



TOWARDS A BETTER EDUCATIONAL SYSTEM



**Two Years' Endeavour of
Kerala Government**

Issued by
**The Department of Public Relations,
Government of Kerala.**



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leaves minority groups completely free to establish and administer schools of their choice, outside the limits of the Act, but seeks to lay down certain general conditions only in case they seek to avail of the full financial aid from Government for running schools, not as minority schools but as general public schools on the same pattern as the Government-run schools. They know—although they will not accept it now for reasons of expediency—that the main object of the Kerala Education Act is to provide for the sound administration of primary and secondary education in the State and to ensure security of tenure and fair wages for the teacher. They know that the Act, which was discussed in great detail in the Press, on the platform and in the Legislative Assembly before it was subjected to a close scrutiny by the Law and Education Ministries of the Government of India and referred to the Supreme Court, has been amended on the lines suggested by the highest Judicial Tribunal and, in its present form, secured the imprimatur of the President, to be finally placed on the Statute Book: but they would not openly admit this for political reasons. They know, too, that the Act contains no more elements of totalitarianism or political bias than any other legislation passed by any other Legislature in India: but they cannot acknowledge this fact for reasons of political necessity.

For the sake of those who wish to make a correct and objective appraisal of the whole issue, the full text of the Kerala Education Act is given in this brochure. For easy reference the provisions of the Constitution of India regarding the educational rights of minorities are also re-printed. The main purpose of this brochure is to give the public—opponents and supporters alike—a true picture of the measures other than the Kerala Education Act taken by the present Government to revitalise education in all its branches and to prove that the Kerala Education Act and the rules made thereunder are as legitimate and logical a part—and only a part—of the general policy of administrative reform adopted by a legally constituted Government.

Higher Pay for Teachers

Kerala spends a third of her revenues on education. The progress of expenditure on education has been phenomenal, particularly for the last two years. Although the former States of Travancore and Cochin had, even before their integration in 1949, attained creditable positions on the forefront in the matter of literacy in India, the administrative system itself, particularly relating to primary and secondary education, was more or less lopsided. Christian missionaries for over a century, and other communal organisations for a lesser period, had rendered commendable service in the matter of promoting education. Their efforts, whether for proselytisation or for profit, or perhaps for self-rewarding social service, had, however, created a class of teachers with widely varying scales of remuneration and service conditions. Even in Government

service there were various anomalies in the categorisation of teaching personnel. With every attempt on the part of Government to improve the conditions of teachers employed in their own schools, there were recurrent echoes of appeals and solicitations from the teachers under private school managements for similar benefits and amenities. The question of meeting the legitimate demands of the teachers of Kerala, numbering some 80,000, and keeping them reasonably satisfied and contented was, in the view of Government, of the utmost importance for the progress of education in Kerala.

It was for this reason that the present Government of Kerala, soon after coming to power, took over the responsibility for direct payment of salary to teachers of nearly 7,000 private schools in the State. Taking the fullest advantage of the contribution made by the Ministry of Education, Government of India, the State Government enhanced the salaries of teachers as an integral part of the development schemes under the Second Five-Year Plan. There is no section of the teachers which has not been benefited by the pay revision orders of Government during this period. (Please see Appendix A).

Rights and Privileges Conferred

In addition to providing fixity of tenure, enhancement of pay and provision of provident fund, etc., to teachers, they have been granted various other concessions and benefits. They have been given freedom to contest elections and to organise and agitate for the redressal of their grievances. Provision has been made for Staff Councils being organised in schools, thus enabling teachers to have an effective voice in the school administration. Teachers' organisations have been authorised to hold discussions with departmental officers once a month in the sub-districts and once in three months in the districts in order to establish and promote cordial relations between the departmental officers and the teachers. Thus it can be claimed without exaggeration that the teacher in Kerala, whether employed in a Government school or in an educational institution under private management, has been given a charter of rights and privileges enhancing his stature and adding to his material comfort and well-being. It is surprising that even among the usually well-informed among the critics of the Kerala Education Act, this aspect of teachers' welfare is not given as much weight as the rights of the middlemen in education, the Private School Managers.

As part of the standardisation process, Government have taken over all the schools (some 1,200 in number) run by the Malabar District Board, in addition to those run by the different Municipal Councils in the State. This step, which has also benefited the teachers of those institutions, has greatly added to the financial commitments of Government, involving an additional expenditure of Rs. 60 to 70 lakhs.

(For statistics of educational institutions in Kerala please see Appendices B and C).

Minimum School Age

While a thorough overhaul of the content of education has had to wait, the Government of Kerala have taken steps to align themselves with other progressive States on matters such as the minimum school-going age. The old system of admitting five-year-old children in schools was found to be defective and, although not going to the extent of implementing Gandhiji's recommendation of 7 years as the minimum age, the Kerala Government accepted 6+ and prescribed a ten-year course of studies comprising seven years in the primary school stage and three years in the secondary school stage. As a first step towards implementing the minimum-age (6+) stipulation, the age-limit has been raised from 5 to 5½+ with effect from the last academic year. Along with this the old elective system has been given up, while at the same time, the diversified course has been kept intact; social studies, languages and sciences which were grouped under the elective subjects have been taken over as core subjects, retaining only technical subjects such as engineering, commerce and agriculture etc., among the diversified courses, the basic policy being the need to strengthen the teaching of the core subjects in the high school stage, avoiding specialisation unless when it led to the creation of a particular bias in the students. The entire course of students in the curriculum has been organised on this basis. The effect of the reorganisation will be studied for the next three years and such changes as are found necessary will be made thereafter.

Nationalisation of Text Books

While Government have reiterated that it was not the present intention to nationalise education, they have, in conformity with the directive of the Government of India and the policy adopted in other States, implemented the nationalisation of text books. In 1957-58, Government prepared and published all the text books in the language and non-language subjects. The text books were prepared by committees of competent educationists, in English, Malayalam, Sanskrit and Hindi. Non-detailed text books were prescribed, but they were purchased and distributed by Government. In 1958, some 80 lakhs copies of text books were printed and distributed by Government in addition to some 20 lakhs copies of non-detailed books purchased and distributed. A central system of distribution was evolved, under which the text books were supplied to the Headmasters through co-operative societies established in the different schools in the State. This has ensured the supply of text books at reasonable prices. Another important effect of the standardisation has been the reduction of the number of text books, particularly in the lower classes.

Since, as has been stated above, it is the intention, in this brochure, to keep clear of matters of controversy as far as possible, it is not proposed to attempt any defence or justification of the contents of the text books. But it has to be stated that the greatest care has been taken in the

selection of the committees for preparation of text books. No person has been included on account of his or her political opinion or affiliation. Only educationists having mature experience and holding objective, unbiassed views have been included in the committees which were, in fact, nominated on the recommendation of the Head of the Department of Public Instruction.

Mid-day Meals

Provision of mid-day meals for primary school children is a dire necessity in Kerala, where the rigours of the prevalent poverty are accentuated by over-population and food shortage. The magnitude of the problem had prevented the former Governments of Travancore and Cochin and the Government of the integrated State of Travancore-Cochin from implementing the scheme in anything more than a few select areas. The present Government attach great importance to the need to provide mid-day meals not only because it would encourage children, particularly from the low income groups, to go to school, but also because it would serve as a health insurance measure for tens of thousands of children of the State. With this object in view, Government have decided to extend this beneficent, though costly, scheme to cover, according to a phased programme, all the primary schools in the State, thereby benefiting some 40 lakhs of pupils.

Only next in importance to the provision of mid-day meals to the school-going children is the system of medical examination. The present Government introduced the system of medical examination of school children as a pilot scheme in 1958, covering 300 centers. The idea is ultimately to have every school-going child examined by medical officers, so that the health of the rising generation can be taken care of at an early stage.

The provision of playgrounds and facilities for recreation is given due emphasis in current educational planning and it is hoped that before long most of, if not all, the schools in the State will be lively, healthful centres of childrens' activities.

Basic Education

In the matter of re-orientation of primary education to fit in with the basic education scheme, Kerala has broken new ground. Realising the importance of craft-centred education in the true sense of the term, the State Government have introduced what may be described as "tool room" method, which has already won the approval of the Government of India and the Central Advisory Board of Education. The system mainly consists of the provision of various simple tools and appliances in the primary school, so that groups of children can become familiar with them and thereby acquire and develop their natural taste for using such tools and appliances and also acquire skill in so doing. The experiment is now being tried in some 1,200 departmental schools in the State. Except that excessive emphasis on any single tool or appliance like the charkha is avoided, the system of craft-centred education

adopted in Kerala is, in essence, similar to Gandhiji's famous "Wardha Scheme." The new system will be watched and assessed as to its suitability in preparing school-children for the multi-purpose schools at the secondary stage.

Technical Education

Fully realising the vital role of technical education in equipping youths for the new life of industrial progress that awaits them, the Government of Kerala have, during the period of the last 26 months, revamped the existing system with the active co-operation of the Union Ministry of Education. A State Board of Technical Education has been constituted in Kerala in consultation with the All-India Council of Technical Education, for the purpose of co-ordinating the development of technical education in the State. Two new engineering colleges and five polytechnics have been started and the capacity of the existing institutions (at Kalamassery and Kozhikode) increased. Thus, in the brief period of a little over a couple of years, facilities have been provided for about 1,400 students to undertake technological studies, as against the previous number of 650. It is proposed to start two more engineering colleges and four more polytechnics in Kerala. With a view to giving a technical bias to general education and to provide for persons who can take up jobs immediately they get out of the schools, the State Government have decided to establish 18 junior Technical Schools, at least nine of which will start functioning early in 1960.

Art Schools

Special schools catering to the artistic and cultural needs of the community have also been developed. The State is running three music academies, two painting schools and an academy of fine arts where *kathakali*, *bharatanatyam* and other art forms are taught and fostered.

The Kerala Kalamandalam, which the great poet Vallathol brought to life, has been reorganised so as to become a living centre of Kerala dance and allied art forms. The Kerala Sahitya Academi and the Sangeetha Nataka Academi have also been placed on secure foundations, with the active association of literary and art associations, representative men of letters and devotees of art and culture.

Students' Privileges

Among the rights and privileges conferred on the students by the present Government are the abolition of the system of detention in the S. S. L. C. classes, an experiment that has not so far been tried anywhere else in India. Corporal punishment, still an article of faith even in some advanced European countries, has been abolished in Kerala schools. Provision has been made for School Parliaments being organised in order to train the future generation in the art and technique of democracy. Students have also been given the freedom to organise and hold meetings in school premises.

Similar provisions for the fullest development of the individual personality of the student and the sense of citizenship have been included in the Kerala University Act.

Higher Education

Even if the Kerala Government achieved nothing else in the sphere of education, the reorganisation of collegiate education and the establishment of the Kerala University would remain to their credit as lasting achievements. It does not fall to the lot of all Governments to sponsor the founding of a new University which is, in fact, the coping stone of the entire educational system, the sheltering canopy for regional and national culture and fine arts. The Kerala University, which came into being on the 30th August 1957, sets forth (as the preamble to the Act states) "to provide for the conservation, promotion and development of Kerala art and culture and the Malayalam language and for the gradual change of the medium of instruction into Malayalam in all the educational institutions of the State and to provide greater facilities for post-graduate study and original research in all branches of learning by establishing centres of post-graduate study and original research in different parts of the State." Starting to function under the guidance of Dr. John Matthai, a distinguished administrator and educationalist of high talent, integrity and independence of mind, the Kerala University has already begun to show promise of signal achievement in the field of higher education. A completely democratic constitution enables the University to have the fullest benefit of the services and association of elected representatives of constituent colleges, schools, local bodies, trade unions and cultural interests. The University enjoys complete autonomy and is left free to concentrate on the tasks it has set for itself, besides exercising effective academic control over the constituent and affiliated colleges. Expanding the scope of studies and research, the University has already plans for opening an institute of oceanography and an institute of research in applied sciences. A research wing is shortly to be constituted under the University for the study of the history of Kerala. In view of the backwardness of the Malabar area, new Arts Colleges have been opened there (at Kasargode and Madappili, near Badagara) and a training college has been started at Tellicherry. With the opening of a Physical Training College at Kozhikode, Kerala will have two such institutions, the other being the one now functioning in Trivandrum. The University has inaugurated a series of extension lectures intended to carry modern knowledge in Science and the Humanities to the common people. With the aid of funds placed at its disposal by Government the University is aiding private colleges to enhance the salaries of the staff.

The progress has thus been all-round and comprehensive, covering the entire field of educational endeavour. It is in the light of these facts that the public should study, objectively and dispassionately, the charge that the present Government of Kerala have sought to place shackles on educational institutions and educational workers, to indoctrinate the youth and to make education a handmaid to politics.

Minority Rights

Sections 29 and 30 of the Constitution of India relating to cultural and educational rights of minorities state:

- 29(1) *Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.*
- (2) *No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.*
- 30(1) *All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.*
- (2) *The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.*

The Controversial Law

The full text of the Kerala Education Act is reproduced on the following pages to enable the reader to form an impartial opinion of the legislative measure that has become the target of loud criticism and to facilitate careful scrutiny of such clauses in the legislative measure as are claimed to violate the right of minorities to establish and administer educational institutions of their choice. The impartial reader can also judge to what extent the rights of the manager of an educational institution, run entirely by means of financial aid from Government, are violated in respect of choice of teachers.

As for the contents of the text books, it would be found that there is no provision in the Kerala Education Act which seeks to prescribe them with a view to indoctrination. It has been a skilful camouflage on the part of the opponents of the Kerala Education Act to suggest that the text books now prescribed for use in Kerala schools are also part of the provisions of this controversial Act.

ACT 6 OF 1959*

THE KERALA EDUCATION ACT, 1958

An Act to provide for the better organisation and development of educational institutions in the State.

Preamble.—WHEREAS it is deemed necessary to provide for the better organisation and development of educational institutions in the State providing a varied and comprehensive educational service throughout the State;

BE it enacted in the Ninth Year of the Republic of India, as follows:—

PART I

GENERAL

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Education Act, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “aided school” means a private school which is recognised by and is receiving aid from the Government, but shall not include educational institutions entitled to receive grants under Article 337 of the Constitution of India, except in so far as they are receiving aid in excess of the grants to which they are so entitled;

(2) “educational agency” means any person or body of persons permitted to establish and maintain any private school under this Act;

(3) “existing school” means any aided, recognised or Government school established before the commencement of this Act and continuing as such at such commencement;

(4) “Local Educational Authority” means the authority constituted by the Government under section 17;

(5) “minority schools” means schools of their choice established and administered, or administered, by such minorities as have the right to do so under clause (1) of Article 30 of the Constitution;

* Received the assent of the President on 19th February, 1959 and published in the Gazette Extraordinary dated 24th February, 1959.

- (6) "prescribed" means prescribed by rules made under this Act;
- (7) "private school" means an aided or recognised school;
- (8) "recognised school" means a private school recognised by the Government under this Act;
- (9) "school" includes the land, buildings, playgrounds and hostels of the school and the movable properties such as furniture, books, apparatus, maps and equipments pertaining to the school;
- (10) "State" means the State of Kerala.

3. *Establishment and recognition of schools.*—(1) The Government may regulate the primary and other stages of education and courses of instructions in Government and private schools.

(2) The Government shall take, from time to time, such steps, as they may consider necessary or expedient, for the purpose of providing facilities for general education, special education and for the training of teachers.

(3) The Government may, for the purpose of providing such facilities,—

- (a) establish and maintain schools; or
- (b) permit any person or body of persons to establish and maintain aided schools; or
- (c) recognise any school established and maintained by any person or body of persons.

(4) All existing schools shall be deemed to have been established in accordance with this Act:

Provided that the educational agency of an aided school existing at the commencement of this section may, at any time within one month of such commencement, after giving notice to the Government of its intention so to do, opt to run the school as a recognised school, subject to the condition that the services of the teachers and other members of the staff of the school shall not be dispensed with or their conditions of service under the management varied to their disadvantage on account of the exercise of this option.

(5) After the commencement of this Act, the establishment of a new school or the opening of a higher class in any private school shall be subject to the provisions of this Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with such provisions shall not be entitled to be recognised by the Government.

✓4. *State Education Advisory Board.*—(1) For the purpose of advising the Government on matters pertaining to educational policy and administration of the Department of Education, the Government may, by notification in the Gazette, constitute a State Education Advisory Board, consisting of officials and non-officials,

(2) The Board shall consist of a Chairman and not more than fifteen members including the Chairman. The Vice-Chancellor of the University of Kerala, the Director of Public Instruction, the Director of Technical Education and the Director of Health Services shall be *ex officio* members of the Board. The other members of the Board shall be appointed by the Government. Appointment of non-official members shall be from persons who are distinguished educationists or who have rendered eminent service to education, or who have had experience in the administration of education.

(3) The Government shall appoint one of the members to be the Chairman of the Board.

(4) The term of office of the members of the Board, other than the *ex officio* members, shall be three years.

(5) The Government may prescribe the procedure to be followed at the meetings of the Board, and all incidental and ancillary matters for the proper working of the Board.

(6) The Board shall present annually to the Government a report as to the advice tendered to the Government on matters coming before them and the Government shall, on receipt of such report, cause a copy thereof, together with a memorandum explaining as respects the matters, if any, where the advice of the Board was not accepted, the reasons for such non-acceptance, to be laid before the Legislative Assembly.

✓ 5. *Manager to send list of properties.*—(1) On the first day of April each year, the manager of every aided school shall furnish to such officer as may be authorised by the Government in this behalf a statement containing a list of all movable and immovable properties of the school with such particulars as may be prescribed.

(2) If the manager commits default in furnishing the statement under sub-section (1) or furnishes as statement which is false or incorrect in any material particular, the Government may withhold maintenance grant.

✓ 6. *Restriction on alienation of property of aided school.*—

(1) Notwithstanding anything to the contrary contained in any law for the time being in force, no sale, mortgage, lease, pledge, charge or transfer of possession in respect of any property of an aided school shall be created or made except with the previous permission in writing of such officer not below the rank of a District Educational Officer, as may be authorised by the Government in this behalf. The officer shall grant such permission applied for unless the grant of such permission will, in his opinion, adversely affect the working of the school.

(2) Any person aggrieved by an order of the officer refusing or granting permission under sub-section (1) may, in such manner and within such time as may be prescribed, appeal to the Government.

(3) Any transaction made in contravention of sub-section (1) or sub-section (2) shall be *null and void*.

(4) If any educational agency or the manager of any school acts in contravention of sub-section (1) or of an order passed under sub-section (2), the Government may withhold any grant to the school.

7. *Managers of schools*.—(1) Any educational agency may appoint any person to be the manager of an aided school under this Act, subject to the approval of such officer as may be authorised by the Government in this behalf.

Explanation.—All the existing managers of aided schools shall be deemed to have been appointed under this Act.

(2) The manager shall be responsible for the conduct of the school in accordance with the provisions of this Act and the rules thereunder.

(3) The properties of the school shall be in the possession and control of the manager who shall be responsible to maintain them in proper and good condition.

(4) It shall be the duty of the manager to maintain such records and accounts of the school and in such manner as may be prescribed.

(5) The manager shall be bound to afford all assistance and facilities as may be necessary or reasonably required for the inspection of the school and its records and accounts by such officer as may be authorised by the Government in this behalf.

(6) No manager shall close down any school unless one year's notice, expiring with the 31st May of any year, of his intention so to do, has been given to the officer authorised by the Government in this behalf.

(7) In the event of the school being closed down or discontinued or its recognition being withdrawn the manager shall make over to the officer authorised by the Government in this behalf all the records and accounts of the school maintained under sub-section (4).

(8) If any manager contravenes the provisions of sub-section (6) or wilfully contravenes the provisions of sub-section (7), he shall, on conviction, be liable to fine which may extend to two hundred rupees.

(9) No court shall take cognizance of an offence punishable under sub-section (8) except with the previous sanction of the Government.

8. *Recovery of amounts due from the manager*.—(1) Any amount due at the commencement of this section to the Government from the manager of an aided school pursuant to any agreement, scheme or other arrangement pertaining to any aid given or grant paid by the Government may be recovered also as an arrear of land revenue under the provisions of the Revenue Recovery Act for the time being in force.

(2) Where, at the commencement of this section, pursuant to any agreement, scheme or other arrangement referred to in sub-section (1), any salary or arrears of salary is payable by the manager to a teacher of the concerned aided school according to the scale prescribed by such agreement or scheme or arrangement, the District Educational Officer may, by order, direct the manager to deposit with him the amount so payable. Before passing such order the District Educational Officer shall conduct an enquiry as to the amount payable to the teacher in such manner as may be prescribed. From the order of the District Educational Officer an appeal shall lie to such officer as may be empowered by the Government in this behalf within such time and in such manner as may be prescribed. Any amount due from the manager under the orders of the District Educational Officer or, where there has been an appeal from the orders of the District Educational Officer, under the orders of the officer passing the order in appeal, shall be recoverable as an arrear of land revenue under the provisions of the Revenue Recovery Act for the time being in force. The officer may also recover such amount by setting it off against any sum due to the manager by the Government. Any amount deposited or recovered under this sub-section shall be paid to the concerned teacher.

(3) All fees and other dues, other than special fees, collected from the students in an aided school after the commencement of this section shall, notwithstanding anything contained in any agreement, scheme or arrangement, be made over to the Government in such manner as may be prescribed.

✓ 9. *Salary of teachers, etc., and grants to aided schools.*—

(1) The Government shall pay the salary of all teachers in aided schools direct or through the headmaster of the school.

(2) The Government shall pay the salary of the non-teaching staff of the aided schools appointed before the 31st May 1957 and continuing in office at the commencement of this section on the scales applicable to them immediately before the 31st May 1957. It shall be competent for the Government to prescribe the number of persons to be appointed in the non-teaching establishment of aided schools, their salaries, qualifications and other conditions of service. The salary of the persons appointed in the non-teaching establishment in accordance with the rules so prescribed shall be paid by the Government.

(3) The Government may pay to the manager a maintenance grant at such rates as may be prescribed.

(4) The Government may make grants-in-aid for the purchase, improvement and repairs of any land, building or equipment of an aided school.

✓ 10. *Qualifications for appointment as teachers.*—The Government shall prescribe the qualifications to be possessed by persons for appointment as teachers in Government and private schools.

11. *Appointment of teachers in Government and aided schools.*—(1) The Public Service Commission shall, as empowered by this Act, select candidates for appointment as teachers in Government and aided schools. Before the 31st May of each year, the Public Service Commission shall select candidates with due regard to the probable number of vacancies of teachers that may arise in the course of the year. The candidates shall be selected for each district separately and the list of candidates so selected shall be published in the Gazette. Teachers of aided schools shall be appointed by the manager only from the candidates so selected for the district in which the school is located, provided that the manager may, for sufficient reason, with the permission of the Public Service Commission, appoint teachers selected for any other district. Appointment of teachers in Government schools shall also be made from the list of candidates so published.

(2) In selecting candidates under sub-section (1), the Public Service Commission shall have regard to the provisions made by the Government under clause (4) of Article 16 of the Constitution.

12. *Conditions of service of aided school teachers.*—(1) The conditions of service relating to scales of pay applicable to teachers of Government schools shall apply to all teachers of aided schools whether appointed before or after the commencement of this section.

(2) The conditions of service relating to pension, provident fund, insurance and age of retirement applicable to teachers of Government schools shall apply to teachers of aided schools—

- (i) who are appointed under section 11 after the commencement of this section; and
- (ii) who have been appointed before the commencement of this section, but who have expressed in writing their willingness to be governed by such conditions, within one year from such commencement.

(3) The Government shall extend to the teachers of aided schools who have been appointed before the commencement of this section and who have not expressed their willingness under clause (ii) of sub-section (2) within the time specified therefor the conditions of service relating to pension, provident fund, insurance and age of retirement applicable to teachers of Government schools with such modifications as the Government may deem fit.

(4) No teacher of an aided school shall be dismissed, removed, reduced in rank or suspended by the manager without the previous sanction of the officer authorised by the Government in this behalf.

(5) Subject to the provisions of sub-sections (1), (2), (3) and (4), the conditions of service of teachers of aided schools shall be such as may be prescribed.

13. *Absorption of teachers on retrenchment.*—Where any retrenchment of teachers in any aided school is rendered necessary consequent on orders of the Government relating to the course of studies or scheme of teaching or of such other matters, it shall be competent for the Government or the manager of an aided school to appoint such teachers in any Government school or aided school, as the case may be, notwithstanding the fact that they are not included in the list of candidates selected by the Public Service Commission under section 11.

14. *Taking over management of schools.*—(1) Whenever it appears to the Government that the manager of any aided school has neglected to perform any of the duties imposed by or under this Act or the rules made thereunder, and that in the public interest it is necessary to take over the management of the school for a period not exceeding five years, they may, after giving the manager and the educational agency, if any, a reasonable opportunity for showing cause against the proposed action and after considering the cause, if any, shown, do so, if satisfied that such taking over for the period is necessary in the public interest.

(2) In cases of emergency, where the Government are satisfied that such a course is necessary in the interests of the pupils of the school, they may, without any notice under sub-section (1) to the manager or the educational agency, take over the management of any school after the publication of a notification to that effect in the Gazette.

(3) Where any school has been taken over under sub-section (2), the educational agency or the manager of the school, within three months of the publication of the notification under the said sub-section, may apply to the Government for the restoration of the school showing the cause therefor, and where the Government are satisfied of the cause so shown, they shall restore the school.

(4) The Government may also make such further orders as may appear to them to be necessary or expedient in connection with the taking over of the management of any aided school under this section.

(5) Where any school is taken over under this section, the Government shall pay to the person or persons interested, such rent as may be fixed by the Collector, having regard to the rates of rent prevailing in the locality for similar properties:

Provided that where any property has been acquired, constructed, improved or maintained for the purposes of the school with the aid given or by appropriation or diversion of any grant made by the Government the rent shall be fixed by the Collector after taking into account the amount of such aid or grant,

(6) Where any school is taken over under this section, the Government may run the school affording any special educational facilities which the school was affording immediately before such taking over.

(7) Any person aggrieved by an order of the Collector fixing the rent under sub-section (5) may, in the prescribed manner, appeal to the District Court within whose jurisdiction the school is situate within sixty days from the date of the order and the decision of the Judge shall be final.

(8) It shall also be lawful for the Government to acquire the school taken over under this section, if they are satisfied that it is necessary so to do in the public interest, in which case compensation shall be payable in accordance with the principles laid down in section 15 for payment of compensation.

(9) Nothing in this section shall apply to minority schools.

15. *Power to acquire any category of schools.*—(1) If the Government are satisfied that for standardising general education in the State or for improving the level of literacy in any area or for more effectively managing the aided educational institutions in any area or for bringing education of any category under their direct control, in the public interest it is necessary to do so, they may, by notification in the Gazette, take over with effect from any day specified therein any category of aided schools in any specified area or areas; and such schools shall vest in the Government absolutely with effect from the day specified in such notification:

Provided that no notification under this sub-section shall be issued unless the proposal for the taking over is supported by a resolution of the Legislative Assembly.

(2) Where any school has vested in the Government under sub-section (1), compensation shall be paid to the persons entitled thereto on the basis of the market value thereof as on the date of the notification:

Provided that where any property, movable or immovable, has been acquired, constructed or improved for the purposes of the school with the aid or grant given by the Government for such acquisition, construction or improvement, compensation payable shall be fixed after deducting from the market value the amounts of such aids or grants:

Provided further that in the case of movable properties the compensation payable shall be the market value thereof on the date of the notification or the actual cost thereof less the depreciation, whichever is lower.

(3) In determining the amount of compensation and its apportionment among the persons entitled thereto the Collector shall follow such procedure as may be prescribed.

(4) Any person aggrieved by an order of the Collector may, in the prescribed manner, appeal to the District Court

within whose jurisdiction the school is situate within sixty days of the date of such award and the decision of the Judge shall be final.

(5) Nothing in this section shall apply to minority schools.

16. *Power of Government to exempt immovable property from being taken over or acquired.*—The Government shall, while taking over the management of any school or acquiring the properties of any school under section 14 or section 15, exempt any immovable property from being so taken over or acquired, if such property is intended and it being used for any religious purpose or, if the Government are satisfied that such property, on account of its proximity to any place of religious worship, should be exempted, and thereupon no rent or compensation, as the case may be, shall be payable in respect of such property.

17. *Establishment of Local Educational Authorities.*—(1) For the purpose of associating people with the administration of education and to preserve and stimulate local interest in educational affairs, the Government may, by notification in the Gazette, establish Local Educational Authorities to exercise jurisdiction in any local area specified in such notification.

(2) Each Local Educational Authority shall consist of the following seven members:—

(a) the District Educational Officer having jurisdiction in the local area—*ex officio* member;

(b) one member elected by the managers of aided schools in the local area from among themselves;

(c) one member elected by the graduate teachers of Government and aided schools in the local area from among themselves;

(d) one member elected by the non-graduate teachers of Government and aided schools in the local area from among themselves;

(e) one member elected by the Panchayats and Municipal Councils or Corporation in the local area; and

(f) two members, being persons who have experience in education, nominated by the Government.

(3) The Government shall nominate one of the members to be the president of the Local Educational Authority.

(4) The term of office of the members other than the *ex officio* member shall be three years commencing from the date on which the first meeting of the Local Educational Authority is held.

(5) An outgoing member shall continue in office until the election or nomination, as the case may be, of his successor.

(6) The election of members to the Local Educational Authority shall be conducted in such manner as may be prescribed.

(7) Any person elected or nominated to fill a vacancy occurring in the office of a member previous to the expiry of his term of office shall hold office only so long as the member in whose vacancy he is elected or nominated would have held office if the vacancy had not occurred.

(8) It shall be lawful for the Local Educational Authority to exercise its powers under this Act notwithstanding any vacancy in the Authority.

18. *Functions of the Local Educational Authority.*—The Local Educational Authority shall—

- (i) assess the educational needs of the local area and prepare each year schemes for the development of education and submit the same to the Government;
- (ii) supervise the implementation of the scheme of noon-day feeding of school children;
- (iii) promote conferences, exhibitions or other measures calculated to create among the public an interest in education; and
- (iv) carry out such other functions as may be prescribed.

19. *Recognised schools.*—The provisions of sub-sections (2), (4), (5), (6), (7), (8) and (9) of section 7 shall apply to recognised schools to the same extent and in the same manner as they apply to aided schools.

20. *No fee to be charged from pupils of primary classes.*—No fee shall be payable by any pupil for any tuition in the primary classes in any Government or aided school.

PART II

COMPULSORY EDUCATION

21. *Application of the Part.*—This Part shall apply to—

(i) the areas to which the provisions of the Travancore Primary Education Act, 1121, the Cochin Free Compulsory Primary Education Act, XI of 1123 or the Madras Elementary Education Act, 1920, have been brought into force; and

(ii) any other area to which it may be extended by the Government by notification in the Gazette.

22. *Definitions.*—In this Part, unless the context otherwise requires,—

(i) “area of compulsion” means an area to which this Part applies;

(ii) “child” means a boy or girl between the ages of six and fourteen at the beginning of the academic year;

(iii) “guardian” includes a parent and any person who has the actual custody of the child;

(iv) "to attend a school" means to be regularly present for instruction at such school, on such days, at such time or times and for such period or periods on each day as may be prescribed by the Local Education Committee for that area with the approval of the Education Department;

(v) "Local Education Committee" means the Committee constituted under section 24.

23. *State to provide free compulsory education of children.*—The Government shall provide for free and compulsory education of children throughout the State within a period of ten years from the commencement of this Act.

24. *Local Education Committee.*—(1) The Government shall appoint for each area of compulsion or for any portion of the area of compulsion a Local Education Committee.

(2) The Committee shall be constituted in such manner and for such period as may be prescribed.

25. *Functions of Local Education Committee.*—It shall be the duty of the Local Education Committee to implement the provisions of this Act in regard to attendance at schools and to ensure that the employment, if any, of children does not interfere with their attendance in Government or private schools.

(2) The Local Education Committee may, from time to time, delegate any of its powers and duties to any sub-committee or member. Such Committee or member shall conform to any instruction that may, from time to time, be given by the Local Education Committee. The Committee may at any time discontinue or later the constitution of any sub-committee so formed or withdraw any of the powers or duties so delegated.

26. *Obligation on guardian to send children to school.*—In any area of compulsion, the guardian of every child shall, if such guardian ordinarily resides in such area, cause such child to attend a Government or private school and once a child has been so caused to attend school under this Act the child shall be compelled to complete the full course of primary education or the child shall be compelled to attend school till it reaches the age of fourteen.

Explanation.—A guardian of a child, sending the child to a minority school, shall be deemed to have complied with the requirements of this section.

27. *Exemption from attendance.*—A child may be exempted for a specified period or periods from compulsory attendance at school under this Act—

(1) by the Government on religious grounds or on account of social customs; and

(2) by the Local Education Committee—

(a) when it is receiving otherwise than in a Government or private school, instruction in an educational institution approved by the Local Education Committee; or

(b) when it is otherwise receiving education which in the opinion of the Local Education Committee is efficient or has received from the Local Education Committee a certificate of having already completed its primary education; or

(c) where it is impracticable or inexpedient that it should attend school on account of illness, disease, injury, affliction, infirmity or of any other cause regarded as sufficient by the Local Education Committee, subject to such rules as may be prescribed in this behalf; or

(d) where there is no Government or private school within a distance of one mile measured along the nearest road from the residence of the child which the child can attend.

28. *Warning for failure to discharge obligation and for interference.*—(1) When the Local Education Committee has reason to believe that a guardian of any child to whom this Act applies and who is bound under section 26 to cause such child to attend a Government or private school has failed to do so or that any person other than the guardian is utilising the time or services of a child in connection with any employment, whether for remuneration or not, in such a manner as to interfere with the attendance of the child at a Government or private school, it shall warn him in writing that within one week of the receipt of the warning he shall cause the child to attend school or shall refrain from utilising the services of the child as aforesaid.

(2) When a Local Education Committee is satisfied that a guardian has failed to cause his child to attend school or that any person is interfering with such attendance of a child even after the warning mentioned in sub-section (1), the Local Education Committee or any member authorised by the Committee shall lodge a complaint against such guardian or other person with the Magistrate having local jurisdiction.

(3) If the Magistrate is satisfied that the complaint is well-founded, he shall pass an order directing the guardian or other person to cause the child concerned to attend school regularly or to refrain from interfering with the attendance of the child, as the case may be, after a specified date. If the guardian or other person fails to comply with such order, he shall, on conviction, be liable to fine not exceeding five rupees for the first offence and twenty rupees for every subsequent offence.

29. *Penalty for employment of children or interference with their attendance at school.*—Any person other than the guardian who shall utilise the time or services of a child in connection with any employment, whether for remuneration or not, in such a manner as to interfere with the attendance of the child at a Government or private school in spite of a warning given under section 28, shall be liable to fine not exceeding fifteen rupees for the first offence and not exceeding thirty rupees for each subsequent offence.

30. *Noon-day meals, clothing, etc., to poor pupils.*—It shall be the duty of the Government to see that noon-day meals, clothing, books and writing materials are provided for poor pupils free of cost.

31. *Inspection of offices, books and accounts of Local Education Committees.*—(1) The Local Education Committee shall maintain such books, accounts and registers as may be prescribed.

(2) The office, books and accounts of every Local Education Committee shall be open to inspection by the Government.

PART III

MISCELLANEOUS

32. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against the Government or any authority or any officer for anything done under this Act in good faith or for any damage caused by any action taken in good faith in carrying out the provisions of this Act or the rules thereunder.

33. *Courts not to grant injunction.*—Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any temporary injunction or make any interim order restraining any proceedings which is being or about to be taken under this Act.

34. *Delegation of powers.*—It shall be lawful for the Government, by notification in the Gazette, to delegate to any officer of the Education Department all or any of the powers vested in them by this Act, except the powers under sections 14, 15 and 36 and to withdraw any power so delegated.

35. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions which appear to them to be necessary or expedient for the purpose of removing the difficulty.

36. *Power to make rules.*—(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the establishment and maintenance of schools;
- (b) the giving of grants and aid to private schools;
- (c) the grant of recognition to private schools;
- (d) the levy and collection of fees in aided schools;
- (e) regulating the rates of fees in recognised schools;
- (f) the manner in which accounts, registers and records shall be maintained in schools, and the authority responsible for such maintenance;

(g) the submission of returns, statements, reports and accounts by managers of schools;

(h) the inspection of schools and the officers by whom inspection shall be made;

(i) the mode of keeping and the auditing of accounts of schools;

(j) the mode of ascertaining the value of the schools for payment of compensation in cases of taking over or acquisition;

(k) the standards of education and courses of study;

(l) the working of Local Educational Authorities; and

(m) all matters expressly required or allowed by this Act to be prescribed.

37. *Rules to be laid before the Legislative Assembly.*—All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid.

38. *Saving.*—Nothing in this Act shall apply to any school which is not a Government school or a private school.

39. *Repeal.*—The Travancore Primary Education Act, 1121, the Cochin Free Compulsory Primary Education Act, XI of 1123 and the Madras Elementary Education Act, 1920 as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), are hereby repealed.

APPENDIX A.
(Teachers' salaries)

Category of teachers.	No. of teachers.	Scale as on 1-4-1957.	After revision,	Financial effect.
		Rs.	Rs.	Rs.
Primary teachers (T.C. area)	29,208	35-80	40-120	73,21,472
Malabar area ..	14,209	(1) 20 fixed (2) 30-33 (3) 40-48 (4) 45-95	40-120	35,61,722
Trained Graduate teachers ..	8,955	50-150	80-165	20,77,560
Hindi teachers ..	783			2,12,976
Part-time teachers ..	1,903			5,17,616
College teachers ..	472			5,36,489

APPENDIX B.
Education Institutions in Kerala

Type.	Government.	Private		Total.
		Aided.	Unaided.	
Colleges (Academic) ..	4	..	13	17
Training Colleges (non-basic)	2	..	..	2
Do. (basic) ..	1	..	..	1
College of Physical Education ..	1	..	..	1
Secondary Schools ..	140	612	10	762
Upper Primary Schools ..	255	1,314	20	1,589
Lower Primary Schools ..	1,627	4,999	73	6,699
<i>Special Schools.</i>				
Basic Training Schools ..	20	7	..	27
Non-basic Training Schools ..	10	48	..	58
Nursery Training Schools ..	2	..	..	2
Junior Basic Schools ..	17	366	..	383
Senior Basic Schools ..	4	72	..	76
Post-basic Schools ..	..	1	..	1
Pre-basic Schools ..	..	..	..	..
Nursery & Kindergarten Schools	2	5	6	13
Music, Dancing & Fine Arts Schools ..	5	2	..	7
Technical Schools ..	..	6	..	6
Commercial Schools ..	..	..	37	37
Fishery Schools ..	33	..	..	33
Social Education Centres ..	..	32	..	32
Adult Schools ..	..	326	..	326
Certified School (Reformatory) ..	2	..	..	2
Schools for the Handicapped ..	4	1	..	5
Total ..	2,129	7,791	159	10,079

NUMBER OF NEW EDUCATIONAL INSTITUTIONS OPENED

During the period 1-4-1957 to 30-9-1958 the following new Institutions were started in Kerala.

New Institutions sanctioned by Government:—

Lower Primary Schools	176
Upper Primary Schools	425
High Schools	144
Academy of Music	2
Engineering Colleges	2
Medical College	1
College of Physical Education	1
Poly-technic Institutions	2
Training Colleges	2
School for the Blind	1
Arts College	1

Total	757
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