

West Bengal Act V of 1963

THE WEST BENGAL BOARD OF SECONDARY EDUCATION ACT, 1963.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 20th February, 1963.]

[20th February, 1963.]

An Act to establish a Board of Secondary Education in the State of West Bengal, to define the powers and functions of such Board and to provide for certain other matters connected therewith.

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Board of Secondary Education Act, 1963.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short
title,
extent
and comm-
encement.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “Board” means the West Bengal Board of Secondary Education established under this Act;

(b) “Head of Institution” means the head of the teaching staff of an Institution, by whatever name he or she may be designated;

(c) “Institution” means a High School or a Higher Secondary School or an educational Institution or part or department of such school or Institution imparting instruction in Secondary Education;

(d) “Managing Committee” used in reference to an Institution includes the Governor or the Governing Body of such an Institution;

(e) “notification” means a notification published in the *Official Gazette*;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “President” means the President of the Board;

(h) “Primary Education” means education imparted in a primary school as defined in any Bengal Act or West Bengal Act or education equivalent thereto;

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(Chapter II.—The Board.—Sections 3, 4.)

- (i) "recognised" with its grammatical variations, used with reference to Institutions, means recognised under this Act or within the meaning of the West Bengal Secondary Education Act, 1950; West Ben. Act XXXVII of 1950.
- (j) "regulation" means a regulation made by the Board under this Act;
- (k) "rule" means a rule made by the State Government under this Act;
- (l) "Secondary Education" means general education above the primary education stage provided for students with a view to qualifying them for admission to a certificate, diploma or degree course instituted by a University or by Government, and includes, subject to any general or special order of the State Government,—
 - (i) technical education,
 - (ii) agricultural education,
 - (iii) commercial education,
 - (iv) education for the physically handicapped,
 - (v) education for the mentally retarded and defectives,
 - (vi) education in Reformatory schools and jails, or
 - (vii) any other type of education which the State Government may, in consultation with the Board, specify.

CHAPTER II.

The Board.

Establishment and incorporation of the West Bengal Board of Secondary Education.

3. (1) The State Government shall, as soon as may be after this Act comes into force, establish a Board named the West Bengal Board of Secondary Education.

(2) The Board shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its name sue and be sued.

Composition of the Board.

4. The Board shall consist of the following members:—

- (1) the President;
- (2) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio*;
- (3) the Director of Agriculture, Government of West Bengal, *ex-officio*;
- (4) the Director of Industries, Government of West Bengal, *ex-officio*;

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(Chapter II.—The Board.—Section 4.)

- (5) the Director of Health Services, Government of West Bengal, *ex-officio*;
- (6) the Principal, Bengal Engineering College, Shibpore, *ex-officio*;
- (7) the Chief Inspector, Technical Education and Director of Technical Training, Government of West Bengal, *ex-officio*;
- (8) the Chief Inspector of Women's Education, Government of West Bengal, *ex-officio*;
- (9) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio*;
- (10) two persons nominated by the State Government from amongst the teaching staff of technical or professional Institutions not being Heads of Institutions;
- (11) Dean of the Faculty of Arts and Dean of the Faculty of Science of the Calcutta University, *ex-officio*;
- (12) the Principal, College of Engineering and Technology, Jadavpur University, *ex-officio*;
- (13) the Adhyaksha, Kala Bhawan, Viswa Bharati, Santiniketan, *ex-officio*;
- (14) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal;
- (15) (a) two Heads of recognised High Schools or recognised Higher Secondary Schools nominated by the State Government;
- (b) two Heads of recognised High Schools or recognised Higher Secondary Schools elected in the manner prescribed, one of the two elected being the Head of such a High School or such a Higher Secondary School for girls;
- (16) one representative of each of the Associations, not being District or Regional Associations, recognised by the State Government, of teachers of Institutions, elected in the manner prescribed, from amongst the members of the Executive Committee of such Association;
- (17) two representatives of the West Bengal State Legislature, one being elected from amongst the members of the West Bengal Legislative Council and one being elected from amongst the members of the West Bengal Legislative Assembly in the manner prescribed;
- (18) four persons interested in education to be nominated by the State Government, one of whom shall be a woman and at least one shall be a member of the Managing Committee of a recognised Institution.

(Chapter II.—The Board.—Sections 5—9.)

Appoint-
ment in
default
of
election.

5. (1) If by such date as may be prescribed any of the authorities, other than the State Government, fails to elect or nominate a member or members as provided in section 4, the State Government shall appoint member or members qualified for election or nomination by such authority:

Provided that in the case of the State Legislative Assembly if the said Assembly has been dissolved, the State Government shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and a representative is elected by the members thereof.

(2) A person appointed under this section shall be deemed to be a member of the Board duly elected or nominated under section 4.

Publica-
tion
of the
names of
elected, no-
minated or
appointed
members
of the
Board.

6. The name of every person elected or nominated under section 4 or appointed under section 5 as a member of the Board shall be published in the *Official Gazette* as soon as may be after his election or nomination or appointment, as the case may be.

Term of
office of
elected,
nominated
or
appointed
member
of the
Board.

7. (1) Subject to the provisions of this Act, an elected, nominated or appointed member of the Board shall hold office for a term of five years from the date on which his name is published under section 6, and may, on expiration of such term, be re-elected, re-nominated or re-appointed.

(2) Notwithstanding the expiration of the term of five years specified in sub-section (1), an elected, nominated or appointed member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

Casual
vacan-
cies.

8. If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up by a fresh nomination or election under section 4 and the member so nominated or elected shall hold office for the unexpired portion of the term of the member whose place he fills.

Appoint-
ment,
term of
office,
salary and
allow-
ances
of the
President.

9. (1) The President shall be appointed by the State Government.

(2) The term of office of the President shall be five years from the date of his appointment.

(3) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in sub-section (1) of section 11.

(4) The President may resign his office by giving notice in writing to the State Government.

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(Chapter II.—The Board.—Section 10, 11.)

(5) The President shall receive such salary and allowances, if any, from the West Bengal Board of Secondary Education Fund as the State Government may determine.

10. (1) If the President dies or resigns his office or ceases to hold office or is temporarily absent the State Government shall authorise a member of the Board to exercise the powers and perform the duties of the office of the President until the President resumes office or a new President is appointed, as the case may be.

Temporary and acting arrangement for the office of the President.

(2) A President appointed to fill a casual vacancy, under sub-section (1), shall hold office for the unexpired portion of the term of the President whose place he fills.

11. (1) A person shall be disqualified for being elected, nominated or appointed a member of the Board if he—

Dis-qualifications for membership.

(a) has been adjudged by a competent Court to be of unsound mind;

(b) is an undischarged insolvent;

(c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

(d) has been convicted by a Court of an offence which is declared by the State Government to be an offence involving moral turpitude, unless—

(i) such disqualification is condoned by the State Government, or

(ii) the term of his sentence of imprisonment, or a period of five years from the date of his conviction, whichever is longer, has expired;

(e) directly, or indirectly, by himself or his partner,—

(i) has or had any share or interest in any text-book approved by the Board or published by or under the authority of the Board, or

(ii) has any interest in any work done by order of, or in any contract entered into on behalf of, the Board:

Provided that a person who had any share or interest in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under the said sub-clause if five years have elapsed from the date of the publication or republication of such text-book.

(Chapter II.—The Board.—Sections 12—14.)

(2) If an elected, nominated or appointed member of the Board becomes after his election, nomination or appointment, as the case may be, subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease with effect from such date as the State Government may direct.

Disputes
relating to
the eligi-
bility
or the
manner of
election
of
members.

12. (1) If any question arises relating to—

- (i) the eligibility of any person for election as a member of the Board, of any Committee or of a Regional Examination Council under this Act, or
- (ii) the manner in which any such election has been held, or
- (iii) the disqualification of any member of the Board, of any Committee or of a Regional Examination Council continuing as such member,

such question shall be referred for decision to a Tribunal consisting of a Judicial Officer not below the rank of a District Judge or an Additional District Judge, appointed by the State Government.

(2) The procedure to be followed by the Tribunal shall be such as may be prescribed.

(3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Tribunal under that sub-section.

Resigna-
tion and
removal of
members.

13. (1) An elected, nominated or appointed member of the Board may resign his seat by giving notice in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, and after giving the member concerned an opportunity of being heard, remove any elected, nominated or appointed member of the Board if, without obtaining the consent of the President, he is absent from three consecutive meetings of the Board.

Conduct
of
meetings.

14. The President, or in his absence, one of the members of the Board elected from amongst those present, shall preside at meetings of the Board, and the President or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

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*(Chapter II.—The Board.—Sections 15—17.—Chapter III.—
Committees and Regional Examination Councils.—
Section 18.)*

15. (1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any Institution of which he is either a teacher or a member of the Managing Committee. Restriction on voting.

(2) The President or the member presiding at a meeting of the Board shall decide any question arising under subsection (1) and his decision thereon shall be final.

16. (1) The Board shall have a Secretary who shall be appointed by the State Government. Persons in the service of the Board.

(2) The Board may appoint such other officers and servants as it considers necessary for carrying out the purposes of this Act.

(3) The terms and conditions of appointment and the scales of pay and allowances, if any, shall—

(a) as respect the Secretary be such as may be prescribed, and

(b) as respect the other officers and servants be such as may be determined by regulations.

(4) Subject to the general control and supervision of the President the Secretary shall be the principal administrative officer of the Board. He shall be entitled to attend and speak at any meetings of the Board, but shall not be entitled to vote.

17. Such members of the Board or of any Committee, Sub-Committee or Council constituted under this Act as are not in the service of the State Government, shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such Committee, Sub-Committee or Council, or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed. Travelling allowance.

CHAPTER III.

Committees and Regional Examination Councils.

18. As soon as may be after the Board is established the Board shall constitute the following Committees, namely:— Committees.

- (a) the Recognition Committee;
- (b) the Syllabus Committee;
- (c) the Examinations Committee;
- (d) the Appeal Committee;
- (e) the Finance Committee.

[West. Ben. Act

(Chapter III.—Committees and Regional Examination
Councils.—Sections 19, 20.)

Recogni-
tion
Com-
mittee.

19. (1) The Recognition Committee shall consist of the following members:—

- (a) the President;
- (b) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio*;
- (c) three persons to be elected by the Board in the manner provided by regulations, from amongst its members, one of whom shall be the Head of a High School or of a Higher Secondary School referred to in clause (15) of section 4;
- (d) the Chief Inspector of Women's Education, Government of West Bengal, *ex-officio*;
- (e) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio*.

(2) The President shall be the Chairman of the Recognition Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Recognition Committee to advise the Board on all matters concerning the recognition of Institutions and the Board shall not accord recognition to any Institution except on the recommendation of the Recognition Committee.

Syllabus
Committee.

20. (1) The Syllabus Committee shall consist of the following members:—

- (a) the President;
- (b) the Dean of the Faculty of Arts of the University of Calcutta, *ex-officio*;
- (c) the Dean of the Faculty of Science of the University of Calcutta, *ex-officio*;
- (d) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal;
- (e) the Principal, Bengal Engineering College, Shibpore, *ex-officio*;
- (f) the Principal, College of Engineering and Technology, Jadavpur University, *ex-officio*;
- (g) the Principal, David Hare Training College, Calcutta, *ex-officio*;
- (h) the Principal of the Institute of Education for Women, Hastings House, Calcutta, *ex-officio*;
- (i) the Principal, Post-Graduate Basic Training College, Banipur, *ex-officio*;

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(Chapter III.—Committees and Regional Examination
Councils.—Section 21.)

(j) two Heads of High Schools or Higher Secondary Schools elected by the Board in the manner provided by regulations, from amongst the members of the Board of whom one shall be a woman;

(k) two persons having special knowledge of scientific or technical education, who may or may not be members of the Board, elected by the Board in the manner provided by regulations.

(2) The President shall be the Chairman of the Syllabus Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Syllabus Committee to—

(a) advise the Board about the syllabus and courses of studies to be followed and the books to be studied in recognised Institutions as well as for examinations instituted by the Board;

(b) advise the Board on any matter relating to the syllabus, courses of study or books to be studied, as may be referred to it by the Board.

(4) The Syllabus Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and it shall not be necessary for any member of such a Sub-Committee to be a member of the said Committee or the Board.

21. (1) The Examinations Committee shall consist of the following members:—

Examina-
tions
Committee.

(a) the President;

(b) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio*;

(c) one person to be nominated by the State Government from amongst the members of the Board referred to in clauses (11) to (14) of section 4;

(d) one person elected by the Board in the manner provided by regulations from amongst the members of the Board referred to in clauses (11) to (14) of section 4, other than the member nominated under clause (c);

(e) the Chief Inspector, Technical Education and Director of Technical Training, Government of West Bengal, *ex-officio*;

(f) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio*.

[West Ben. Act

(Chapter III.—Committees and Regional Examination Councils.—Section 22.)

(2) The President shall be the Chairman of the Examinations Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Examinations Committee to—

- (a) arrange for the holding of examinations instituted by the Board including the fixing of centres for such examinations;
- (b) appoint Paper-setters and Moderators for such examinations;
- (c) appoint Examiners, Tabulators, Supervisors and Invigilators for such examinations;
- (d) consider, approve and publish the results of such examinations; and
- (e) disqualify candidates for presenting themselves at examinations for any reason considered to be adequate or for being declared as having passed any such examination on the ground of misconduct.

(4) The Examinations Committee shall advise the Board on—

- (a) the rates of remuneration to be paid to the Paper-setters, Moderators, Tabulators, Examiners, Invigilators, Supervisors and others employed in connection with examinations;
- (b) the fees to be paid by candidates for examinations;
- (c) any matter relating to examinations which may be referred to it for advice by the Board.

(5) The Examinations Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-sections (3) and (4) and it shall not be necessary for any member of such a Sub-Committee to be a member of the Examinations Committee or of the Board.

Appeal
Committee.

22. (1) The Appeal Committee shall consist of the following members:—

- (a) the President;
- (b) a person to be elected by the Board in the manner provided by regulations, from amongst the members of the Board referred to in clauses (11), (12), (13), (14), (16) and (18) of section 4;
- (c) a person in the service of the State Government to be nominated by the State Government;

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(Chapter III.—Committees and Regional Examination
Councils.—Sections 23, 24.)

(d) the Head of a High School or of a Higher Secondary School elected by the Board in the manner provided by regulations, from amongst the members of the Board referred to in clause (15) of section 4;

(e) a member of a Managing Committee of a recognised Institution nominated by the President.

(2) The President shall be the Chairman of the Appeal Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Appeal Committee to hear and decide appeals by teachers against decisions of Managing Committees of Institutions adversely affecting them, in accordance with regulations made in this behalf.

(4) The decision of the Appeal Committee under subsection (3) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.

23. (1) The Finance Committee shall consist of the following members:— Finance Committee.

(a) the President;

(b) the Director of Public Instruction, Government of West Bengal or a person in the service of the State Government nominated by him, *ex-officio*;

(c) two members of the Board elected by the Board in the manner provided by regulations; and

(d) one person having knowledge of, or experience in, financial matters, appointed by the State Government.

(2) The President shall be the Chairman of the Finance Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Finance Committee to prepare the budget of the Board and to perform such other functions as the Board may direct.

24. (1) The Board may, with the approval of the State Government, constitute such other Committee or Committees as it may think fit and any such Committee may be composed wholly or in part of members of the Board. Other Committees.

(2) The Board may, with the approval of the State Government, delegate to any such Committee any of its powers or functions and may in like manner withdraw from it any such power or function.

[West Ben. Act

(Chapter III.—Committees and Regional Examination Councils.—Sections 25, 26.—Chapter IV.—Powers and Functions of the Board and President.—Section 27.)

Regional
Examina-
tion
Councils.

25. (1) The Board may, with the approval of the State Government, constitute Regional Examination Councils.

(2) The Board may, by notification, entrust to such Regional Examination Councils such powers and duties of the Examinations Committee under sub-section (3) and sub-section (4) of section 21, except those specified in clause (b) of sub-section (3) and clause (b) of sub-section (4) of that section, as it may deem fit.

(3) The number, composition and territorial jurisdiction of Regional Examination Councils shall be such as may be provided by regulations.

Term of
office of
members
of the
Com-
mittees
and
Councils.

26. (1) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is also a member of the Board, shall continue to hold office until he ceases to be a member of the Board.

(2) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is not a member of the Board, shall hold office for such term as may be provided by regulations made in this behalf, and may on expiration of such term be re-elected, re-nominated or re-appointed:

Provided that, notwithstanding the expiration of the said term, an elected, nominated or appointed member of a Committee or Council shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

(3) The provisions of section 5 and of sections 8, 11 and 13 shall apply *mutatis mutandis* to members of any Committee or of a Regional Examination Council constituted under this Act as if references to the Board or the President were references to such Committee or Regional Examination Council or the Chairman of such Committee or Regional Examination Council.

CHAPTER IV.

Powers and Functions of the Board and President.

Functions
of the
Board.

27. (1) It shall be the duty of the Board to advise the State Government on all matters relating to Secondary Education referred to it by the State Government.

(2) Subject to any general or special orders of the State Government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to direct, supervise and control Secondary Education, and in particular the power—

(a) to grant or refuse recognition to Institutions, and to withdraw such recognition, if it thinks fit,

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(Chapter IV.—Powers and Functions of the Board and President.—Section 27.)

after considering the recommendations of the Recognition Committee in accordance with such regulations as may be made in this behalf;

- (b) to maintain a register of recognised Institutions;
- (c) to provide by regulations, after considering the recommendations, if any, of the Syllabus Committee, the syllabus, the courses of studies to be followed and the books to be studied in recognised Institutions and for examinations instituted by the Board;
- (d) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognised Institutions;
- (e) to maintain and publish, from time to time, lists of books approved for use in recognised Institutions and for examinations instituted by the Board and to remove the name of any such books from any such list;
- (f) to institute Higher Secondary and School Final Examinations and such other examinations as it may think fit and to make regulations in this behalf;
- (g) to make regulations regarding the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Board;
- (h) to publish the results of any examinations instituted by the Board and to award diplomas, certificates, prizes and scholarships in respect thereof;
- (i) to provide by regulations after considering the recommendations of the Examinations Committee and the Regional Examination Councils, if any, the rates of remuneration to be paid to Paper-setters, Moderators, Tabulators, Examiners, Invigilators, Supervisors and others employed in connection with examinations instituted by the Board, and the fees to be paid by candidates for such examinations;
- (j) to grant permission to candidates to appear at examinations instituted by the Board and to refuse or withdraw such permission if it thinks fit in accordance with such regulations as may be made in this behalf;
- (k) to administer the West Bengal Board of Secondary Education Fund;

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(Chapter IV.—Powers and Functions of the Board and President.—Section 28.—Chapter V.—Meetings.—Section 29.)

- (l) to institute and administer such Provident Funds as may be prescribed;
- (m) to make regulations relating to the conduct, discipline and appeal in respect of the members of the staff.

(3) Subject to the provisions of sub-section (2), the Board shall have the power to make regulations in respect of any matter for the proper exercise of its powers under this Act.

(4) No regulation shall be valid unless it is approved by the State Government and the State Government may, in according such approval, make such additions, alterations and modifications therein as it thinks fit:

Provided that before making any such addition, alteration or modification the State Government shall give the Board an opportunity to express its views thereon within such period not exceeding one month as may be specified by the State Government.

(5) All regulations approved by the State Government, shall be published in the *Official Gazette*.

Powers
and
duties of
President.

28. (1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any Committee or Council constituted under this Act.

(2) The President may, in any emergency, exercise any of the powers of the Board provided however that he shall not act contrary to any decision of the Board, and shall, as soon thereafter as may be, report to the Board the action taken by him together with reasons therefor.

(3) The President shall—

- (a) exercise general supervision over the Secretary and the staff appointed by the Board, and post and transfer the members of the staff;
- (b) sanction all claims of travelling allowance; and
- (c) take such other action not inconsistent with any decisions of the Board as he considers necessary for the proper functioning of the Board under this Act.

CHAPTER V.

Meetings.

Meetings
of the
Board.

29. (1) The annual meeting of the Board shall be held in the month of July in each year.

(2) The Board shall meet at such other times as may be appointed by the President.

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*(Chapter V.—Meetings.—Section 30.—Chapter VI.—
Finance and Audit.—Section 31.)*

(3) The President shall, except in the case of an emergency meeting referred to in sub-section (6), give to each member not less than seven days' notice of each meeting including the annual or a special meeting:

Provided that the President shall, on receipt of a requisition signed by not less than ten members of the Board, call a meeting within fifteen days from the date of receipt of such requisition and no business other than that on account of which the requisition has been received shall be transacted at such a meeting.

(4) On receipt of a requisition signed by not less than six members of the Board, the President shall place before a meeting of the Board for discussion any decision of any Committee constituted under this Act to which such requisition relates, and the Board may revise any such decision if not less than two-thirds of the total number of members of the Board are in favour of such revision.

(5) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of ten members and unless not less than two-thirds of the total number of members of the Board vote in favour of such reconsideration.

(6) In case of an emergency, the President may call a meeting, after giving not less than clear two days' notice thereof.

(7) No business shall be transacted at any meeting of the Board unless a quorum of ten members is present.

30. The Board shall make regulations relating to meetings of any Committee or of any Regional Examination Council constituted by it and the procedure to be followed at such meetings.

Meetings
of Com-
mittees
and
Regional
Exami-
nation
Councils.

CHAPTER VI.

Finance and Audit.

31. (1) The President shall place before the annual meeting of the Board held in the year following the year in which it is constituted and before every annual meeting thereafter a report on the working of the Board during the last preceding financial year together with a budget estimate showing in such form as may be prescribed, the anticipated income and expenditure of the Board during the financial year in which such annual meeting is held.

Annual
report
and
budget
estimate.

(Chapter VI.—Finance and Audit.—Section 31.)

(2) The report shall be forwarded to the State Government within one month of the presentation thereof before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3) The budget estimate shall after confirmation by the Board be forwarded to the State Government within such time as may be prescribed.

(4)(a) The State Government shall within three months of the receipt of the budget estimate either accord its approval to the same or return it to the Board with such comments and suggestions as it deems necessary if in its opinion such estimate—

- (i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance;
- (ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial liabilities which the Board is not likely to be able to meet from its income; or
- (iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.

(b) If the budget estimate is returned under clause (a), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the State Government, or, the Board shall, if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Board or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate by making—

- (i) such modifications as are in its opinion necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and the expenditure;
- (ii) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature;
- (iii) any alteration or modification in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this Act;

and shall forward the budget estimate as so amended to the Board.

V of 1963.]

(Chapter VI.—Finance and Audit.—Sections 32—36.)

(5) If the State Government does not accord its approval to the said estimate within three months of the receipt thereof for such approval or within three months of the resubmission thereof with or without revision, the said estimate shall be deemed to have been approved by the State Government.

32. The State Government may, after considering the budget estimates, the accounts of the Board and such other reports as it may call for, make such annual or periodical grants to it as it may think fit.

Payment
to the
Board
by the
State
Govern-
ment.

33. (1) The Board shall have a fund to be called the West Bengal Board of Secondary Education Fund to which shall be credited—

West
Bengal
Board of
Secondary
Education
Fund.

(a) all sums which may be paid by the State Government under section 32;

(b) all fees realised under any of the provisions of this Act;

(c) all sums representing income from endowments or from property owned or managed by the Board; and

(d) all other sums received by or on behalf of the Board from any other source whatsoever.

(2) The Fund shall vest in the Board and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All monies payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

34. No expenditure shall be incurred from the Fund except for the purposes of this Act, and unless such expenditure is provided for in the budget as approved under this Act or can be met by reappropriation sanctioned in the prescribed manner.

Application
of the
West
Bengal
Board of
Secondary
Education
Fund.

35. The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

Accounts.

36. (1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed by an auditor or auditors appointed by the State Government.

Audit.

[West Ben. Act

(Chapter VI.—Finance and Audit.—Section 37.—Chapter VII.—Supplemental Provisions.—Section 38.)

(2) For the purpose of examination and audit under sub-section (1) an auditor appointed under that sub-section may—

- (a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit;
- (b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto; and
- (c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Board, and of every member thereof, and of the Secretary and the members of the staff in the service of the Board to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than a Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under sub-section (4).

Audit
report.

37. (1) Not more than fourteen days after completion of the audit the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon.

(2) The State Government shall take such action on the audit report as it thinks fit.

CHAPTER VII.

Supplemental Provisions.

Board to
furnish
informa-
tion.

38. The Board shall furnish to the State Government such reports, returns and statements as may be prescribed and such further information on any matter relating to the Board, as the State Government may require.

V of 1963.]

Chapitre VII.—Supplemental Provisions.—Sections 39—45.)

39. The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board or of any Committee or any Regional Examination Council constituted under this Act and prohibit the doing of any act which purports to be done or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the Committee or the Council, as the case may be.

Power of State Government to suspend proceedings.

40. The members of the Board and of every Committee or Council constituted under this Act, persons in the service of the Board and any person appointed under this Act to audit the accounts of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Certain persons to be deemed to be public servants.

Act XLV of 1860.

41. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything in good faith done or intended to be done under this Act.

Indemnity.

42. A Tribunal appointed under this Act shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure.

Power of Tribunals.

Act V of 1898.

43. No act or proceeding taken under this Act shall be invalid on the ground merely of—

Savings.

(a) the existence of any vacancy in, or defect in the constitution of, the Board or any Committee or any Regional Examination Council constituted under this Act,

(b) any member of the Board having voted on any matter in contravention of the provisions of section 15, or

(c) any defect or irregularity not affecting the merits of the case.

44. Every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.

Transitory provisions.

45. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

Power of State Government to make rules.

(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 acquisition, possession and disposal of property by the Board, the conditions of such acquisition,

(Chapter VII.—Supplemental Provisions.—Section 46.)

- possession and disposal, and the performance by the Board of any function referred to in sub-section (2) of section 3;
- (b) the manner of election of the members of the Board specified in sub-clause (b) of clause (15) and clause (16) of section 4, the constitution of electorates for such elections and the dates by which such elections shall be held;
 - (c) the manner of election of the members of the Board specified in clause (17) of section 4 and the dates by which such election shall be held;
 - (d) the composition of Managing Committees of Institutions;
 - (e) the procedure to be followed by a Tribunal in determining disputes referred to in sub-section (1) of section 12;
 - (f) the terms and conditions of appointment, the scale of pay and the rules of discipline relating to the Secretary of the Board;
 - (g) the rates at which the Board shall pay travelling allowance to persons referred to in section 17;
 - (h) the Provident Funds referred to in clause (l) of sub-section (2) of section 27 as may be instituted and administered by the Board;
 - (i) the form in which the budget estimate of the Board shall be prepared;
 - (j) the manner in which all payments to and from the West Bengal Board of Secondary Education Fund shall be made;
 - (k) the manner of reappropriation under section 34;
 - (l) the manner and form in which accounts of receipts and expenditure shall be kept under section 35;
 - (m) the manner in which examination and audit of the accounts of the Board shall be made;
 - (n) the reports, returns and statements to be furnished by the Board under section 38 and the forms of such reports, returns and statements;
 - (o) any other matter required to be prescribed or provided or made by rules.

Repeal
and
continu-
ance.

46. (1) The West Bengal Secondary Education Act, 1950 (hereinafter referred to as the said Act), and the West Bengal Secondary Education (Temporary Provisions) Act, 1954, are hereby repealed.

(2) Upon such repeal,

West Ben.
Act
XXXVII
of 1950.

West Ben.
Act XXII
of 1954.

V of 1963.]

(Chapter VII.—Supplemental Provisions.—Section 46.)

- (a) all property and assets vested in the Board of Secondary Education and all rights, liabilities and obligations acquired or incurred by such Board before the commencement of this Act shall stand transferred to the State Government:

Provided that the State Government may by order made in this behalf retransfer all or any of such property or assets to the Board and thereupon such property or assets shall vest in the Board,

- (b) all legal proceedings or remedies instituted or enforceable by or against the Board of Secondary Education before the commencement of this Act may be continued or enforced, as the case may be, by or against the Board, or until the Board is established by or against such officer or authority as the State Government may by order specify,
- (c) all officers and other persons in the employment of the Board of Secondary Education immediately before the commencement of this Act shall, until other provision is made, continue in the service of the Board,
- (d) all recognised schools shall be deemed to have been recognised under this Act until the expiration of the period of recognition subject, however, to the power of the Board to withdraw recognition in accordance with the provisions of this Act,
- (e) all syllabuses, courses of studies and text-books in force shall, until other provision is made under this Act, continue to be followed, and
- (f) all appeals, referred to in sub-section (3) of section 30 of the said Act and pending immediately before the commencement of this Act, shall be continued and be heard and determined by the Appeal Committee constituted under section 18 of this Act, and, until such Appeal Committee is constituted, by the Director of Public Instruction, Government of West Bengal and for the purpose of disposal of such appeals the regulations made under the said sub-section (3) of section 30 of the said Act shall be deemed to continue in force.

[West Ben. Act V of 1963.]

(Chapter VII.—Supplemental Provisions.—Sections 47, 48.)

Board
to be
guided by
directions
of the
State
Govern-
ment.

47. The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions, as the State Government may by notification in the *Official Gazette* give from time to time, regarding the scope and content of Secondary Education.

Power to
remove
difficul-
ties.

48. If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.