

**SUPREME COURT OF INDIA**

Swamy Prakasananda & Anr.

Vs.

State of Kerala & Ors.

C.A.No.486 of 2003

(Dr.Ar.Lakshmanan and R.V. Raveendran,JJ.,)

26.02.2007

**JUDGMENT**

**Dr.A.R.Lakshmanan, J.,**

1. In our Judgment dated 2.5.2006, we had expressed a hope that henceforth all members of Sanghom will work in unity, with understanding and tolerance, to propagate the ideals and philosophy of Sree Narayana Guru. In terms of our Judgment, elections have been held under the supervision of the Authority appointed by us and the newly elected Trust Board has taken charge.

2. In our order dated 10.11.2006, we had referred to the suggestion of the said Authority, (Mr. Justice Paripoornan, a retired Judge of this Court) for appointment of a Monitoring Committee for the proper, efficient and fair functioning of the Sanghom, at least for a period of 5 to 10 years, if not more. He had suggested that such a Monitoring Committee should have as its members eminent and committed followers of Sree Narayana Guru from all walks of life to ensure that the elected members at the helm of affairs of the Sanghom, which has vast resources and assets, do not leave the righteous path of conduct expected from the followers of Sree Narayana Guru and to prevent the recurrence of feuds which had, to some extent, shattered the reputation of the institution. We had noted that the suggestions of the Authority will be considered later and suitable and appropriate orders will be passed.

3. By our order dated 12.1.2007, we had requested the said Authority as also the parties to suggest names for being appointed as members of the Monitoring Committee. Accordingly, some suggestions have been received.

4. Having considered the suggestion, and keeping the need for a Monitoring Committee in view, we hereby constitute the Monitoring Committee with the following members:

“1. Mr. Justice T. V. Rama Krishnan, Retired Judge, Kerala High Court, Anugraha, P.J. Antony Grounds Road, Pachalam, Kochi - 682 012.

2. Mr. Justice C. S. Rajan Retired Judge, Kerala High Court, "Chit-KOD", H.No. 40/897, Ashram Lane, Azad Road, Kochi - 682 017.
3. Mr. T N Jayachandran, (Retired Additional Chief Secretary, Government of Kerala), Arattu Road, Pilla Veedu Lane, Thiruvananthapuram-4.
4. Mr. M N Prasad, (Former Chairman, Indian Railways), 'Comath', Kunnukuzhi, Thiruvanthapuram.
5. Mr. G Mohan Das Former Managing Director, FACT & Kerala State Warehousing Corporation.
6. Prof. M K Sanu, 'Sandhya', Asari Lane, Karikkamuri, Kochi-682 011.
7. Mr. A M Gopalan, Chairman, Sri Gokulam Medical College & Research Foundation, Venjaramoodu, (Thiruvanthapuram District).
8. Mr. A R Shankar Narayanan, General Manager, Arya Vaidyashala, Kottakkal.
9. Mr. M N Sugunabalan, Sr. Advocate, Kochi.
10. Mr. N Dharmadan, Sr. Advocate, Kochi.
11. Dr. K Balachandran, Orthopaedic Surgeon,  
No.61/19 24, Leela Vilas, Azad Road, Kaloor P.O., Kochi-682 017.”

5. Justice T. V. Ramakrishnan shall be the Chairman and Sri T. N. Jayachandran shall act as Convenor of the said Committee. Any vacancy arising in the Committee, will be filled by the Committee after obtaining prior approval from this Court.

6. The function of the Monitoring Committee will be that of a Board of Visitors advising on matters of policy. The Committee will act as a vigilance Organization to ensure that the affairs of the Sanghom are conducted in proper, efficient and fair manner. The Monitoring Committee or person/s authorized by them, can inspect the educational or other institutions run by the Sanghom and examine their records and activities and cause any inquiry to be made in regard to the administration and finances of the Sanghom and its institutions. The Monitoring Committee may address the Trust Board with reference to the result of such inspection or inquiry or seek clarifications. The Monitoring Committee may tender advice on matters of policy which shall be given due weight and consideration by the Trust Board. The advice tendered and the action taken thereon shall also be placed before the General Body of the Sanghom. The Trust Board shall also communicate to the Monitoring Committee, the particulars of action taken on such advice.

7. The Monitoring Committee may meet at the Sivagiri Mutt (Varkala) or at Thiruvananthapuram or Kochi as may be decided by the Convenor at such intervals as the Committee may decide. They may also take decisions by circulation. They will not be entitled to any fee or honorarium, other than reasonable expenses incurred for lodging and conveyance from the Sanghom.

8. The constitution of the Monitoring Committee or its functioning shall not be construed as modification of the scheme of management of the Sanghom. Nor will the Monitoring Committee have any say in the day to day administration of the Sanghom by the elected Trust Board.

9. Parties are at liberty to move this Court for any further orders/directions in the matter.