

GOVERNMENT OF GOA

LAW COMMISSION

**Restoring the internal autonomy of
University of Goa by deleting section
25 A and 25 B of the Goa University
Act, 1984.**

Report No. 8

December 2009

LAW COMMISSION, GOA
(REPORT No. 8)

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University of Goa by deleting section
25 A and 25 B of the Goa University
Act, 1984.**

**Forwarded to the Chief Minister, Government of Goa
by Shri Ramakant D. Khalap, Chairman, Law
Commission, Goa on the day of December 2009.**

The 2nd Law Commission was constituted for a period of one year in the first instance by Government Order No. 9/5/2008-LA/100 dated the 20th January, 2009 issued by the Law Department, Government of Goa.

The Law Commission consists of the Chairman, and the two Members.

Chairman

Shri Ramakant D. Khalap

Members

Shri Cleofato Coutinho

Shri Mario Pinto Almeida

The Law Commission is located at B S/1, 3rd Floor, Paraiso de Goa, Porvorim-Goa.

Secretarial Support

1. Shri Ashok Ulman, Secretary
2. Shri Manohar Shetye, O.S.D. to Chairman

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Any enquiry relating to this Report should be addressed to the Secretary and sent either by post to the Law Commission, B S/1, 3rd Floor, Paraiso de Goa, Porvorim-Goa or email to chairman-glc.goa@nic.in

REPORT

The Goa University was established through the Goa University Act 1984. The Act bestows autonomous status upon the Goa University. The Act provides for constitution of various authorities and office bearers of the University. The objectives of Goa University as outlined in the Act state that, the University shall disseminate and advance knowledge by providing instructional, research and extension facilities in different branches of learning and expects the University to pay special attention to the improvement of social and economic welfare of the people of Goa, to promote interest in life, literature, languages and culture of people of Goa, to establish schools of studies, etc.

The University is constituted as a body corporate by the name of Goa University. It shall have perpetual succession and common seal and shall sue and may be sued by the said name of Goa University. In short, Goa University is a distinct corporate entity and enjoys full freedom and autonomy in its internal working.

The University expenses are met through the grants given by the State of Goa and through fees, donations and other funds received by the University. The finances of University are regulated through a Finance Officer whose powers and duties are prescribed by the statutes of the University. The overall authority of University vests in its Executive Council.

The Annual Reports of University are prepared under the direction of Executive Council and are submitted to the Government, which causes the same to be laid before the Legislative Assembly. The annual accounts are audited by the Comptroller and Auditor General of India and audited annual accounts are published in the Official Gazette. The copies of accounts together with the report of the C.A.G are

also submitted to the Government, which causes the same to be laid before the Legislative Assembly. In short, the Government of Goa and the Legislative Assembly of State of Goa is kept in the know of things happening in the University at all times. In addition, the Government and the Governor of Goa in the capacity of Chancellor are empowered to nominate two members each to the Executive Council of the University of Goa.

The Government of Goa and the people of Goa thus directly and indirectly control the affairs of the Goa University. The scheme of the Act very clearly indicates that the University has full freedom to manage its internal affairs. Such autonomy is necessary for any University for the purpose of its overall development and for maintaining highest standards in the field of education.

In spite of this policy of respecting the internal autonomy of University of Goa, the Government of Goa, at a certain stage, decided to amend the Goa University Act by incorporating sections 25A and 25B which require the University to seek prior approval of the government for certain proposals as outlined in these sections. Thus, The Goa University (Amendment) Act 2003 (Goa Act 19 of 2003) was enacted.

Sections 25 A and 25 B read as follows:

"25 A. Prior approval of the Government on certain proposals of the University-

(1)Notwithstanding anything contained in any other provisions of the Act, the University shall, from time to time, obtain approvals of the Government on such proposals of the University each one of which exceeds the amount prescribed by the Government for this purpose and are to be

executed by charging on the grants sanctioned by the Government to the University.

(2)The Government may call upon the University to furnish details and records of expenditure incurred or proposed to be incurred by it out of the grants granted by the Government and the University shall thereupon submit the said details and records to the Government within the time specified thereof.

(3)In order to regulate and control the expenses made out of the amounts sanctioned by the Government, the Government may approve or reject the proposals submitted by the University in terms of sub section (1) above, or give such directions thereon to the University as it may deem fit. The University shall follow such directions within the time, if any, specified thereof, by the Government.

(4)For the purposes of this section, the Government may prescribe procedure to be followed and terms and conditions for appointment of a Government Officer, if any, to look after these matters, as it may deem fit.

25 B. Power to make Rules.- The Government , after consultation with the University may, by notification in the Official Gazette make rules to carry out the purposes of this Act, in particular the provisions at section 25 A.

Provided that, consultation with the University shall not be necessary on the first occasion of making of rules under this section but the Government shall take into consideration any suggestions which the University may make in relation to the amendment of such rules after they are made."

A scrutiny of the Sections 25A and 25 B reveals the attempts of the Goa Government to make serious inroads in the autonomy of the University.

25 A makes it compulsory for the University to obtain the approval of the Government on proposals of the University, which exceeds the amount, prescribed by the Government and is to be executed by charging on the grants sanctioned. The section further lays down that the Government may direct the University to furnish details of expenditure incurred or proposed to be incurred out of the grants sanction by it. It empowers the Government to accept or reject the proposal submitting by the University. Further, it makes obligatory for the University to follow the directions issued by the Government from time to time. All this is contained in section 25A. It also provides for appointment of a government Officer for the purposes of Section 25A.

Section 25 B enables the Government to make rules to carry out the proposals.

These amendments have subverted the autonomy of the University and converted it into a department of Government of Goa.

As such, it is felt the provisions of Act namely sections 25 A and 25 B, which have eroded the autonomy of University of Goa, should no longer remain in the Act.

Recommendation

It is recommended that section 25 A and 25 B be repealed through an amendment Act as these sections have in effect have eroded the internal autonomy of The University of Goa.

2 RECOMMENDATION

2.1 It is therefore suggested that the Goa University (Amendment) Bill 2009 may be introduced in the forthcoming Assembly Session as proposed.

2.2 We recommend accordingly.

**(Ramakant D. Khalap)
Chairman**

**(Cleofato Coutinho)
Member**

**(Mario Pinto Almeida)
Member**