



Legislative Assembly of Goa

The Goa School Education (Amendment) Bill, 2001

(Bill No. 38 of 2001)

~~AS~~
~~To~~ be introduced in the Legislative Assembly of Goa

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
MARCH, 2001**

THE GOA SCHOOL EDUCATION
(AMENDMENT) BILL, 2001

(BILL No. 38 of 2001)

A

BILL

further to amend the Goa, Daman and Diu School Education Act, 1984.

BE it enacted by the Legislative Assembly of Goa in the Fifty Second 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, 2001.

(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")

(i) after clause (t), the following clause shall be inserted, namely:—

"(tt) 'residential school' means a school which provides a facilities of lodging and boarding to its student;";

(ii) in clause (y), the word 'minority', wherever it occurs shall be omitted.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

(5) Notwithstanding anything contained in any law, rules, regulations, decree, order or judgement of any Court, new schools shall be permitted to be established in any part of the State of Goa, if,

(a) in the case of a primary school, no school of that category is functioning within a radius of 1Km from the proposed school;

(b) in the case of High School, no school of that category is functioning within a radius of 3 kms. from the proposed school;

(c) in the case of higher secondary school, no school of that category is functioning within a radius of 8 kms. from the proposed school:

Provided that in 'A' class Municipal areas, the restriction as regards distance shall not apply to any category of unaided schools, subject to the condition that such schools fulfil other infrastructural requirements as specified under the Goa, Daman and Diu School Education Rules, 1986, to the satisfaction of the Director and shall not be entitled for any type of Government grant irrespective of their medium of instruction:

Provided further that for the establishment of any category of unaided residential school in any part of the State of Goa, the restriction as regards distance shall not apply and such schools shall have to provide all required infrastructural facilities to the satisfaction of the Director. Further such schools shall not be entitled for any type of Government grant irrespective of their medium of instruction.

Statements of Objects and Reasons

Section 4 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) empowers the Government to regulate education in schools and accordingly schools are permitted to be established after objective assesement of the educational needs of the locality. The Department of Education receives many proposals from individuals, association of individuals, societies desiring to establish a school without taking any type of grant from the Government, mostly in 'A' class Municipal areas where the existing schools are overcrowded with no scope for further expansion. The private managements show desire to work for the cause and development of education. The present provision aims to give scope to meet the educational needs of 'A' class Municipal areas. The schools that are established by virtue of this provision including residential schools will provide better infrastructural facilities. Such schools will be wholly managed out of private funds and will not be entitled for any Government grants.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji - Goa
19 March, 2001

MANOHAR PARRIKAR
Chief Minister

Assembly Hall,
Porvorim - Goa.
19 March, 2001

R. KOTHANDARAMAN
Secretary Legislature

ANNEXURE

(Bill No. 38 of 2001)

The Goa School Education (Amendment) Bill, 2001

.....
The Goa, Daman and Diu School Education Act, 1984
(Act 15 of 1985)
.....

(y) "unaided minority school" means a recognised minority school which does not receive any aid;

²[¹"4. *Power of Government to regulate education in schools.*— (1) With a view to enable the Government to provided for the planned development of school education in Goa, every individual, assciation of individuals, society or Trust, desiring to establish a school or to open additional classes in an existing school shall, before establishing such school or opening additional classes in an existing school, as the case may be, apply to the Director in writing in such manner and on payment of such fees as may be prescribed.

(2) The Director may, after considering the particulars specified in the application made to him and after making such inquiries as he may think fit, permit the individual, association of individuals, Society or Trust by whom the application was made, to establish a school or open additional classes in an existing schools, as the case may be, in the zone and the area applied for:

Provided that the Director shall, if he is of the opinion that the number of schools existing in the zone or the area where the school is proposed to be established or where additional classes are proposed to be opened, are sufficient to meet the needs of that zone or the area, inform the applicants that the establishing of the school or opening of additional classes in the existing school, as the case may be, in the zone or the area

would not be in public interest and may indicate any other zone or area which in his opinion, needs a new school or additional classes, as the case may be, or may reject the application.

(3) On and from the date of commencement of the Goa School Education (Amendment) Act, 1998, the establishment of a new school or the opening of a class or section of a class or the closing down of an existing class or any section of an existing class in any existing school in the State of Goa, shall be subject to the provisions of the Act and the rules made thereunder and any school or class or section established or opened otherwise than in accordance with the provisions of the Act or the rules made thereunder shall not be recognised by the appropriate authority.

(4) Any person or persons or the Secretary of the Society or the Trust, as the case may be, establishing a school, or opening additional classes in an existing school, without the prior permission of the Director, shall on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both, and the school or class so established shall be closed and students readmitted to the nearest school.]

Assembly Hall,

Porvorim - Goa.

19 March, 2001

R. KOTHANDARAMAN

Secretary Legislature.