

The Goa School Education (Amendment) Bill, 2014

(Bill No. 24 of 2014)

A

BILL

further to amend the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985).

BE it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Goa School Education (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 2. – In section 2 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) (hereinafter referred to as the “principal Act”), after clause (k), the following clause shall be inserted, namely:-

“(kk) “Konkani” means Konkani language as defined in clause (c) of section 2 of the Goa, Daman and Diu Official Language Act, 1987 (Act 5 of 1987);”.

3. Insertion of new sections 7A to 7E.- After section 7 of the principal Act, the following new sections shall be inserted, namely:-

“7A. Entitlement for recognition.- (1) No management of any school shall be entitled for recognition to any school as a matter of right.

(2) The appropriate authority may, subject to the provisions of section 5 of this Act as well as subject to the following conditions, consider granting recognition:

(a) In the case of primary and secondary schools, except those which have Konkani/Marathi as a medium of instruction, shall be required to teach Konkani/Marathi as one of the subject from standard I to standard X.

(b) All schools shall have English as compulsory subject from standard I to standard X where the medium of instruction is Konkani/Marathi or any other language specified in the Eighth Schedule of the Constitution of India.

(3) The Director shall regulate compliance with clauses (a) and (b) of sub-section (2), in a progressive manner, annually.

7B. Entitlement of grants.- (1) No Management of any school shall be entitled to grants as a matter of right unless and until it complies with the provisions of this Act and the rules framed thereunder.

(2) The Government may, having regard to the need in the locality, or in the interest of school education, or the scheme of management, provide financial assistance for teaching in Konkani/Marathi as a medium of instruction in any recognized primary school.

(3) The Government shall endeavour to promote teaching Konkani/Marathi in all schools in the State of Goa and may for such purposes frame a separate or a special pattern of assistance providing financial assistance for teaching Konkani/Marathi subject.

(4) Those schools, which have opted for Konkani/Marathi or any other language specified in the Eighth Schedule of the Constitution of India as its Medium of Instruction, shall be required to teach English as one of the subject, and the Government may frame special pattern of assistance for the purpose of improvement and encouraging English subject at primary level.

(5) No grants or aid in any form whatsoever shall be given or extended to any primary school within the State of Goa unless it has Konkani/Marathi or any of the languages envisaged in the Eighth Schedule to the Constitution of India, as its medium of instruction imparting education:

Provided that the State Government may consider providing grants to minority schools having English as a medium of instruction and imparting education at the primary level subject to compliance with other provisions of this Act.

(6) Whenever any school including a minority school, has English as Medium of Instruction, then, in such cases, the Directorate of Education shall either through itself or through any agency earmarked

for the purpose, provide bi-lingual text books either in Konkani/Marathi for the purpose of facilitating the teaching at the primary level.

(7) Such minority schools which have English as Medium of Instruction shall be required to teach Konkani/Marathi in the primary section for all the classes from standard I to standard IV as one of the subject.

7C. Opening of new primary school.- The Director shall not permit opening of any new primary school until mapping of school is carried out and need for such additional schools are categorically identified:

Provided however that the Government may for the reasons to be recorded in writing having regard to the need of a locality or as the circumstances may justify or for the purposes of weaker/backward sections of the society permit opening of schools at the primary level.

7D. Framing of Scheme.- The Government may, in it's discretion, frame any scheme for promotion of teaching Konkani/Marathi in the schools as per the pattern of assistance notified.

7E. Power of Government.- (1) Notwithstanding anything contained in any provision of this Act or the rules framed thereunder, the Government may, for reasons to be recorded in writing, in the interest of school education, or where, in the opinion of the Government, the Management of the school or any member of the managing committee running the affairs of the school is found to have criminal background or is involved in any criminal case having moral turpitude or is in any way charged for misappropriation of school grants or other school funds or have otherwise been charge sheeted in any criminal matter, either stop/reduce/withhold/ forbid or even withdraw any aid given in any pattern of assistance framed by the Government or under the provisions of this Act or the rules framed thereunder, or may instead of withholding/withdrawing or stopping, having regard to interest of the students and the school education, make over the salary grant through a specially appointed Drawing and Disbursing Officer without in any way routing the grants to the Management.

(2) In every case covered under sub-section (1), the Government shall also have the power to take over the management of such

school and appoint an Administrator or a Body or a Committee of Administrators to run the said school until such time the Government is of the opinion that the school may be handed over back to the management.”.

4. Insertion of new section 31.- After section 30 of the principal Act, the following new section shall be inserted, namely:-

“31. Power to remove difficulties in respect of Goa School Education (Amendment) Act, 2014 .— If any difficulty arises in giving effect to the provisions of the Goa School Education (Amendment) Act, 2014, the Government may by order not inconsistent with the provisions of the said Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of the Goa School Education (Amendment) Act, 2014.”.

Statements of Objects and Reasons

The Bill seeks to amend the Goa Daman and Diu School Education Act 1984. (Act No. 15 of 1985) for the purpose of granting recognition and financial assistance to the primary schools and for the matters connected therewith.

This bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this bill.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to frame schemes to carry out the purposes of the Act.

Clause 4 of the Bill empowers the Government to issue orders for removal of difficulty which may arise in giving effect to the provisions of the Goa School Education Act, 2014.

This delegation is of normal character.

Porvorim – Goa.
18th August, 2014.

MANOHAR PARRIKAR
Chief Minister

Assembly Hall.
Porvorim – Goa.
18th August, 2014.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

Extract of the Goa, Daman and Diu School Education Act, 1984

(Act No. 15 of 1985)

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

(a) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(b) "Advisory Board" means as constituted under section 24 of this Act;

(c) "aid" means any aid granted to a recognized school by the Administrator, or any other authority designated by the Administrator.

(d) 'aided school' means a recognized private school which is receiving aid from the Administrator or any other authority designated by the Administrator.

(e)"appropriate authority" means the Administrator or any other officer authorized by him in this behalf;

(f) "Director" means the Director of Education, Government of Goa, Daman and Diu, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(g) "employee" means a teacher and includes every other employee working in a recognised school;

(h) "existing employee" means an employee of an existing school who is employed in such a school immediately before the commencement of this Act;

(i) "existing school" means a recognised school which is in existence at the commencement of this Act;

(j) "Government" means the Government of Goa, Daman and Diu;

(k) "Head of school" means the principal academic officer, by whatever, name called, of a recognised school.

7. Aid to recognised schools.-(1) Any authority specified in clause (c) of section 2 may grant, out of the funds made available to it for the

purpose, after due appropriation made by law as aid to recognised schools such sums of money as it may consider necessary:

Provided that no existing school receiving aid, immediately before the commencement of this Act, shall be eligible for continuance of such aid unless it complies with, within such period as may be specified by the aforesaid authority, the conditions specified in the proviso to sub-section (1) of section 5 and the rules made under this Act relating to the grant or continuance of such aid.

(2) The authority competent to grant the aid may stop, reduce, or suspend aid for violation of any of the provisions of this Act or the rules made thereunder:

Provided that no such aid shall be stopped, reduced or suspended unless on a reasonable opportunity of showing cause against such stoppage, reduction or suspension has been given to the management.

(3) The aid may cover such part of the expenditure of the schools as may be prescribed.

(4) No payment, out of the aid given for salary, allowance and provident fund of employees of the school, shall be made for any other purpose.

(5) No unrecognised school shall be eligible to receive any aid or any benefit made available to recognised schools by the authority specified in clause (c) of section 2.