutory Development Boards has come into existence in Maharashtra. Since this arrangement has vested in you special powers with special responsibility.

4. With this representation, we wish to bring it to your kind notice (i) that the Constitutional arrangement created vide Section 371(2) of the Constitution of India with special responsibility on the Governor of Maharashtra to ensure balanced development of the region has collapsed entirely. The growing number of suicides of the dry land farmers is a direct upshot of this (ii) that the constant violation of the Hon'ble Governors directives in respect of irrigation is a matter to be dealt with all seriousness by His Excellency. The officer in the Government (named by designation by your excellency in your order) may be held responsible and suspended forthwith for the gross insubordination shown to the office of the Governor. (iii) that the constitution has not only put special responsibility on you but also vested in your office the special powers to execute it. These special powers are specified in section 202 (1) and 207 (1) of the Constitution of India. Moreover, the Advocate General's opinion that "there is no doubt that the directives given by the Hon'ble Governor are mandatory" is crystal clear for the state Government to act. Despite this, there has been constant violation of the Governor's directives by the State Government.

5. The State Government has to take the permission of the Governor while placing the Annual Financial Statement before the legislature under section 202 (1) and Appropriation Bill under section 207 (1) of the Constitution.

If the state Government is not willing to abide by your directives, we request you to categorically refuse permission for the presentation of annual Financial Statement and consequently the Appropriation Bill, pointing out to the state Government the special powers that you have under Section 202(1) and 207(1) of the Constitution to carry out your Constitutional duty.

In view of the intense feelings of the people in drought-hit region and agitated mood of the public representatives, we request you to kindly take expeditious action on the resolutions adopted by the public representatives at the February 8, 2006 help line meeting.

With sincere regards.

Encl : 1. Appendix 'A' Resolution

Yours truly,
Prabhakar Vaidya
General Secretary, HelpLine

१. मा. राष्ट्रपतींच्या आदेशाची मुदत वेळोवेळी थोडीथोडी न वाढविता ती एका आदेशाने २० वर्षासाठी (किंवा अनुशेष दूर होईल तेवढ्या मुदतीसाठी) वाढविली जावी.

२. कलम ३७१ (२) चा भंग, मा. राष्ट्रपतींच्या आदेशाची अवहेलना व मा. राज्यपालांच्या निदेशांची पायमल्ली करण्याच्या निमित्ताने महाराष्ट्रात घटनात्मक यंत्रणा मोडून पडली आहे. याची जबाबदारी निश्चित करण्यात यावी.

३. मा. राज्यपालांनी दिलेल्या जलसिंचन अनुशेष विषयक घटनादत्त निदेशाची सन २००६-२००७ पासून काटेकोरपणे अम्मलबजावणी व्हावी.

४. विदर्भ, मराठवाडा व उर्वरित महाराष्ट्रामध्ये नोकऱ्यांमध्ये भरती करतांना समन्यायी वाटप अमलात आणण्यासाठी आदेश काढण्याचे अधिकार मा.राष्ट्रपतींनी राज्यपालांना दिलेले असले तरी राज्यपालांनी आज पावेतो यासंदर्भात कोणतेही आदेश काढलेले नाहीत ते व त्याचबरोबर इतर विकास क्षेत्रातील अनुशेष विशेषतः कृषिपंपाचा अनुशेष दूर करणारे निदेश ताबडतोबीने निर्गमित करण्यासाठी मा. राज्यपालांना सूचना देण्यात याव्यात.

(८) राज्य शासनाकडे या संदर्भात सादर करावयाच्या प्रमुख मागण्या पुढील प्रमाणे असतील :-

१. घटनावाह्य वर्तनाच्या पोटी जलसिंचन अनुशेष दूर होणे तर दुरच राहिले पण तो सतत वाढत आहे, हे लक्षात घेता **जलसिंचन असुविधेप्रति सानुग्रह अनुदान** देण्याची मागणी करण्यात येत आहे. जलसिंचनाच्या विकासक्षेत्रातील अद्यावत सरासरीवर १००० कोटी रुपयाच्या वर अनुशेष असलेल्या प्रत्येक जिल्ह्यामध्ये कोरडवाहू शेतीला प्रति हेक्टर १० हजार रुपये, व १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यामध्ये ५ हजार रुपये प्रति हेक्टर हे सानुग्रह अनुदान देण्यात यावे.

२. शेतीसाठी वापरात असलेल्या पंपावर विजेच्या मोटारी बसविणे म्हणजेच "कृषीपंपाचे विद्युतीकरण" हे एक अतिशय महत्त्वाचे विकासक्षेत्र आहे. ३१ मार्च १९८३ अखेर राज्यात ७,९०,६४५ पंपावर विजेच्या मोटारी बसविण्यात आल्या होत्या ३१ मार्च २००९ रोजी ही संख्या २३,२७,७१६ झालेली आहे. राज्यसरासरीचा विचार करता ३१ मार्च १९८३ रोजी दर हजार हेक्टर वाहीतीखालील जमिनीमागे ३८.७८ पंपाचे विद्युतीकरण झालेले होते. तर ३१ मार्च २००९ रोजी सरासरीने दर हजार हेक्टर वाहीतीखालील जमिनीमागे १२८.८७ पंपाचे विद्युतीकरण झालेले होते. आत्महत्यांच्या संदर्भात विद्युत भारनियमनाचा वेगळेपणाने विचार केला पाहिजे असे मत ठामपणे व्यक्त करण्यात येत आहे. अगोदरच शासकीय खर्चाने कालव्याचे पाणी उपलब्ध झालेल्या जलसिंचन या विकास क्षेत्रातील विगर अनुशेष जिल्ह्यामध्ये कृषीपंपाची संख्या जास्त आहे. कोरडवाहूच्या अनुशेष जिल्ह्यामध्ये कर्ज काढून विहीर बांधलेली असल्याने अशा पंपाची संख्या त्या मानाने फारच कमी आहे. उदाहरणच द्यायचे झाल्यास सन २००९ च्या अधिकृत आकडेवारीनुसार एकट्या नगर जिल्ह्यात विद्युत जोडणी मिळालेल्या कृषीपंपांची संख्या २,३३,०६८ इतकी आहे तर जलसिंचनाचा महत्तम अनुशेष असलेल्या अमरावती विभागाच्या पाच जिल्ह्यामध्ये ही संख्या २,८५,१६० इतकी आहे. तिकडे एकट्या नाशिक जिल्ह्यामध्ये कृषी पंपांची संख्या २,००,२७० इतकी आहे तर नागपूर विभागाच्या सर्व सहा जिल्ह्यामध्ये ही संख्या १,७८,४८७ इतकी आहे. हा अनुशेष तत्परतेने दूर करण्यात आला पाहिजे.

३. विद्युत भारनियमनाचे संकट नियोजनशून्य कारभारातून निर्माण झालेले मानवनिर्मित संकट आहे.योजनापूर्वक निर्माण करण्यात आलेल्या जलसिंचन अनुशेष व कृषी पंपाच्या विद्युतीकरणाचा अनुशेष या दोन विकास क्षेत्रातील असमतोलाचा वर्षानुवर्षे तडाखा बसलेल्या व विषम वागणुकीने बेजार झालेल्या सर्व विभागांनी भारनियमनाचा तडाखा मात्र समतोलपणे स्विकारावा हे प्रतिपादन अशास्त्रीय आहे. उपलब्ध सिंचन सुविधांवर भारनियमनाचा परिणाम तर होतोच पण त्याच बरोबर एकूणच विकासावर सुद्धा त्याचा विपरित परिणाम होतो. विषम विकास झालेल्या जिल्ह्यांना भारनियमनाचा भार समानपणे लागू करणे हा राज्यकर्त्यांच्या क्रायांचा भाग समजला पाहिजे. १००० कोटी रुपयाच्या वर जलसिंचनाचा अनुशेष असलेल्या जिल्ह्यांना संपूर्णपणे भारनियमनापासून मुक्ती दिली पाहिजे. १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यात ते २ तासापेक्षा जास्त असता कामा नये. उर्वरित भारनियमन हे विकसित (विगरअनुशेष) जिल्ह्यांनी वाटून घेतले पाहिजे.

४. बहुअनुशेषग्रस्त जिल्ह्यामध्ये कृषीपंपासाठी विजपुरवठा करण्यात

शासनाला अपयश आले असेल तर अशा प्रत्येक शेतकऱ्यांच्या बाबतीत ताबडतोबीने गॅस, डिझेल किंवा पेट्रोलवर चालणारा 'पोर्टेबल पंप' बसवून देण्यात यावा व त्यापोटी येणारा आवर्ती व अनावर्ती खर्च शासनाने करावा.

५. आत्महत्या संपुष्टात आणण्याच्या उपाययोजनांचा कायमस्वरूपी भाग म्हणून राज्यपालांच्या निदेशाची काटेकोरपणे अम्मलबजावणी व्हावी त्याप्रमाणे सन २००६-२००७ च्या अंदाजपत्रकात उपलब्ध होणारा निधी विनियोजन विधेयक सम्मत झाल्यापासून एक महिन्याच्या आत त्या त्या जिल्ह्याच्या जिल्हाधिकार्यांकडे पाठविण्यात यावा व तो त्याच वर्षात खर्ची घालण्याची जबाबदारी अधिकारी निश्चित करून त्यांच्यावर सोपविली जावी. आर्थिक वर्षाच्या अखेरीस तो निधी व्यपगत होणार नाही व त्याच जिल्ह्यात खर्च होईल याबाबतचे आदेश निर्गमित करावे.

६. महाराष्ट्र राज्य शासनाने विशेष पॅकेज योजना काही जिल्ह्यासाठी जाहिर केली हे मुख्यत्वे अनुशेषग्रस्त जिल्हे आहेत. त्यामुळे असे पॅकेज जाहिर केल्याबद्दल शासनाला धन्यवाद देतांनाच या पॅकेजमध्ये अनेक दोष आहेत ते दोष तत्परतेने दुरुस्त करण्यात यावेत. १९ डिसेंबर २००५ च्या या "शासननिर्णयामध्ये सुधारणांचा प्रस्ताव" सोबत परिशिष्ट एक म्हणून जोडलेला आहे.

(९) अनुशेषग्रस्त म्हणजेच आत्महत्याग्रस्त भागांच्या वतीने महाराष्ट्राच्या मा. राज्यपालांच्याकडे एक शिष्टमंडळ नेवून पुढील बाबी त्यांच्या लक्षात आणून द्याव्यात असे ठरविण्यात येत आहे.

१. भारतीय संविधानाच्या कलम ३७१ (२) अन्वये निर्माण करण्यात आलेली व "महाराष्ट्राच्या राज्यपालांवर विशेष जबाबदारी सोपविणारी घटनात्मक यंत्रणा" पूर्णपणे मोडून पडलेली आहे व या आत्महत्या त्याचा थेट परिणाम आहे ही गोष्ट मा. महोदयांच्या लक्षात आणून देण्यात यावी.

२. मा. राज्यपालांच्या जलसिंचन विषयक निदेशांचा सातत्याने भंग होणे ही बाब गांभीर्याने घेण्यात यावी. घटनेने मा. राज्यपालांवर नुसती विशेष जबाबदारी सोपविली नाही तर त्यांना ती जबाबदारी पार पाडण्यासाठी विशेष अधिकार सुद्धा दिलेले आहेत हे अधिकार भारतीय संविधानाच्या कलम २०२ (१) व २०७ (१) मध्ये आहेत ही गोष्ट व त्याचबरोबर राज्याच्या अडव्होकेट जनरलनी याबाबत दिलेले अभिमत मा. राज्यपालांच्या लक्षात आणून देण्यात यावे.

३. "III.2. (5) I turn now to the next issue. I am of the opinion that the allocations of funds made by the Governor must be reflected under the Annual Financial Statement to be placed before the State Legislature and this requirement is mandatory. (Para III.2 of the opinion) " हे मत महाधिवक्त्यांनी दिले आहे. गेले तीन चार वर्षे मा. राज्यपालांच्या निदेशांकडे राज्यशासनाने अतिशय तुच्छतेने पाहिले आहे. त्याची अम्मलबजावणी केलेली नाही. भारतीय घटनेच्या कलम २०२ (१) अन्वये "घार्पिक वित्तीय विवरणपत्र" (अंदाजपत्रक) सभागृहाला सादर करतांना व कलम २०७ (१) अन्वये "विनियोजन विधेयक" सादर करतांना शासनाला मा. राज्यपालांची परवानगी घ्यावीच लागते. राज्यपालांचे निदेश पाळण्याची शासनाची इच्छा नसेल तर अशी परवानगी देण्यास राज्यपालांनी स्पष्टपणे नकार द्यावा व आपली विशेष जबाबदारी पार पाडण्यासाठी आपल्याला कलम २०२ (१) व २०७ (१) अन्वये विशेष अधिकार सुद्धा घटनेनी प्रदान केलेले आहेत ही गोष्ट राज्य शासनाच्या लक्षात आणून घ्यावी.

४. भारतातील दुसऱ्या कोणत्याही राज्यात अशी घटनात्मक व्यवस्था आज अस्तित्वात नाही. घटनेतील तरतुदींनी ही व्यवस्था फक्त महाराष्ट्रातच उपलब्ध करून दिलेली आहे. मा. राष्ट्रपतींनी विशेष जबाबदारी सोपवून १० वर्षे उलटून गेली तरी, नोकऱ्यांचे समन्यायी वाटप, कृषी पंपाचे समन्यायी वाटप, इतर विकास क्षेत्रात निधीचे समन्यायी वाटप करणारे आदेश मा. राज्यपालांनी अजून काढलेले नाहीत व जलसिंचनाबाबतचे निदेश काढले पण त्याची अम्मलबजावणी होत नाही ही गोष्ट मा. महोदयांच्या लक्षात आणून देण्यात यावी.

(१०) तात्पुरत्या व प्रासंगिक उपाययोजना तर केल्याच पाहिजेत पण त्याचबरोबर कायम स्वरूपी उपाययोजनांचा आक्रमकपणे पाठपुरावा केला पाहिजे. मा. राज्यपालांच्या निदेशाचा भंग हा गांभीर्य स्वरूपाचा घटनाभंग असून कलम ३७१ (२) ची अवहेलना ही घटनात्मक व्यवस्था मोडून पाडणारे कृत्य समजले जावे. निदेशानुसार निधीचे समन्यायी वाटप झालेच

पाहिजे अशी भूमिका सर्व राजकीय पक्षांनी आपल्या राज्यस्तरिय कार्यकारिणीमध्ये घ्यावी अशी विनंती त्या त्या पक्षाच्या आमदार खासदारांनी आपआपल्या पक्षाच्या राज्यकार्यकारिणीला करावी. असाही निर्णय घेण्यात आला.

(११) 'हेल्पलाईन' चा विस्तार : श्री. हनुमान व्यायाम प्रसारक मंडळ अमरावती अंतर्गत सुरू असलेल्या 'हेल्पलाईन' चा अनुशेषग्रस्त आत्महत्याग्रस्त जिल्ह्यात विस्तार करण्याचा निर्णय ही सभा घेत आहे. अशा जिल्ह्यातील प्रत्येक विधानसभा मतदार संघ हे 'हेल्पलाईन'च्या त्या त्या शाखेचे कार्यक्षेत्र राहिल आणि तेथील विद्यमान आमदार/लोकप्रतिनिधी हा हेल्पलाईनच्या त्या त्या शाखेचा प्रमुख/संयोजक/निर्मात्रक/समन्वयक राहिल. पक्ष, जात पात, धर्म, लिंग असा कोणताही भेदभाव न करता त्या त्या शाखेच्या दैनंदिन कामकाजात व्यापक सामाजिक सहभाग मिळविण्याची जबाबदारी संबंधित शाखा समन्वयकाची राहिल. श्री. हव्याप्र. मंडळ, अमरावती येथील 'हेल्पलाईन' मुख्यालयाशी समन्वय साधून या सहाही जिल्ह्यातील सर्व शाखांचे कामकाज चालेल. संबंधित विधानसभा मतदार संघातील सर्व गावांशी संपर्क ठेऊन तेथील दुष्काळग्रस्त/गरजू शेतकऱ्यांना शासकीय/निमशासकीय/सहकारी संस्था/खाजगी एनजीओ अथवा अन्य शक्य त्या सर्वच स्त्रोतातून तात्काळ मदत/सहकार्य मिळवून देण्याची जबाबदारी त्या त्या शाखेची राहिल. या वावतची आवश्यक तांत्रिक/प्रशासकीय प्रक्रिया निश्चित करण्याची जबाबदारी हव्याप्र मंडळाचे प्रधान सचिव व हल्पलाईनचे संयोजक श्री. प्रभाकरराव वैद्य यांच्यावर सोपविण्याचा निर्णय ही सभा सर्वानुमते घेत आहे.

१२. कृती कार्यक्रम - कृती समिती - तारखा निश्चित करणे वगैरे

परिषिष्ट : एक

'विशेष पॅकेज' च्या शासन निर्णयामध्ये सुधारणांचा प्रस्ताव

महसूल व वन विभाग, मंत्रालय, मुंबई-४०१ ०३२ : शासन निर्णय क्रमांक : एससीवाय-१२०५/प्र.क्र.१०९/म.-७ दिनांक १९ डिसेंबर २००५ या आदेशान्वये राज्यातील शेतकऱ्यांच्या आत्महत्या रोखण्यासाठी सहा जिल्हांसाठी घोषित करण्यात आलेल्या विशेष पॅकेजमध्ये खालील महत्त्वाच्या उणिवा आहेत. राज्य शासनाने त्यामुळे या उणिवा तात्काळ दूर करून बहुअनुशेषग्रस्त जिल्ह्यांना ('बहुअनुशेषग्रस्त जिल्हा' याचा अर्थ जलसिंचन या विकास क्षेत्रामध्ये १५०० कोटी रुपयांच्या वर अनुशेष असलेला जिल्हा असा होय) तात्काळ न्याय द्यावा. अशी ही सभा मागणी करित आहे. या शासन आदेशात पुढील प्रमाणे तात्काळ दुरुस्त्या करण्यात याव्यात, असे ही सभा सूचवित आहे. :-

(१) शासन आदेशातील परिच्छेद २ : तातडीची मदत : मध्ये दुरुस्ती : राज्यातील कोणत्याही बहुअनुशेषग्रस्त जिल्ह्यात शेतकऱ्यांची आत्महत्या झाल्याचे निदर्शनास आल्यानंतर संबंधित उपविभागीय अधिकारी/तहसीलदार, तालुका कृषी अधिकारी तसेच पोलीस ठाणे अधिकारी चौकशी करतील व जिल्हाधिकारी यांच्याकडे अहवाल सादर करतील. जिल्हाधिकार्यांच्या अध्यक्षतेखाली गठीत होणारी समिती आत्महत्यांच्या कारणांची तपासणी करेल व विशिष्ट कारणामुळे आत्महत्या घडली असल्यास संबंधित शेतकऱ्यांच्या वारसांना रुपये १ लाख मदत दिली जाईल. अशी शासन आदेशात असणारी तरतूद या बहुअनुशेषग्रस्त जिल्ह्यांवर अन्याय करणारी आहे. या सहाही जिल्ह्यातील शेतकऱ्यांच्या आत्महत्या कर्जबाजारी व नापिकीमुळे झाल्या असल्याचे वेगवेगळ्या संस्थांच्या आणि शासन नियुक्त अधिकृत समित्यांच्या अहवालातून मान्य करण्यात आले आहे. त्यामुळे या बहुअनुशेषग्रस्त जिल्ह्यातील आत्महत्या केलेल्या शेतकऱ्यांच्या प्रकरणांची पुन्हा छाननी/पडताळणी न करता आत्महत्या केलेल्या सर्व शेतकऱ्यांच्या वारसांना सरसकट तात्काळ २ लाख रुपये विशेष सहाय्य म्हणून देण्यात यावे. राज्यातील अन्य भाग आणि हे बहुअनुशेषग्रस्त जिल्हे यामध्ये असा विशेष फरक केला जावा व त्या दृष्टीने शासन आदेशात दुरुस्ती केली जावी.

(२) परिच्छेद ३ : कर्जाची पुनर्वाढणी मध्ये दुरुस्ती : (अ) बहुअनुशेषग्रस्त जिल्ह्यातील शेतकऱ्यांकडे थकित असणाऱ्या संपूर्ण कर्जावरील व्याज माफ करण्यात यावे. २५ हजार रुपयांची कर्जमर्यादा घालून देणे हे बहुअनुशेषग्रस्त जिल्ह्यातील शेतकऱ्यांसाठी अन्याय कारक आहे. कारण, शासन अहवालाद्वारे या सहा जिल्ह्यांची गंभीर स्थिती मान्य झाली असल्याने दि. ३०.११.२००५ पर्यंत या सहा जिल्ह्यातील शेतकऱ्यांकडे थकित असणाऱ्या सर्व प्रकारच्या संपूर्ण कर्जावरील संपूर्ण व्याज माफ करण्यात यावे. तसेच, पुनर्चित मुहलाच्या वसुलीवर तीन वर्षांपर्यंत बंदी व त्यापुढील पाच वर्षांत पाच समान हप्त्यात वसुली करावी. खास बाब म्हणून या बहुअनुशेषग्रस्त जिल्ह्यांसाठी शासन आदेशात आवश्यक फेरबदल केले जावेत.

(३) (ब) कर्जाच्या पुनर्गठनानंतर अधिकतम व्याज ९ ऐवजी ७ टक्के दराने आकारले जावे. म्हणजे कर्जाच्या पुनर्वाढणी मुदतीत परतफेड केल्यास डॉ. पंजाबराव देशमुख कृषी सहाय्य योजनेतर्गत मिळणारी ४ टक्के व्याजाची सवलत आणि

त्याही पूर्वी कर्जफेड केल्यास शासनातर्फे दिली जाणारी २ टक्के अतिरिक्त सवलत मिळून या बहुअनुशेषग्रस्त जिल्ह्यातील शेतकऱ्यांना अनुक्रमे केवळ ३ आणि १ टक्का व्याजदर थकीत कर्जावर द्यावे लागेल.

(४ : १) : मा. मुख्यमंत्री व मा. उपमुख्यमंत्री यांनी विधान मंडळाच्या नागपूर अधिवेशनात दिनांक ९ डिसेंबर २००५ रोजी "शेतकऱ्यांनी सहकारी बँकेतून घेतलेल्या अल्प, मध्यम व दिर्घ मुदत कर्जाला दामदुप्पटीचा नियम लागू केला जाईल, जेणे करून शेतकऱ्याला द्यावे लागणारे व्याज मुहलापेक्षा जास्त होणार नाही" असे जाहीर केले. त्याप्रमाणे १९ डिसेंबर, २००५ च्या शासन निर्णयातील परिच्छेद क्र. ५ वर "दाम दुप्पटीचा नियम सर्व सहकारी कर्जाला लागू :- शेतकऱ्यांनी सहकारी बँकेतून घेतलेल्या अल्प, मध्यम व दिर्घ मुदत कर्जाला दामदुप्पटीचा नियम लागू केला जाईल, जेणेकरून शेतकऱ्याला द्यावे लागणारे व्याज मुहलापेक्षा जास्त होणार नाही" अशी तरतूद आहे. तथापि पॅकेज संदर्भात मा. सचिव, सहकार व पणन विभाग महाराष्ट्र शासन यांचे दि. १२ जाने, ०६ चे पत्रानुसार सदर योजना ग्रामिण बँका आणि राष्ट्रीयकृत बँकाकडून "अल्पमुदती कृषि कर्जासाठीच लागू राहिल." असे स्पष्ट केले आहे. मा. मुख्यमंत्री व मा. उपमुख्यमंत्री यांनी विधीमंडळात जाहीर केलेल्या योजनेप्रमाणे व त्या संबंधी दिनांक १९ डिसेंबर, २००६ च्या शासन निर्णयातील परिच्छेद ५ मध्ये नमुद केल्याप्रमाणे दामदुप्पट व्याजासंबंधीचा नियम सर्वप्रकारच्या कर्जाला लागू करण्याऐवजी सहकार सचिवांनी त्यावर चढाई करणे लज्जास्पद आहे. सभागृहातील घोषणेप्रमाणे व शासननिर्णयातील तरतुदीप्रमाणे कारवाई होणे आवश्यक आहे.

(४ : २) : परिच्छेद ५ : दामदुप्पटीचा नियम सर्व सहकारी कर्जाला लागू मध्ये दुरुस्ती : दामदुप्पटीचा नियम सहकारी बँकांप्रमाणेच राष्ट्रीयकृत बँकांनाही लागू केला जावा. कारण अनेक शेतकऱ्यांनी शेतीसाठी किंवा ट्रक्टर, विहिरी, बोअरवेल, पशुधन, दुग्धोत्पादन अशा सारख्या पूरक शेती उद्योगासाठी राष्ट्रीयकृत बँकांचे कर्ज घेतले आहे. गाव दत्तक योजनेतर्गत अनेक गावे विविध राष्ट्रीयकृत बँकांकडे दत्तक आहेत. त्यामुळे मुहलापेक्षा जास्त व्याज लागू नये हा नियम सरसकट सर्वप्रकारच्या कर्जासाठी, सर्व बँकांसाठी, वित्तीय संस्थांसाठी या सहा बहुअनुशेषग्रस्त जिल्ह्यात लागू करावा व त्यादृष्टीने शासन आदेशात दुरुस्ती केली जावी.

(५) परिच्छेद ६ : शेतकऱ्यांच्या स्वयंसहायता गटामार्फत कर्जवाटप : स्वयंसहायता गटामार्फत कर्ज पुरवठा करतांना या बहुअनुशेषग्रस्त जिल्ह्यातील अपवादात्मक परिस्थिती लक्षात घेऊन हेक्टरी कर्जमर्यादा २५ हजार रुपयांपर्यंत वाढवून द्यावी. तसेच, या कर्जावर ७ टक्क्यांपेक्षा अधिक व्याज आकारू नये. संपूर्ण बहुअनुशेषग्रस्त जिल्ह्यात थकीत कर्जाचे पुनर्गठन करून नवीन कर्ज देण्याची प्रक्रिया येत्या फेब्रुवारी-मार्चपर्यंत पूर्णत्वास जावी व अशा कालबद्ध कार्यक्रमाचा सुस्पष्ट उल्लेख शासन आदेशात केला जावा.

(६) परिच्छेद ७ : (अ) पतपुरवठा व्यवस्थांचे पुनरुज्जीवनमध्ये दुरुस्ती : किसान क्रेडिट कार्डची पत पर्यादा या बहुअनुशेषग्रस्त जिल्ह्यांसाठी ५० हजार रुपयांपर्यंत वाढवून द्यावी व त्यावर फक्त ७ टक्के दराने व्याज आकारले जावे. अशी पतमर्यादा मंजूर करतांना या बहुअनुशेषग्रस्त जिल्ह्यातील शेतकऱ्यांच्या शेतीचे बाजारमुल्य लक्षात घेऊन त्याची पत निश्चित केली जावी व त्या दृष्टीने शासन आदेशात योग्य दुरुस्ती केली जावी.

(७) परिच्छेद ९ : उत्पादन वाढीसाठी शेतकऱ्यांना आर्थिक मदतमध्ये दुरुस्ती : दुष्काळग्रस्त बहुअनुशेषग्रस्त जिल्ह्यातील फक्त ६० हजार शेतकऱ्यांऐवजी सरसकट सर्वच अल्पभूधारक शेतकऱ्यांना पुढील तीन/पाच वर्षांत उत्तम शेतीसाठी तसेच शेत जमीन सुधारणा व सुधारित लागवड तसेच पीक फेरबदल यासाठी एकरी पाच हजार रुपये विशेष मदत म्हणून देण्यात यावेत. त्यादृष्टीने शासन आदेशात योग्य बदल केले जावेत.

(८) परिच्छेद १४ : भांडवल उभारणी निधीची परतफेडमध्ये बदल : दुष्काळग्रस्त सहा जिल्ह्यातील ज्या शेतकऱ्यांचे कापूस एकाधिकार योजनेखाली भांडवल उभारणी निधीत पैसे जमा आहेत, त्या सर्व शेतकऱ्यांना त्यांची संपूर्ण शंभर टक्के रक्कम १२ टक्के व्याजासह एका महिन्याच्या आत परत करण्यात यावी. शासन आदेशात त्यादृष्टीने आवश्यक फेरबदल करून या दुष्काळग्रस्त बहुअनुशेषग्रस्त जिल्ह्यांचा 'खास बाब' म्हणून स्वतंत्रपणे अंतर्भाव करण्यात यावा. राज्यातील सर्वच कापूस उत्पादक प्रदेशांशी/जिल्ह्यांशी या सहा जिल्ह्यांची सांगड घालू नये व तशी दुरुस्ती शासन आदेशात केली जावी.

(९) परिच्छेद १५ : कापूस पिकविणाऱ्या शेतकऱ्यांना दिलाशामध्ये दुरुस्ती : संपूर्ण राज्यातील कापूस उत्पादकांना दिलासा देण्यासाठी एक विशेष बाब म्हणून या वर्षापुरती रुपये एक हजार प्रति हेक्टर, जास्तीत जास्त दोन हेक्टर मर्यादे पर्यंत मदत रोखीने देण्याचा शासनाचा निर्णय दुष्काळग्रस्त बहुअनुशेषग्रस्त जिल्ह्यांवर घोर अन्याय करणारा आहे. कारण या सहाही जिल्ह्यातील कापूस उत्पादक शेतकरी गेल्या चार वर्षांपासून नापिकीने वेजार व कर्जबाजारी झाला आहे. त्यामुळे या बहुअनुशेषग्रस्त जिल्ह्यातील कापूस उत्पादकांना विशेष बाब म्हणून हेक्टरी किमान १० हजार रुपये मदत रोखीने देण्यात यावी व त्या दृष्टीने शासन आदेशात योग्य फेरबदल केले जावेत.

UNIVERSITY GRANTS COMMISSION
NET BUREAU
University of Delhi, South Campus : Benito
Juarez Marg, New Delhi- 110 021

Subject : Review of National Eligibility Test
 (NET) conducted by UGC and UGC-CSIR

A BRIEF NOTE

In early eighties, there was a general perception among the public and the leading educationists that well qualified persons were not being attracted towards teaching profession. Concerns were also expressed about the criteria that were employed for the selection of teachers. It was increasingly realized that quite a large number of people who neither had the competence nor the aptitude for teaching made an easy entry into this profession.

The Committee formed by UGC in 1983 on revision of pay scales of teachers in the universities and colleges under the Chairmanship of Prof. R.C.Mehrotra recommended the following for the post of Lecturer :

"i) Qualifying at the National test conducted for the purpose by UGC or any other agency approved by UGC.

ii) Master's degree with at least 55 % marks or its equivalent grade.

The qualifications should not be relaxed even for candidates possessing M.Phil/Ph.D. at the time of recruitment."

The Mehrotra Committee also found that the stipulation of M.Phil/Ph.D. as an essential qualification for Lecturers had neither been followed faithfully nor did it necessarily contribute to the raising of teaching and research standards. In fact, it was of the view that, if at all, it had led to the dilution of research standards on account of the rush to get a research degree in the shortest possible time. In view of the diversity of standards among universities, the Mehrotra committee recommended that passing a national qualifying examination before recruitment be made an essential pre-condition.

The National Commission of Teachers on Higher Education headed by Prof. Rais Ahmed observed that :

"It is extremely important to make a rigorous merit based selection for the entry level of teaching profession"

The National policy on Education, 1986 which was debated in the parliament also, states that :

"the method of recruitment of teachers will be reorganized to ensure merit, objectivity and conformity with spatial and functional requirements"

In pursuance of this policy, it was suggested in the Program of Action of National Policy of Education, 1986 that :

"the teachers will be recruited on the basis of a common qualifying test, the details of which will be formulated by UGC. Efforts will be made to move towards the objective of making recruitment of teachers on all India basis in consultation with the State Governments."

With a view to working out the modalities for the conduct of such a test, the Commission had constituted a Committee, which evolved strategies for the conduct of a national level eligibility test for the recruitment of teachers in universities and colleges. Consequently, the Government of India, through a notification in 1988 entrusted the task of conducting the eligibility test for lectureship to UGC. Thereby, UGC has been conducting the National Eligibility Test for Junior Research Fellowship and eligibility for Lectureship since 1989. It had already been conducting the examination for junior Research Fellowship (JRF) since 1984.

The Ministry of Human Resource Development, Government of India has constituted a NET Review Committee under the Chairmanship of Prof. Bhalchandra Mungekar, Member, Planning Commission, Government of India, to consider its utility, effectiveness and continuity. The Committee has decided to elicit the views of a cross-section of the society regarding utility, effectiveness and continuity of UGC-NET.

It is requested to get the required information by sending the questionnaire to all concerned.

The duly completed questionnaire enclosed alongwith, may be sent to the joint Secretary, NET Bureau, at the above-mentioned address within thirty days from the date of issue of the covering letter.

UNIVERSITY GRANTS COMMISSION
DR/M.V. KRISHNASWAMY, JOINT
SECRETARY
(National Educational Test)
(Delhi University South Campus)
Benito Juarez Marg, New Delhi-110 021.
D.O.No. F 5-1/1996 (NET) : 8 March 2006

Dear Sir,

As you are aware the Ministry of Human Resource Development (M/HRD) Government of India, has constituted a NET Review Committee under the Chairmanship of Prof. Bhalchandra Mungekar, Member, Planning Commission Government of India to review National Eligibility Test (NET) for its utility, effectiveness and continuity. The Committee has decided to elicit the views and opinions of cross section of the society comprising of academicians, administrators and students of Higher Education. In this regard, the NET bureau of UGC has prepared **A BRIEF NOTE** and a questionnaire for circulation among all concerned (*copy enclosed*)

You are, therefore, requested kindly to make wide publication of the above and they may be requested to send the duly filled-in questionnaire to the Joint Secretary (NET) at the above mentioned address.

This may kindly be treated as most urgent as the report of the Review Committee has to be submitted at an early date to the Ministry of Human Resource Development, Government of India, New Delhi.

With regards,

Yours Sincerely,
 (M.V.Krishnaswamy)

The Director
 College Development Council (CDC)
 Amravati University, Amravati-444 602.

UNIVERSITY GRANTS COMMISSION
NET BUREAU
University of Delhi, South Campus : Benito
Juarez Marg, New Delhi- 110 021

PROFORMA

(For Vice-Chancellors/Educational Secretaries/Teachers)
 (Kindly put tick mark ✓ at appropriate places)

1) Name :

2) Official Address :

3) Do you feel that NET is effective and useful in raising the standard of teaching profession :

Yes No

4) Do you feel that NET should be continued :

Yes No

5) Does the scheme of NET require improvement :

Yes No

6) If yes, what steps do you suggest for improvement :

A) Syllabus should be revised :

Yes No

B) Whether paper - I (General) is necessary :

Yes No

C) Paper-I and Paper - II (Objective paper of subject) should be merged :

Yes No

Signature :

Date :

Official Seal

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15-7-2005

CORAM: Hon'ble Mr. MARKANDEY KATJU, The Chief Justice
Hon'ble Mr. Justice F.M. Ibrahim Kalifulla

*Writ Appeal Nos. 1340, 1341, 1344 and 1345 of 2005 AND W.P. M.P.
Nos. 2463 to 2466 and 2470 to 2473 of 2005*

Writ Appeal No. 1340 of 2005: 1) M. Saravanakumar, 2) C. Gayathri, 3) A. Hazel Verbina, 4) S.M. Princy Bertilla, 5) M. Gayathir, 6) M. Geetha Lakshmi, 7) Mrs. Sudha Joghee, **Writ Appeal No. 1341 of 2005:** 1) K. Periasamy, 2) K. Baladhandapani. 3) G. Arun Barathi 4) M. Prabhakar, 5) O. Illangovan. 6) S. Moorthy, 7) P. Kanmani, 8) M. Bhuvaneswari, 9) M. Umarani. 10) S. Prabhu, 11) C. Selvarani, 12) K. Mavali Rajan, 13) R. Amrutha, **Writ Appeal No. 1344 of 2005:** 1) J. Jaikumar, 2) P. Nallathambi, 3) L. Stephen Kennedy, **Writ Appeal No. 1345 of 2005:** 1) S. Sumithra, 2) J. Subban **Appellants**

Vs.

1) The Secretary to Government, Education Department, Fort St. George, Chennai-600 009, 2) The Director of College Education, Chennai, 3) The Principals, Government Arts College, Ootacamund, Karur, Ariyalur, Perambalur Dist., Tiruppur, Coimbatore Dist., Udthagamandalam, The Nilgiris Dist. **Respondents**

Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 28-6-2005 passed in Writ Petition Nos. 20701 and 10703 of 2005 and order dated 4.7.2005 passed in Writ Petition Nos. 21743 and 21744 of 2005.

For appellants: Mr. V. Bharathidasan

For Respondents : Mr. V. Raghupathy. Government Pleader

JUDGMENT

*(Judgment of the Court was delivered by The Honourable
The Chief Justice)*

These four writ appeals involve common questions of law, and hence are being disposed of by a common judgement.

2. We have heard learned counsel for the parties, and have perused the record.

3. All the appellants were appointed as **Guest Lecturers** in various departments in Government Arts / Science / Engineering / Law Colleges **in the State of Tamil Nadu, and were not appointed in a regular capacity.** Their prayer in the writ petitions is that they should be permitted to continue as Guest Lecturers till regular appointments were made on the posts of lecturers.

4. Before dealing with the contentions of the learned counsel for the appellants it is necessary to state certain background facts. Upto the year 1989 the posts of lecturers, etc. in the Government Arts, Science, Engineering and Law Colleges affiliated to various Universities in Tamil Nadu had been filled in through selection by the Tamil Nadu Public Service Commission. By G.O.Ms.No. 1342, Education dated 22.9.1989 a **Teachers Recruitment Board** was formed and the selection to teaching posts for all the aforesaid colleges was entrusted to the Teachers Recruitment Board. The Teachers Recruitment Board consists of a Selection Committee with a Chairman, Members and Experts, and they were doing regular selection for the aforesaid posts upto the year 2000.

5. It appears that from the year 2000 **regular selections** through the Teachers Recruitment Board on the posts of Lecturers in the Government Colleges **are not being made**

in the State of Tamil Nadu. Instead by G.O.Ms.No. 61 Higher Education dated 2.3.2000 it was provided that vacancies caused by the retirement / death / resignation of the teachers in these colleges could be filled in **by appointing Guest Lecturers** to be appointed by the Principals of the respective colleges without any regular selection by the Teachers Recruitment Board. These Guest Lecturers would be appointed only till the regular selection made by the Teachers Recruitment Board or upto 31st March of the immediately succeeding year, whichever is earlier. Such Guest Lecturers would be paid a remuneration of Rs 100/- per hour and a maximum of Rs. 4,000 per month. Similar Government Orders have been issued repeatedly thereafter. The latest G.O.Ms.No. 265, Higher Education (GI) Department, dated 15.6.2004 states.

6. It may be mentioned that for regular selection through the Teachers Recruitment Board as per U.G.C. Regulations the candidate must have passed the NET or SLET if they have not passed M.Phil on or before 31.12.1993 or submitted their thesis for PhD on or before 31.12.2002. This is made clear from the notification of the U.G.C. dated 31st July 2002. **This requirement is now done away with in the above stated G.O. dated 15.6.2004** issued for the appointment of Guest Lecturers, and only preference is given to candidates who have passed NET or SLET examinations.

7. It may further be stated that in the proceedings of the Director of Collegiate Education. Tamil Nadu in Na.Ka.No. 19845/D2/2004 dated 19.6.2004 it is made clear that **no preference will be given to Guest Lecturers** at the time of regular selection. Paragraph-2 of the aforesaid order reads thus:

“The Guest Lecturers now appointed will not be given any preference for regular appointment.”

8. Having stated the background, we may now to the facts of the present cases. Admittedly, the appellants were engaged as Guest Lecturers and were not appointed in a regular capacity through the Teachers Recruitment Board. In our opinion, a Guest Lecturer is like a temporary appointee, and hence **he has no right to the post**, vide State of Uttar Pradesh Vs. Kaushal Kishore Shukla, (1991) 1 SCC 691, Triveni Shankar Saxena Vs. State of U.P. AIR 1992 SC 496, etc.

9. There is no rule of law that a temporary appointee has a right to continue till a regularly selected candidate is available. If that was the correct legal position then a person appointed

A LAND MARK JUDGEMENT - HIGH COURT OF MADRAS
Government should appoint
“Regularly Selected Lecturers not Guest Lecturers”

on a temporary basis for even one month may claim to be entitled to continue for 20 years if there is no regular selection for 20 years. This is obviously not the correct legal position. The correct legal position is in fact just the reverse, namely, that **a temporary appointee has no right to the post.** In other words, he has no right to continue even for one day far less having a right to continue till the regularly selected candidate is available. The service of a temporary appointee can be terminated at any time because he has no right to the post. Hence, we do not agree with the contentions of the learned counsel for the appellants that the Guest Lecturers have a right to continue till the regular selection through Teachers Recruitment Board is made. It may be mentioned that the Guest Lecturers are appointed only till regular selection or till the end of the academic year i.e., 31st March, whichever is earlier. Thus, even their appointments were latest till 31st March of the following year. **They are not paid salary on monthly basis,** but only a certain amount per hour, and they are not even issued a formal appointment order. Thus, they are clearly temporary appointees and not permanent appointees. Hence, **they have no right to the post.**

10. The learned counsel for the appellants then contended that for regular selection a Guest Lecturer should have a preference over others. We do not agree. In the order of the Director of Collegiate Education, Tamil Nadu dated 19.6.2004 it has been made clear that Guest Lecturers will not be given any preference for regular appointment. Moreover, there may be bright young persons who may be more deserving to be appointed as Guest Lecturers than less deserving persons who have put in some service as Guest Lecturer. We see no reason why the deserving persons should not be appointed, and instead underserving Guest Lecturers appointments are continued by giving them preference. **After all, merit should be the paramount criterion in making appointments on teaching posts** as that affects the careers of a large number of young students.

11. The learned counsel for the appellants then relied on an observation of a Division Bench of this Court In W.P. Nos. 18476 to 18483 of 2004 (K.L. Magendran & Others Vs. The Director of College Education, Chennai & Others) dated 29.6.2004. In paragraph - 7 of the said judgement the Division Bench observed:

“The third respondent is directed to consider the case of the writ petitioners for appointment as Guest Lecturers for the academic year 2004-2005 and give preferential treatment to them, provided they satisfy the management with regard to their past performance.”

12. In our opinion, this observation cannot be treated as a precedent because it is a mere direction without referring to any principle of law. Hence, it is not binding on us. **It is well settled that a mere direction of a Court without laying down any principle of law is not a precedent,** vide The Secretary, Saliar Mahajana Higher Secondary Schools, Aruppukottai Vs. G. Subburaj, (2005) 1 MLJ 233.

13. It may be mentioned that often Courts issue directions without laying down any principle of law, in which case such directions cannot be treated as precedents. For instance, in some cases, the Supreme Court has directed appointment of someone, or regularization, or payment of salary, without laying down any principle of law. **This is often done on humanitarian considerations, but it will not operate as a precedent binding on the High Courts.** For instance, if the Supreme Court directs regularization of service of an employee who has put in say 5 years of service without referring to any principle of law this does not mean that all employees who have put in 5 years of service must be regularized. **Hence, such a direction is not a precedent.**

14. In Municipal Committee, Amritsar Vs. Hazara Singh, AIR 1975 SC 1087, the Supreme Court observed that **only a statement of law in a decision is binding.**

15. In Delhi Administration Vs. Manoharlal, AIR 2002 SC 3088, the Supreme Court observed that **a mere direction without laying down any principle of law is not a precedent.**

16. In Divisional Controller, KSRTC Vs. Mahadeva Shetty, (2003) 7 SCC 197, the Supreme Court observed as follows:

“... The decision ordinarily is a decision on the case before

the Court, while the principle underlying the decision would be binding as a precedent in a case which comes up for decision subsequently... The scope and authority of a precedent should never be expanded unnecessarily beyond the needs of a given situation. **The only thing binding as an authority upon a subsequent Judge is the principle upon which the case was decided... ”**

17. In J & K Public Service Commission Vs. Dr. Narinder Mohan, AIR 1994 SC 1808 (vide paragraph-11) the Supreme Court has held that the directions issued by the Supreme Court from time to time for regularization of adhoc appointments, are not the ratio of the decision. The aforesaid directions were to be treated as being issued under Article 142 of the Constitution of India, and hence the High Court was not right in placing reliance on the said directions as a ratio to give direction to the Public Service Commission to consider the cases of the respondent. The Supreme Court observed:

“This Court in Dr. A.K Jain Vs. Union of India, 1988 (1) SCR 335, gave directions under Article 142 to regularize the services of the adhoc doctors appointed on or before October 1, 1984. It is a direction under Article 142 on the particular facts and circumstances therein. Therefore, the High Court is not right in placing reliance on the judgement as a ratio to give the direction to the PSC to consider the cases of the respondents. Article 142 powers confined only to this Court. The ratio in Dr. P.C. C. Rawani Vs. Union of India (1992) 1 SCC 331, is also not an authority under Article-141”

18. In view of the above, we are clearly of the opinion that the observations in paragraph - 7 of the judgment of the Division Bench in W.P.Nos. 18476 to 18483 of 2004 (K.L. Magendran & Others Vs. The Director of College Education, Chennai & Others) dated 29.6.2004 (supra) are not a precedent. There is no statutory rule that preference has to be given to Guest Lecturers when regular appointment is done through the Teachers Recruitment Board, Hence we reject the submission of the learned counsel for the appellants that the Guest Lecturers should be given preferential treatment. **The Guest Lecturers will have to take their chance by appearing before the Teachers Recruitment Board along with others.**

19. Then, it is submitted by the learned counsel for the appellants that one Guest Lecturer cannot be replaced by another Guest Lecturer. In support of the said submission the learned counsel for the appellants relied on the decision of the Supreme Court in State of Haryana Vs. Piara Singh, AIR 1992 SC 2130.

20. In paragraph - 25 of the said decision the Supreme Court observed:

“Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee: he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.”

21. On the strength of the above observation by the Supreme Court, the learned counsel for the appellants submitted that since the appellants are Guest Lecturers they should not be replaced by another set of Guest Lecturers, but can only be replaced by regularly selected Lecturers.

22. In our opinion, the aforesaid decision is distinguishable. In this connection we may refer to the decision of the Supreme Court in Bharat Petroleum Corporation Ltd. Vs. N. R. Vairamani, 2005-1-L. W. 209, in which the Supreme Court has observed (vide paragraphs 9 to 12):

“Courts should not place reliance on decisions without discussing as to how the factual situations fits in with the fact situation of the decision on which reliance is placed. Observations of Courts are neither to be read as Euclid’s theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of Courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. **Judges interpret statutes, they do not interpret judgments. They interpret words of statutes: their words are not to be interpreted as statutes.**

In *London Graving Dock Co. Ltd. Vs. Horton* (1951 AC 737 at p. 761), Lord Mac Dermot observed:

“The matter cannot, of course, be settled merely by treating the *ipissima verba* of Willes, J. as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge.”

In *Home Office Vs. Dorset Yacht Co.* (1970) (2) All ER 294 Lord Reid said, “Lord Atkin’s speech... is not to be treated as if it was a statute definition. It will require qualification in new circumstances.” Megarry, J. in (1971) 1 WLR 1062 observed: “One must not of course, construe even a reserved judgment of Russell L.J. as if it were an Act of Parliament.” And, in *Herrington Vs. British Railways Board* (1972 (2) WLR 537) Lord Morris said:

“There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case.”

Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper.

The following words of Lord Denning in the matter of applying precedents have become *locus classicus*:

“Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect. In deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo) by matching the colour of one case against the colour of another. To decide therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive... Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. My plea is to keep the path to justice clear of obstructions which could impede it.”

23. Keeping the above considerations in mind we may carefully consider the judgment of the Supreme Court in *State of Haryana Vs. Piara Singh* (supra). The facts in that case (as stated in paragraph - 2 of the said decision) reveal that temporary appointees had been initially appointed for 6 months or so, but had continued for 10 years or more, and had not been regularized, since there was no selection board in existence then in the State of Haryana. Hence, the State Government issued orders from time to time for regularization of such employees subject to certain conditions. In pursuance of the said orders some persons who satisfied the conditions prescribed in those orders were regularized, but many could not be regularized as they did not satisfy one or the other conditions prescribed. However, they had been allowed to continue in service. It is such persons who filed writ petitions praying for regularization. In those circumstances, the Supreme Court was of the view that if a person who has been given a temporary or ad hoc appointment and continued for a long time, the court presumes the need or warrant for regular posts and often directed regularization.

24. The Supreme Court referred to its own decision in *Dharwad District P. W.D. Literature Daily Wage Employees Association Vs. State of Karnataka*, AIR 1990 SC 883, *Jacob Vs. Kerala Water Authority*, AIR 1990 SC 2228, etc.

25. Keeping the peculiar facts of the case in *State of Haryana Vs. Piara Singh*, (Supra) in mind we may now consider the observations made by the Supreme Court in paragraph-25 of its judgement, namely, that one adhoc or temporary employee should not be replaced by another ad hoc or temporary employee.

26. It may be noted that the Supreme Court has specifically stated that it has made this observation only to prevent arbitrary action on the part of the appointing authority. Hence, it follows that if there is no arbitrariness on the part of the appointing authority in replacing one ad hoc or temporary appointee by another ad hoc or temporary appointee there will not be any illegality.

27. Hence, there cannot be any absolute rule or principle

that one ad hoc or temporary appointee can never be replaced by another ad hoc or temporary appointee. It all depends upon the facts of each case. To take a hypothetical example, a temporary appointee in service may totally incompetent whereas another person who is not in service may be very competent and eligible. We see no reason why the competent person cannot be appointed in place of the incompetent person, even if both appointments are ad hoc or temporary in nature. For instance, there may be a stenographer working in a temporary capacity who does not know shorthand or typing properly. In our opinion, he can certainly be replaced by a competent stenographer, who is very good in typing and shorthand, even if the latter is appointed in a temporary or ad hoc capacity. After all, without a competent stenographer an officer or Judge may find it difficult to work.

28. It may be noted that Guest Lecturers are appointed by the Principals of the Colleges. There is no guarantee that such an appointee is competent. The Principal may have various considerations for making such an appointment, not necessarily merit. Suppose one of such appointees is wholly incompetent and undeserving. Why can he not be replaced by a bright and deserving candidate? After all we have to see the matter from the point of view of the students. **An incompetent teacher may adversely affect the future career of the students, while a bright teacher can greatly uplift it.** Hence, in our opinion, if a deserving and competent candidate is available then he can certainly be appointed as Guest Lecturer in the place of another Guest Lecturer, who is incompetent and undeserving.

29. Thus, the aforesaid observation in paragraph – 25 of the decision of the Supreme Court in *State of Haryana Vs. Piara Singh* (supra) does not, in our opinion, lay down any absolute rule that one temporary or ad hoc appointee can never be replaced by another temporary or ad hoc appointee. It all depends upon the facts of each case. If, however, it can be demonstrated that such replacement of one Guest Lecturer by another Guest Lecturer is wholly arbitrary, then of course, this Court can interfere, but no absolute rule can be laid down in this connection that one Guest Lecturer can never be replaced by another Guest Lecturer.

30. For the reasons stated above, **we find no merits in all these writ appeals and they are all dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are also dismissed.**

31. However, before parting with these cases **we wish to observe that it was not proper for the State Government to keep making appointments of Guest Lecturers year after year since the year 2000.** This is demeaning to the Lecturers who are treated almost like casual or daily wage employees, and are given remuneration on an hourly basis and that too without even giving them any formal appointment order. **What interest in their work will such teachers take, and what commitment will they have?** There is no security of tenure for such teachers. Also, they are paid a paltry sum upto a maximum of Rs. 4,000/- per month. **Is this the way to treat the Gurus of our youth?** Even a peon in government service often gets more than Rs. 4,000 per month. **Should our teachers be treated worse than peons?**

32. It is also not in the interest of the students or the public to appoint Guest Lecturers on a large scale, because teachers who are given such appointments are not likely to take much interest in their work. They will not be able to work with a free mind and will feel all the time that there is a *Damocles Sword* hanging over their heads. Surely the students in Tamil Nadu deserve good teachers. **Good education is of paramount importance for the progress of society in the modern age.**

33. We fail to understand why for the past 5 years no regular recruitment has been made through the Teachers Recruitment Board, and instead this policy of appointing Guest Lecturers has been continued year after year. **The teachers are the Gurus of society, and they must be given proper respect, proper status, and a secure job, so that they can function with a free mind and take interest in their work.** This policy of making appointments of Guest Lecturers is not conducive to this end, and must now be revoked.

34. In this connection we may refer to the decision of the Supreme Court in *Rattanlal Vs. State of Haryana*, AIR 1987 SC 478. It appears that in the State of Haryana, too, the State Government was making adhoc appointments of teachers year

after year. In this connection the Supreme Court observed:

“In all these petitions the common question which arises for decision is whether it is open to the State Government to appoint teachers on an ad hoc basis at the commencement of an academic year and terminate their services before the commencement of the next summer vacation, or earlier, to appoint them again on ad hoc basis at the commencement of next academic year and to terminate their services before the commencement of the succeeding summer vacation or earlier and to continue to do so year after year. A substantial number of such adhoc appointments are made in the existing vacancies which have remained unfilled for three to four years. **It is the duty of the State Government to take steps to appoint teachers in those vacancies in accordance with the rules as early as possible.** The State Government of Haryana has failed to discharge that duty in these cases. It has been appointing teachers for quite some time on an ad hoc basis for short periods as stated above without any justifiable reason. In some cases the appointments are made for a period of six months only and they are renewed after a break of a few days. The number of teachers in the State of Haryana who are thus appointed on such adhoc basis is very large indeed. If the teachers had been appointed regularly, they would have been entitled to the benefits of summer vacation along with the salary and allowances payable in respect of that period and to all other privileges such as casual leave, medical leave, maternity leave, etc., available to all the Government servants. These benefits are denied to these ad-hoc teachers unreasonably on account of this pernicious system of appointment adopted by the State Government. **These ad hoc teachers are unnecessarily subjected to an arbitrary ‘hiring and firing’ policy. These teachers who constitute the bulk of the educated unemployed are compelled to accept these jobs on an ad hoc basis with miserable conditions of service.** The Government appears to be exploiting this situation. This is not a sound personnel policy. It is bound to have serious repercussions on the educational institutions and the children studying there.

The policy of ‘ad hocism’ followed by the State Government for a long period has led to the breach of Article 14 and Article 16 of the Constitution. Such a situation cannot be permitted to last any longer. It is needless to say that the State Government is expected to function as a model employer.

We, therefore, direct the State Government to take immediate steps to fill up in accordance with the relevant rules the vacancies in which teachers appointed on an ad- hoc basis are now working and to allow all those teachers who are now holding these posts on ad hoc basis to remain in those posts till the vacancies are duly filled up. The teachers who are not working on such ad hoc basis if they have the prescribed qualification may also apply for being appointed regularly in those posts. The State Government may also consider sympathetically the question of relaxing the qualification of maximum age prescribed for appointment to those posts in the case of those who have been victims of this system of ‘ad hoc’ appointments. If any of the petitioners in these petitions has under any existing rule acquired the right to be treated as a regularly appointed teacher, his case shall be considered by the State Government and an appropriate order may be passed in this case. We strongly deprecate the policy of the State Government under which ‘ad hoc’ teachers are denied the salary and allowances for the period of the summer vacation by resorting to the fictional breaks of the type referred to above. These ‘ad. hoc’ teachers shall be paid salary and allowances for the period of summer vacation as long as they hold the

office under this order. Those who are entitled to maternity or medical leave shall also be granted such leave in accordance with the rules.”

35. The above decision of the Supreme Court was followed in Sri Rabinarayan Mohapatra Vs. State of Orissa, AIR 1991 SC 1286. It appears that in the State of Orissa teachers were given ad hoc appointment for 89 days, and thereafter given fresh appointment after one day break in service. This had been going on for 4 years. The Supreme Court held this to be arbitrary and illegal. The Supreme Court, vide paragraph - 6, observed:

“The Validation Act has been enacted by the Orissa legislature with the obvious object of granting relief of those members of teaching community who are being exploited for year together by keeping them in short spell appointments like 89 day appointments as here with one day break and in the process denying them rightful dues and other service benefits. In spite of repeated depreciations by this Court the practice continues to be followed by various State Government in the country. **Under the Constitution the State is committed to secure right to education for all citizens.** Bulk of our population is yet illiterate. Till the time illiteacy is effaced from the country the resolution enshrined in the Preamble cannot be fulfilled. Education is the dire need of the country. There are neither enough schools nor teachers to teach. **Insecurity is writ large on the face of the teaching community because of nebulous and unsatisfactory conditions of service.** In order to make the existing educational set-up effective and efficient it is necessary to do away with adhocism in teaching appointments. An appointment on 89 days basis with one day break which deprives a teacher of his salary for the period of summer vacation and other service benefits is wholly arbitrary and suffers from the vice of discrimination. .

36. The ratio of the decisions of the Supreme Court in Rattanlal Vs. State of Haryana and Sri Rabinarayan Mohapatra Vs. State of Orissa (supra) squarely applies to the facts of the present case.

37 We therefore direct that after 31 .3.2006 all appointments of lecturers, and other teaching posts, including Principals, in Government Colleges in Tamil Nadu shall be made on a regular basis by selection through the Teachers Recruitment Board or any other legally constituted selection body and not by appointing Guest Lecturers. Such regularly selected teachers will be paid the U.G.C. grade salaries and guaranteed security of tenure. They shall also be given all benefits and perquisites allowable to regularly selected teachers. **No Guest Lecturers or ad hoc Lecturers will be appointed or continued after 31.3.2006.**

38. The process for making regular appointments on all such vacancies which have not been filled in by regular selection must immediately begin, and must be completed within a reasonable time, **so that on and after 1.4.2006 all the incumbents in the State will be regularly selected Lecturers and not Guest Lecturers or ad hoc Lecturers. We are giving adequate time to the State Government to switch over from the system of appointing Guest Lecturers to the system of appointing regular lecturers,** etc. During this period of 8 or 9 months the Government must complete the exercise of making selections through the Teachers Recruitment Board or other legally constituted selection body. The selection body must ensure that the most meritorious persons are selected as teachers so that the youth of Tamil Nadu may be benefited.

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