

Goa, Daman And Diu School Education Act, 1984

15 of 1985

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Goa, Daman And Diu School Education Act, 1984

15 of 1985

AN ACT to provide for better organisation and development of School Education in the Union Territory of Goa, Daman and Diu and for matters connected therewith or incidental thereto. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty fourth Year of the Republic of India as follows:-

CHAPTER 1 Preliminary

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Goa, Daman and Diu School Education Act, 1984.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification, appoint and different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act, in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

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 the Board as constituted under section 24 of this Act;
- (c) "aid" means any aid granted to a recognised school by the Administrator, or any other authority designated by the Administrator;
- (d) "aided school" means a recognised 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 authorised 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;
- (1) "local authority" means
- (i) in relation to an area within the local limits of a municipal council constituted under the Goa, Act No. 7 Daman and Diu Municipalities Act, 1968, the of 1969 municipal council concerned; .
- (ii) in relation to an area within the local limits of a Village Panchayat constituted under the Act No. 9 Goa, Daman and Diu Village Panchayat of 1962 Regulations, 1962, the Village Panchayat concerned;
- (m) "manager" in relation to a school, means the person by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be, under a scheme of management made under section 6 with the management of the affairs of that school.
- (n) "managing committee" means the body of individuals which is entrusted with the management of any recognised private school;
- (o) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution;
- (p) "notification" means a notification published in the Official

Gazette;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "private school " means a school which is not run by the Central Government, Administrator, or any other authority designated or sponsored by the Central Government or Administrator;

(s) "public examination" means an examination conducted by the Central Board of Secondary Education, Council for School Certificate Examinations or the Goa, Daman and Diu Board of Secondary and Higher Secondary Education or any other Board recognised by the Administrator or any other officer authorised by him in this behalf;

(t) "recognised school" means a school recognised by the appropriate authority;

(u) school" includes a pre-primary, primary, high school and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;]

(v) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests, in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investments and bank balances;

(w) "teacher" includes the Head of a school;

(x) "Tribunal" means the Administrative Tribunal constituted under the Goa, Act No.6 Daman and Diu Administrative Tribunal Act, 1965; of 1965.

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

(z) "Union territory" means the Union territory of Goa, Daman and Diu. Clause (u) substituted by (Amendment) Act, 2000 (Act 26 of 2000) [0. G. Series I No. 23 dated 13-9-2000 (Extraordinary 3)]. The original clause reads as follows.

"(u) school" includes a pre-primary, primary, middle, secondary and higher secondary school and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;"

CHAPTER 2 Establishment, recognition, affiliation, management of, and aid to Schools

3. Power Of Administrator To Specify The Scales Of Pay Of Teachers Of Unaided Schools :-

The Administrator shall by notification, specify the minimum scales

of pay of the teachers of schools whether recognised or not.

4. Power Of Government To Regulate Education In Schools

:-

(1) With a view to enable the Government to provide for the planned development of school education in Goa, every individual, association 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, 2 Section 4 has been substituted by (Amendment) Act, 1998 (Act 22 of 1998) (O. G. Series I No. 22 dated 2-9-1998 (Extraordinary No. 2)) Earlier the same has been amended by (Amendment) Act No. 1 of 1990. The original section 4 reads as follows:

"4. Power of Government to regulate education in schools.-

(1) The Government may regulate education in all the schools in the Union territory in accordance with the provisions of this Act and the rules made thereunder.

(2) The Government may establish and maintain any school in the Union territory or may permit any person or local authority to establish and maintain any school in the Union territory, subject to compliance with the provisions of this Act and the rules made thereunder.

(3) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, 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 Union territory, shall be subject to the provisions of this Act and the rules made thereunder and any school or class or section established or opened otherwise than in accordance with the provisions of this Act or the rules made thereunder shall not be recognised by the appropriate authority." 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 school, 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 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.

5. Recognition Of Schools :-

(1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognize any school: Provided that no school shall be recognised unless-

(a) it has such funds to ensure its financial stability which regulate payment of salaries and allowances and other benefits to its employees as prescribed;

(b) it has a scheme of management as required by section 6;

(c) it has suitable or adequate accommodation and sanitary facilities having regard among other factors, to the number, age and sex of the pupils attending it;

(d) it provides for approved course of study and efficient instructions;

(e) it has teachers with prescribed qualification;

- (f) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice and co-curricular activities; and
- (g) it gives an undertaking that it will follow the provisions of this Act and the rules made thereunder. Every application for recognition of a school shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date of the receipt of the application and where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.
- (3) Where the managing committee of a school obtains recognition by fraud, misrepresentation or suppression of material particulars, or where after obtaining recognition, the school fails to continue to comply with any of the conditions specified in the proviso to sub-section (1), the authority granting the recognition may, after giving the managing committee of the school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition granted to such school under sub-section (1).
- (4) The recognition granted under sub-section (1) shall not, by itself, entitle any school to receive aid.
- (5) Every existing school which is receiving aid as on the date of coming into force of this Act shall be deemed to have been recognised under this section and every such school shall be subject to the provisions of this Act and the rules made thereunder: Provided that where any such school does not satisfy any of the conditions specified in the proviso to sub-section (1), the prescribed authority may, by order, require the school to satisfy such conditions and such other conditions as may be prescribed within the period specified in the order and if any such condition is not satisfied within the period so specified, recognition may be withdrawn from such school: Provided further that where any recognised school does not, at the commencement of this Act, satisfy any of the conditions specified in the proviso to sub-section (1), the prescribed authority may, by order, require the school to satisfy, within the period specified therein such conditions and such other prescribed conditions as may be specified in the order and if any such condition is not satisfied within the period so specified recognition may be withdrawn from such school.
- ["(6) The prescribed authority may, by order grant recognition to any school which had not obtained recognition earlier for any genuine reasons if the school satisfies the conditions specified in

the proviso to sub-section (1) and makes an application in the prescribed form and in the prescribed manner for recognition."

6. Scheme Of Management :-

Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognised school shall make, in accordance with the rules made under this Act a scheme of management for such school:

Provided that in the case of a recognised school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed.

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.

8. Affiliations :-

For the purpose of any public examination every recognised higher secondary school shall be affiliated to one or more of the Board, or

Council conducting such examinations and shall fulfill the conditions specified by the Board or Council in this behalf:

Provided that no Board or Council conducting any public examination shall affiliate any school unless such school has been recognised under this Act and. such recognition is in force.

(2) The students of recognised higher secondary schools shall be prepared for, and presented to, the public examinations or such other form of evaluation held or made for the students of such schools.

(3) Save as otherwise provided in sub-section (2), the students of every recognised school shall be

(a) prepared for, and presented to, such public examination as may be held by the Directorate or any other officer or authority specified by the Administrator, or

(b) subjected to such internal evaluation or assessment as may be prescribed.

CHAPTER 3 School Property

9. School Property :-

(1) The Management of every aided school shall maintain in the prescribed form a proper record of its property and such record shall be kept for inspection at the time of regular schools inspection.

(2) No aided school shall transfer any property if, by such transfer, any of the facilities referred to in the proviso to sub-section (1) of section 5 is likely to be prejudicially, affected.

(3) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in rules, shall be made except with the previous permission of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

(4) Any transaction made in contravention of the provisions of sub-section (3), shall be void.

10. School Fund And School Staff Account Fund :-

- (1) In every aided school, there shall be two Funds to be called, respectively, the "School Fund" and the "School Staff Account Fund".
- (2) There shall be credited to the School Fund.-
 - (a) any aid (other than maintenance grant) granted under section 7;
 - (b) income other than income from fees accruing to the school;
 - (c) any other contributions, endowments and the like.
- (3) There shall be credited to the School Staff Account Fund,-
 - (a) the aid granted by the Administrator by way of maintenance grant;
 - (b) income accruing to the school by way of fees.
- (4) The School Fund and all other funds, including the Pupils Fund, established with the approval of the Administrator, shall be accounted for and operated in accordance with the rules made under this Act.
- (5) In every recognised unaided school, there shall be a fund, to be called the "Recognised Unaided. School Fund", and there shall be credited thereto income accruing to the school,
 - (a) by way of fees or other charges,
 - (b) save as otherwise provided in clause (a), charges and payments which may be realised by the school for other specified purposes, and
 - (c) any other contributions, endowments, gifts and the like.
- (6) (a) income derived by unaided schools by way of fees or other charges shall be utilised only for such educational purposes as may be prescribed;
- (b) save as otherwise provided in clause (a) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.
- (7) The managing committee of every recognised private school shall file every year with the Director such duly audited financial and/or other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

CHAPTER 4 Terms and conditions of service of employees of recognised private schools

11. Terms And Conditions Of Service Of Employees Of Recognised Private Schools :-

- (1) The Government may make rules regulating the recruitment,

minimum qualifications for recruitment, and the conditions of service of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for the terms and conditions of service as were applicable to him immediately before the commencement of this Act.

["(2) Subject to any rule that may be made in this behalf, no employee of an aided school shall be dismissed, removed, reduced in rank, compulsorily retired or his service otherwise terminated, except with the prior approval of the Director.

(2a) Where the managing committee of an unaided minority school is satisfied that immediate action against an employee of unaided minority school is necessary by reason of the gross misconduct within the meaning of the Code of Conduct prescribed under section 12, of the employee, it may dismiss remove, reduce in rank, compulsorily retire or otherwise terminate his service and shall intimate the action taken by it to the Director within fifteen days from the date of the action so taken"];

(3) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except where a disciplinary proceeding is contemplated or pending, and except with the prior approval of the Director: Provided that no such suspension shall remain in force for a period exceeding six months, which

The original sub-section (2) reads as follows:

"(2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, terminated except with the prior approval of the Director." may, with the prior approval of the Director and for reasons directly attributable to the teacher and recorded in writing, be extended by a further period of three months, at a time:

Provided further that the managing committee may suspend an employee with immediate effect and without the prior approval of the Director if it is satisfied that such immediate suspension is necessary by reasons of the gross misconduct, within the meaning of the Code of Conduct prescribed under section 12 of the employee or where a case against him in respect of any criminal offence involving moral turpitude is under investigation, enquiry or

trial:

Provided also that no, such immediate suspension shall remain in force for more than a period of fifteen days from the date of suspension unless it has been communicated to the Director and approved by him before the expiry of the said period.

"(4) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied after hearing both the parties that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

(4a) Where an employee is suspended in violation of subsections (3) and (4) or the rules made thereunder, the Director may direct for revocation of the order of suspension." ;] 5 Sub-section (4) substituted by (Amendment) Act, 1989 (Act 1 of 1989) (O. G. Series I No. 52 dt. 29-3-1990). The original subsection (4) reads as follows:

"(4) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension. "

12. Employees To Be Governed By A Code Of Conduct :-

(1) Every employee of a recognised school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

(2) The Code of Conduct shall prescribe among other things, that no employee shall;

- (a) neglect his duties in teaching or curricular activities;
 - (b) propagate anti-national, communal, caste or sectarian outlook;
 - (c) make discrimination among the students;
 - (d) indulge in malpractices connected with examination;
 - (e) be irregular in attending the school;
 - (f) accept any object of remunerative character from any source;
- 6 Sub-sections (5) and (6) omitted by (Amendment) Act, 1989 (Act 1 of 1989) (O. G. Series I No. 52 dt. 29-3-1990). The omitted sub-sections read as follows:

(5) In its application to an aided minority school,

- (a) sub-section (2) shall have effect as if for the words "except with the prior approval of the Director", occurring therein, the words "except after an inquiry in accordance with the procedure specified

in the said rule" had been substituted;

(b) sub-section (3) shall have effect subject to the modification that the requirement relating to the approval of the Director shall not apply."

(6) the provisions of sub-section (1) and the provisions of sub-section (2), as modified by sub-section (5) shall apply, and the provisions of sub section (4) shall not apply to an aided. minority school.

(g) prepare or publish any book known as keys or guides;

(h) engage himself, as selling agent of any publishing firm;

(i) indulge in political activities within the school premises or incite the students in violent activities;

(j) raise funds without the sanction of the Director;

(k) enter into monetary transactions with the students or parents.

13. Salaries Of Employees :-

The scales of pay and allowances, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the Government;

Provided that where the scales of any pay and allowances, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the Government, the Director shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the Government Provided further that the failure to comply with such direction shall be deemed to be noncompliance with the conditions for continuing recognition of an existing school and the provisions of section 5 shall apply accordingly:

Provided. also that in each recognised school, which does not receive any aid; there shall be a Fund, to be called "the Employees Retirement Benefit Fund", and there shall be credited to that Fund every contributions made by the school and the employees towards retirement benefits.

14. Section 14 :-

CHAPTER 5 Provisions applicable to unaided minority schools

15. Power To Prescribe Minimum Qualifications For Recruitment :-

T h e Government may make rules regulating the minimum

qualifications for, and method of recruitment of employees of unaided minority schools: Provided that no qualification shall be varied to the disadvantage of an existing employee of an unaided minority school.

16. Power To Prescribe Code Of Conduct :-

Every employee of an unaided minority school shall be governed by such Code of Conduct as may be prescribed.

17. Contract Of Service :-

(1) The managing committee of every unaided minority school shall enter into a written contract of service with every employee of such school:

Provided that if, at the commencement of this Act, there is no written contract of service in relation to any existing employee of an unaided minority school, the managing committee of such school shall enter into such contract within a period of three months from such commencement:

Section 14 omitted by (Amendment) Act, 1989 (Act 1 of 1989) (O. G. Series I No. 52 dt. 29-3-1990). The omitted section reads thus:

"14. Chapter not to apply to unaided minority schools. Save as otherwise provided elsewhere in this Chapter, nothing contained in this Chapter shall apply to an unaided minority school" Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the term of any contract subsisting at the commencement of this Act between him and the school.

(2) A copy of every contract of service referred to in sub-section (1) shall be forwarded by the managing committee of the concerned unaided minority school to the Director who shall, on receipt of such copy, register it in such manner as may be prescribed.

(3) Every contract of service referred to in subsection (1) shall provide for the following matters, namely:

- (a) the terms and conditions of service of the employee, including the scale of pay and other allowances to which he shall be entitled;
- (b) the leave of absence, age of retirement, pension and gratuity, or contributory provident fund in lieu of pension and gratuity, and other benefits to which the employee shall be entitled;
- (c) the penalties which may be imposed on the employee for the violation of any Code of Conduct or the breach of any term of the contract entered into by him;
- (d) the manner in which disciplinary proceedings in relation to the

employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;

(e) settlement of any dispute arising out of any breach of contract between the employee and the managing committee with regard to:

(i) the scale of pay and other allowances,

(ii) leave of absence, age of retirement, pension, gratuity, provident fund, and other benefits,

(iii) any disciplinary action leading to the dismissal or removal from service or reduction in rank or imposition of any other punishment on the employee;

(f) any other matter which, in the opinion of the managing committee, ought to be, or may be, specified in such contract.

CHAPTER 6 Admission to schools and fees

18. Admission To Recognised Schools :-

(1) A child who has not attained the age of five years on or before the 8["5th Day of September"] of the year in which the admission of such child is sought shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school. ("Provided that a child who has not attained the age of five years on or before the 1st day of June of the year two thousand and one, shall not be admitted This figure, letters and words have been substituted for the figure, letters and words "1st day of June," by (Amendment) Act, 1999 (Act 9 of 1999) (O. G. Series I No. 28 dated 7-10- 1999).

Proviso substituted by (Amendment) Act 2000 (Act 26 2000)]O. G. Series I No. 23 dated 13.9.2000 (Extraordinary 3). The original proviso inserted by (Amendment) Act No. 22 of 1998 reads as follows:

["Provided that from the * 5th day of September of the year two thousand and one] a child who has not attained the age of six years on or before the * [5th day of September of the year in which the admission of such child is sought, shall not be admitted to class I, or an equivalent class higher than class I, in a recognised school.

* Substituted for "5-9-2000" and 31st May". Provider further that a child who has not attained the age of five years and six months on or before the 31st May of the years 1999 shall not be admitted to Class I or an equivalent class or any class higher than class I in a

recognised school in the year 1999." to class I, or an equivalent class or any class higher than class I in a recognised school in the year two thousand and one:"]

9.A[" Provided further that from the 1st day of June of the year two thousand and two, a child who has not attained the age of five years and six months, on or before the 1st day of June of the year two thousand and two, shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school in the year two thousand and two:

Provided also that from the 1st day of June of the I year two thousand and three, a child who has not attained the age of six years on or before the 1st day of June of the year in which the admission of such child is sought, shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school.".]

(2) A student seeking admission for the first time in a recognised school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.

(3) Admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.

19. Fees And Other Charges :-

(1) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

(2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

9-A These provisos inserted by (Amendment) Act, 2000 (Act 26 of 2000) [0, G. Series I No. 23 dated 13-9-2000 (Extraordinary 3)].

(3) The manager of every unaided recognised school shall, before the commencement of each academic session, file with the Director a full statement of the fees and the charges to be levied by such school with. the approval of the Director during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge during the academic session, any fee in excess of the fee specified by its manager in the said statement.

(" (4) any person/persons or Society or Trust, as the case may be,

which collects fees or any other charges or receives any other payment beyond the prescribed limit fixed by the Director, shall be liable to imprisonment. for a term which may extend to six months or for a fine which may extend to fifty thousand rupees or with both, and fees/charges received as shall be forfeited by the Government."]

CHAPTER 7 Taking over management of school

20. Taking Over Management Of School :-

(1) Whenever the Administrator is satisfied that the managing committee or manager of any recognised school,

(i) has contravened any provision of this Act or of any rule or order made thereunder, or

(ii) has neglected to perform any duty or obligation imposed on it by or under this Act, or

(iii) has mismanaged the affairs of the school or has misappropriated or has misapplied any money standing to the credit of any Fund of the School, or

(iv) has managed the affairs of the school in a manner prejudicial to the public interest, or

(v) has omitted or neglected to pay its share towards the medical facility, pension, gratuity, provident fund and other prescribed benefits of the employees of the school, in accordance with the provisions of sub-section (2) of section 13, or

(vi) has closed down the school or any class or section of the school in contravention of the rules made under this Act or any order, direction issued thereunder, or

(vii) has made a written representation expressing its inability to run the school, and that it is expedient in the public interest or in the interests of school education or in order to secure the proper management of the school to take over the management of such school, he may, after giving the managing committee or the manager of such school a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years:

Provided that, where the management of a school has been. taken over for a period of three years or less, the Administrator may, if he is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, he may, from time to time issue directions for the continuance of such

- management for such period not exceeding one year at a time as he may think fit, so, however, that the total period for which such management is taken over shall not, in any case, exceed five years.
- (2) Whenever the management of any school is taken over under sub-section (1), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to secure proper management to the Administrator or any officer authorised by him in this behalf.
- (3) After taking over the management of any school under this section, the Administrator may arrange to manage the school through the Director or any other person or body of persons authorised by the Director in this behalf, subject to such terms and conditions and on such remunerations as he may specify (hereinafter referred to as the authorised officer or authorised body, as the case may be).
- (4) Where the management of any school has been taken over under sub-section (1), the managing committee or manager of such school, may within three months from the date of taking over, make a representation to the Administrator, who may, after considering the said representation made by the managing committee or the manager pass such order, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Administrator, as he may deem fit.
- (5) Where the management of a school has been taken over under this section, the Administrator shall pay or cause to be paid such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken over.
- (6) During such period as any school remains under the management of the authorised officer or the authorised body,
- (a) the service conditions, as approved by the Administrator of the employees of the school who were in employment immediately before the date on which the management was taken over shall not be varied to their disadvantage;
 - (b) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;
 - (c) the School Fund, the School Staff Account Fund and the Pupils Fund shall be made available to the authorised officer or authorised

body, for being spent for the purposes of the school;

(d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless ,approved by the Government; and

(e) the authorised officer or the authorised body shall have the right to open any account in any bank or to draw money from any Fund referred to in section 10. No person in charge of the management of the school at any time before the date on which the management of the school is taken over under sub-section (1) shall have such right.

(7) If at any time on the application of the managing committee or manager of the school or otherwise it appears to the Administrator that the purpose for which the management of the school was taken over has been fulfilled or that for any other reason it is not necessary that the school should be continued to be managed by him, he may cancel the order made by him under sub-section (1) and, may restore the management of the school to its managing committee and thereupon the management of the control of the school shall vest in the managing committee.

(8) Whenever the management of any school is taken over by the Administrator under this section, it shall be lawful for him to make such provisions with regard to the scales of pay and other conditions of service, seniority, pension and other retirement benefits of the employees on an equal footing with the employees of similar schools run by the Government.

(9) If, on the expiry of the period specified under sub-section (1) or the extended period specified under the proviso to that sub-section, the managing committee does not take over the management of the school, the Administrator shall, notwithstanding anything contained in sub-section (1), continue to remain in charge of the management of the school, and he shall, by a notice, require the managing committee to take over the management of the school. If the Administrator does not, within one month from the date of issue of the said notice, receive any reply thereto, he shall, within fourteen days after the expiry of the month, send to the managing committee of the school, by registered post, another letter, referring to the first letter, and stating that no reply thereto has been received and that if a reply to the second letter is not received within one month of the date of issue thereof, a notice shall be published in the Official Gazette declaring the society, trust or other association of individuals owing or managing the school to be defunct:

Provided that any time within ten years from the date of publication of the notice in the Official Gazette, any rightful owner of the school comes forward to take over the management of the school and its assets, the Administrator shall transfer the school together with its assets and liabilities to such rightful owner and thereupon the school and its assets and liabilities shall cease to remain vested in the Government.

(10) Where the management of an aided school has been taken over by the Administrator, the authority granting such aid shall continue to grant aid to the school.

(11) Where the management of any school had been taken over by the Administrator before the commencement of this Act, and such management was continuing at such commencement, and managing committee of such school has not, after such commencement, taken any steps to take over the management of the school from the Administrator it shall be lawful for the Administrator to continue to manage such school and to grant aid to the school to the full extent admissible under this Act or the rules made thereunder.

21. Section 20 Not To Apply To Unaided Minority Schools :-

Nothing contained in section 20 shall apply to an unaided minority school.

CHAPTER 8 Appeals and Offences

22. Appeal :-

(1) Subject to the provisions of sub-section (2), an appeal shall lie to the Tribunal from the following orders:

(a) refusing to recognize a school under sub-section (2) of section 5;

(b) withdrawing the recognition of a school under sub-section (3) of section 5;

(c) stopping, reducing or suspending aid under sub-section (2) of section 7;

(d) refusing to grant permission under subsection (3) of section 9;

(e) dismissing, removing from service any employee or reducing him in rank or retiring him compulsorily or otherwise terminating his services under section (2), (2a),

(4) and (4a) as the case may be, of section 11;"]

(2) Every such appeal shall be preferred within thirty days from the date of communication of the order:

Provided that the Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) On receipt of any such appeal, the tribunal shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, pass such orders as it may deem fit, after recording the reasons therefor.

23. Offence And Punishment :-

(1) If the manager of any recognised private school,
(a) omits or fails, without any reasonable excuse, to carry out any order made by the Tribunal, or
(b) causes or authorises any student to be presented by the school for any public examination without complying with the provisions of section 8, or 11 Clause (e) of sub-section (1) has been substituted by (Amendment) Act, 1989 (Act 1 of 1989) (O. G. Series I No. 52 dated 29-3-1990). The original clause (e) reads as follows:

"(e) dismissing, removing from service any employee or reducing him in rank under sub section (2) of section 11."

(c) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (2) of section 20, or

(d) contravenes any provision of the Act or any rule made thereunder, or

(e) omits or fails to furnish any information to any inspecting authority or furnishes any information to that authority which is incorrect or false in material particulars, or

(f) omits or fails to produce any book, register or other document to the inspecting authority, or

(g) prevents any inspecting authority from entering into the premises of the school or from conducting any inspection or inquiry, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both:

12[. ...] (2) No prosecution shall be instituted under this section except on a complaint made by the Director or any person authorised by him in this behalf. 13["(3) No court shall take cognizance of an offence punishable under sub-section

(4) of section 4 and sub-section (4) of section 19 of the Act, except

on a complaint made by the Director or any person authorised by

him this behalf.".)

Proviso omitted by (Amendment) Act, 1989 (Act, 1 of 1989) (O. G. Series. I No. 52 dated 29-3-1990). The omitted proviso reads as follows: "Provided that nothing contained in clauses (a) and (c) shall apply to a minority school."

CHAPTER 9 Miscellaneous

24. Advisory Board :-

(1) There shall be constituted an advisory board to be called the Goa, Daman and Diu School Education Board (hereinafter referred to as the Advisory Board) for the purpose of advising the Government on matters of policy relating to education in the Union territory.

(2) The composition of the Advisory Board shall be as follows, namely:-

(a) the Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education, ex-officio;

(b) three persons, who are the heads of recognised private schools;

(c) three representatives of organisations of teachers of recognised private schools;

(d) three representatives of the managements of recognised private schools;

(e) the Director, who shall be the Secretary to the Advisory Board;

(f) the Principal of one of the colleges in the Union territory;

(g) two members of the Legislative Assembly of the Union territory to be nominated by the Speaker;

(h) two eminent educationists;

(i) two representatives of the parents and guardians of the students of recognised private schools; and

(j) two representatives of the students of recognised private schools.

["(3) The Minister for Education shall be the Chairman of the Advisory Board and the members referred to in clauses (b), (c), (d), (f), (h), (i) and (j) of sub-section (2) shall be nominated by the Government. "].

(4) The Advisory Board shall regulate its own procedure. (5) The term of office of every member of the Advisory Board and travelling and other allowances payable to a member of the Advisory Board shall be such as may be prescribed.

25. Delegation Of Powers :-

(1) The Administrator may delegate all or any of his powers, duties and functions under this Act or under any rules made thereunder to the Director or any other Officer subordinate to him.

(2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.

26. Inspection Of Schools :-

(1) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed. 14 Substituted by (Amendment) Act, 1989 (Act 1 of 1989) (O. G. Series I No. 52 dated 29- 3-1990). The original sub-section (3) reads as follows:

"(3) The Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education shall be the Chairman of the Advisory Board and the members referred to in clause (b) (c), (d), (f), (h), (i) and (j) of sub-section (2) shall be nominated by the Government.

(2) The Director may also arrange special inspections of any school on such aspects of its working as may, from time to time, be considered necessary by him.

(3) The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.

(4) If the manager fails to comply with any direction given under subsection (3), the Director may, after considering the explanation or report if any, given or made by the manager, take such action as he may think fit, including,

(a) stoppage of aid,

(b) withdrawal of recognition, or

(c) except in the case of an unaided minority school, taking over of the school under section 20.

27. Jurisdiction Of Civil Courts Barred :-

No Civil Court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other Officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

28. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

29. Power To Make Rules :-

(1) The Administrator may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the manner in which education may be regulated by the Government in the Union territory;

(b) the conditions which every existing school shall be required to comply;

(c) establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;

(d) the form and manner in which an application for recognition of a school shall be made;

(e) the facilities to be provided by a school to obtain recognition;

(f) the manner in which, and the authority to which an appeal against the refusal or withdrawal of recognition shall be made;

(g) the minimum qualifications, for and method of recruitment and the terms and conditions of service of employees;

(h) the authorities to be specified for the purposes of the different provisions of this Act;

(i) the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;

(j) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;

(k) the conditions under which aid may be granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended;

(l) the part of the expenditure of a recognised school which is to be covered by aid;

(m) particulars of school property which should be furnished to the appropriate authority;

- (n) the form in which, and the time within which, an appeal shall be preferred against an order made in relation to the transfer, mortgage or lien of any school property;
- (o) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;
- (p) the benefits which should be granted to the employees of recognised private schools;
- (q) admission to a recognised school;
- (r) fees and other charges which may be collected by an aided school;
- (s) the manner of inspection of recognised school; (t) the term of office, travelling and other allowances payable to the members of the Advisory Board;
- (u) financial and other returns to be filed by the managing committee of recognised private schools, and the authority by which such returns shall be audited;
- (iv) educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;
- (w) manner of accounting and operation of schools funds and other funds of a recognised private school;
- (x) fees, not exceeding one rupee, for preferring any appeal under this Act.
- (y) any other matter which is to be, or may be prescribed under this Act.

29A. Removal Of Doubts :- For the removal of doubts, it is hereby declared that notwithstanding anything contained in any law, rules, regulations, notifications, decree, order or judgement of any Court, authority of Tribunal, a permission granted prior to the coming into force of this Act in municipal areas for opening class I or class V in any school be construed as permission to open classes upto IV or X respectively and the same shall be applicable to Village Panchayat areas after due assessment by committee appointed by the Department of the need for the higher class is carried out."