

# THE WEST BENGAL SECONDARY EDUCATION ACT, 1950.

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# West Bengal Act XXXVII of 1950

## THE WEST BENGAL SECONDARY EDUCATION ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,  
of the 18th May, 1950.]

*An Act to provide for the regulation, control and development  
of Secondary Education in West Bengal.*

WHEREAS it is expedient to provide for the regulation, control and development of Secondary Education in West Bengal; Preamble.

It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the West Bengal Secondary Education Act, 1950. Short title, extent and commencement.

(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, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Board" means the Board of Secondary Education established under this Act;

(b) "by-law" means a by-law made by the Board under this Act;

(c) "Education Department" means the Department of Education of the State Government;

(d) "Education Directorate" means the Directorate of Education of the State Government;

(e) "Executive Council" means the Executive Council of the Board constituted under this Act;

(f) "Headmaster" means the head of the teaching staff of a High School, by whatsoever name he may be designated;

(g) "Headmistress" means the head of the teaching staff of a High School for girls, by whatsoever name she may be designated;

(h) "High School" means a school or department of a school giving instruction in Secondary Education;

(i) "Managing Committee" used in reference to High Schools or other educational institutions includes the Governors or the Governing Body of such High Schools or educational institutions;

(j) "notification" means a notification published in the *Official Gazette*;

*(Chapter II.—The Board.—Section 3.)*

- (k) "President" means the President of the Board;
- (l) "Primary Education" means education imparted in a Primary School as defined in any Bengal Act or West Bengal Act or education equivalent thereto;
- (m) "recognised", with its grammatical variations, used with reference to schools, means recognised by the Executive Council, under section 37, or, prior to the first meeting of the Executive Council, by any of the two following authorities, namely:—
  - (i) the University of Calcutta,
  - (ii) the Education Department,
 whichever is appropriate in the particular case;
- (n) "regulation" means a regulation made by the Board under this Act;
- (o) "rule" means a rule made by the State Government under this Act;
- (p) "Secondary Education" means education suitable to the requirements of all pupils who have completed Primary Education and have not qualified for admission to a certificate, diploma or degree course instituted by a University or by Government, and includes—
  - (i) general education,
  - (ii) technical education,
  - (iii) industrial education,
  - (iv) agricultural education,
  - (v) commercial education,
  - (vi) education for the physically handicapped,
  - (vii) education of the mentally retarded and defectives,
  - (viii) education in Reformatory schools and jails, and
  - (ix) such other types of vocational and special education as the State Government may with the concurrence of the Board direct:

Provided that the State Government may with the concurrence of the Board by notification declare any of the types of education referred to in sub-clauses (i) to (ix) not to be Secondary Education for the purposes of this Act, and may in like manner cancel any such declaration.

## CHAPTER II.

## THE BOARD.

**Establishment and incorporation of the Board of Secondary Education.**

3. (1) The State Government shall establish a Board for the regulation, control and development of Secondary Education in accordance with the provisions of this Act.

(2) The Board shall, by the name of the "Board of Secondary Education", be a body corporate with perpetual succession and a common seal, shall have, subject to the



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(Chapter II.—The Board.—Section 4.)

rules made by the State Government, power to acquire and hold movable and immovable property, to transfer such property when held by it, to contract, and to do all other things necessary for the purposes of this Act, and shall by the said name sue and be sued.

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

Composition  
of the  
Board.

- (1) the President, *ex-officio*;
- (2) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (3) the Director of Public Instruction, *ex-officio*;
- (4) the Director of Industries, *ex-officio*;
- (5) the Director of Agriculture, *ex-officio*;
- (6) the Director of Health Services, *ex-officio*;
- (7) the Youth Welfare Officer, *ex-officio*;
- (8) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (9) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (10) three officers of the Education Department appointed by the State Government;
- (11) eight persons elected by the Senate of the University of Calcutta:

Provided that of the eight persons elected under this clause not less than five shall be Principals or Professors of Colleges affiliated to, or Professors or Teachers of, the said University;

- (12) three Headmasters of recognised High Schools for boys elected in the manner prescribed by regulations by the Headmasters of such schools;
- (13) one Headmistress of recognised High Schools for girls elected in the manner prescribed by regulations by the Headmistresses of such schools;
- (14) two men teachers of recognised High Schools for boys elected in the manner prescribed by regulations by the teachers of such schools;
- (15) one woman teacher of recognised High Schools for girls elected in the manner prescribed by regulations by the teachers of such schools;
- (16) three members of Managing Committees of recognised High Schools elected in the manner prescribed by regulations by the members of such Managing Committees;
- (17) two persons elected in the manner prescribed by regulations by District School Boards established under the Bengal (Rural) Primary Education Act, 1930;
- (18) three representatives of the State Legislative Assembly elected in the manner prescribed by rules by and from the Members thereof;

*(Chapter II.—The Board.—Sections 5—7.)*

- (19) one person elected in the manner prescribed by rules by the members of the West Bengal Board of Anglo-Indian Education;
- (20) one person elected in the manner prescribed by regulations by the members of the Board of Technical Education;
- (21) one person elected in the manner prescribed by regulations by the members of the *Samsad* of *Visvabharati*;
- (22) four persons having special or technical knowledge from the education standpoint in agriculture, industry and commerce, medicine, and teaching, co-opted in the manner prescribed by regulations by the members referred to in clauses (1) to (21); and
- (23) two women having special knowledge of women's education, co-opted in the manner prescribed by regulations by the members referred to in clauses (1) to (21).

Appoint-  
ment in  
default of  
election.

5. (1) If by such date as may be prescribed by rules any electoral body specified in section 4 fails to make an election under that section, the State Government shall by notification call upon such electoral body to make the election within a period to be specified in such notification, and if the said electoral body fails to make the election within the period so specified, the State Government shall, in any vacancy resulting from such failure, appoint a suitable person qualified for election by that body:

Provided that, where such body is the State Legislative Assembly and where the said Assembly has been dissolved, the State Government shall appoint such suitable person as it thinks fit to hold office until the said Assembly is reconstituted and three representatives are elected by the Members thereof.

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

Publi-  
cation of  
the names  
of the  
members  
of the  
Board.

6. The name of every person elected, appointed or co-opted as a member of the Board shall be published by notification by the State Government as soon as may be after his election, appointment or co-option, as the case may be.

Appoint-  
ment,  
term of  
office and  
salary of  
the Pre-  
sident.

7. (1) During five years from the establishment of the Board, the State Government shall appoint any person it thinks fit as the President; and thereafter the President shall be appointed by the State Government from a panel of four persons elected by the Board in the manner prescribed by regulation.

(2) The term of office of the first President shall be five years; and the term of office of a President appointed from a panel as aforesaid shall be four years.

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(Chapter II.—The Board.—Sections 8, 9.)

(3) Notwithstanding anything contained in sub-section (2), a President appointed to fill a vacancy occurring before the expiry of the term of office of another President, shall hold office for the residue of such term.

(4) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in clauses (a) to (d) and in clause (f) of sub-section (1) of section 9.

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

(6) the President shall receive such salary and allowances, if any, from the Secondary Education Fund as the State Government may determine.

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

Term of office of elected, appointed or co-opted members of the Board.

(2) Notwithstanding the expiration of the term of four years specified in sub-section (1), an elected, appointed or co-opted 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.

9. (1) A person shall not be eligible for election, appointment or co-option as a member of the Board if he—

Disqualifications 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 for an offence which is declared by the State Government to be an offence involving moral turpitude, unless the offence of which he was convicted has been pardoned or unless five years have elapsed since the date of his conviction;

(e) does not possess the qualifications requisite for election, appointment or co-option, as the case may be; or

(f) has not paid any sum certified by an auditor under section 49 to be due from him in a certificate which has not been set aside or, if such certificate has been modified under section 51, has not paid the sum shown in the modified certificate to be due from him.



*(Chapter II.—The Board.—Sections 10—13.)*

(2) The election, appointment or co-option of a person who is, at the date of his election, appointment or co-option, subject to any of the disqualifications specified in sub-section (1), shall be invalid.

(3) If an elected, appointed or co-opted member of the Board becomes after his election, appointment or co-option subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease.

Disputes  
relating to  
elections.

**10.** (1) If any question arises relating to the eligibility of any person for election, appointment or co-option as a member of the Board or to the manner in which such election is held or such appointment or co-option is made or to the eligibility of a member of the Board to retain his seat, such question shall be referred for decision to a Tribunal consisting of three persons who are or have been judicial officers not inferior in rank to a District Judge, appointed by the State Government, one of whom shall be appointed by the State Government as President of the Tribunal.

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

(3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceedings shall lie in any Court in respect of any question which may be referred to or decided by the Tribunal under that sub-section.

Resigna-  
tion and  
removal  
of mem-  
bers.

**11.** (1) An elected, appointed or co-opted 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, remove any elected, appointed or co-opted member of the Board who, without the consent of the Board, fails to attend three consecutive meetings of the Board.

Casual  
vacancies.

**12.** When the seat of an elected, appointed or co-opted member of the Board becomes vacant by reason of his disqualification, resignation, removal or death, the vacancy shall be filled by election, appointment or co-option, as the case may be, in the manner provided in section 4, and the member so elected, appointed or co-opted shall, subject to the provisions of sections 9 and 11, retain his seat for the residue of the term of office of the member in whose place he is elected, appointed or co-opted.

Temporary  
and acting  
arrange-  
ments for  
the office  
of the  
President.

**13.** (1) If the President is, by reason of leave, illness or other cause, temporarily unable to exercise the powers or perform the duties of his office, the Board shall forthwith report such fact to the State Government and the Vice-President, or if the Vice-President is likewise unable or there is a vacancy in the office of the Vice-President, a member appointed by the State Government in this behalf, shall exercise the powers and perform the duties of the office of the President.



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(Chapter II.—The Board.—Sections 14—17.)

(2) If any vacancy occurs in the office of the President by reason of his resignation, disqualification, death or the expiration of his term of office, the Vice-President, or if there is a vacancy in the office of the Vice-President, a person appointed by the State Government in this behalf, shall act as President, until a new President as appointed or until the expiration of six months from the date of the vacancy in the office of the President, whichever is earlier.

(3) A person appointed to act under sub-section (2) as President shall, during the period of such appointment, exercise all the powers and perform all the duties conferred or imposed upon the President by or under this Act.

14. (1) The Board shall, as soon as may be after its establishment and thereafter at each annual meeting, elect one of its members to be the Vice-President. Election of Vice-President.

(2) The Vice-President shall hold office until the annual meeting next following his election and shall be re-eligible for election.

(3) If a vacancy occurs in the office of the Vice-President during the term of his office, another member of the Board shall be elected as Vice-President for the residue of such term.

(4) The Vice-President may resign his office by giving notice in writing to the President, and when such resignation is accepted by the Board, the Vice-President shall be deemed to have vacated his office.

15. The President, or in his absence the Vice-President, or in the absence of both the President and the Vice-President, one member elected from among those present, shall preside at every meeting of the Board, and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes. Conduct of meetings.

16. Subject to such conditions as may be prescribed by regulations, the President may at any time, by an order in writing, delegate all or any of the powers conferred upon him by or under this Act to the Vice-President, and may in like manner cancel any such order of delegation. Delegation of powers.

17. (1) No member of the Board shall vote on any matter considered by the Board in respect of which (otherwise than in the general application thereof to all High Schools) he has any personal or pecuniary interest or any High School of which he is either a teacher or a member of the Managing Committee, has any pecuniary interest. Restriction on voting.

(2) The member presiding at a meeting of the Board shall decide any question arising under sub-section (1) and his decision shall be final.

*(Chapter II.—The Board.—Chapter III.—The Executive Council and the Committees.—Sections 18—21.)*

Persons  
in the  
service  
of the  
Board.

**18.** The Board shall appoint a Secretary and such other persons as it considers necessary for the purpose of exercising its powers and performing its duties under this Act, and shall pay the Secretary and such other persons such salaries and allowances as may be determined by regulations and shall also determine by regulations the conditions of their service.

Travelling  
and  
halting  
allow-  
ances.

**19.** Such members of the Board, the Executive Council and any Committee constituted under this Act as are not persons in the service of the State Government and the Secretary and other persons appointed by the Board, shall, in respect of expenses incurred by them in attending meetings of the Board, the Executive Council or any such Committee of the Board or in exercising the powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board travelling allowance and halting allowance at such rates as may be determined by regulations.

## CHAPTER III.

## THE EXECUTIVE COUNCIL AND THE COMMITTEES.

Executive  
Council  
and Com-  
mittees.

**20.** The Board shall constitute an Executive Council and the Committees as specified below—

- (a) Girls' Secondary Education Committee;
- (b) Committee for the Secondary Education of the Educationally Backward Classes;
- (c) Finance Committee;
- (d) Recognition and Grants Committee;
- (e) Examinations Committee;
- (f) Syllabus Committee;
- (g) Technical (Commercial and Agricultural) Education Committee;
- (h) Physical Education Committee;
- (i) Appeal Committee.

Consti-  
tution of  
the  
Executive  
Council.

**21.** (1) The Executive Council shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction, *ex-officio*;
- (c) two persons in the service of the State Government appointed by the State Government;
- (d) three persons elected by the Senate of the University of Calcutta, from among the members of the Board specified in clause (11) of section 4;

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*(Chapter III.—The Executive Council and the Committees.—  
Section 22.)*

- (e) one representative of the State Legislative Assembly elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (18) of section 4;
- (f) one woman member of the Board elected by the Board in the manner prescribed by regulations;
- (g) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clauses (12) to (15) of section 4;
- (h) one person elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clause (16) of section 4;
- (i) one person elected by the Board in the manner prescribed by regulations from among the members of the Board, specified in clause (17) of section 4; and
- (j) three persons elected by the Board in the manner prescribed by regulations from among the members specified in clauses (8) and (9) and clauses (19) to (23) of section 4.

(2) The President shall be the Chairman of the Executive Council.

**22.** (1) The Girls' Secondary Education Committee shall consist of the following members—

Girls'  
Secondary  
Education  
Com-  
mittee.

- (a) the women members of the Board, *ex-officio*;
- (b) two Principals of Government Colleges for women, appointed by the State Government;
- (c) three Principals, elected in the manner prescribed by regulations, by and from the Principals of Colleges for women, not being Government Colleges;
- (d) one woman elected by the West Bengal Board of Anglo-Indian Education in the manner prescribed by rules;
- (e) five women elected by the Board in the manner prescribed by regulations of whom three shall be Headmistresses and two shall be teachers (not being Headmistresses) of recognised High Schools for girls:

Provided that of the three Headmistresses, one shall be the Headmistress of a Government High School for girls; and

- (f) two women co-opted in the manner prescribed by regulations by the members referred to in sub-clauses (a) to (e).

*(Chapter III.—The Executive Council and the Committees.—  
Sections 23, 24.)*

(2) The Board shall appoint a member of the Committee to be its Chairman.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to the education of girls in High Schools.

Com-  
mittee for  
Secondary  
Education  
of the  
Education-  
ally Back-  
ward  
Classes.

**23.** (1) The Committee for Secondary Education of the Educationally Backward Classes shall consist of the following members—

- (a) six persons who may or may not be members of the Board but who shall be members of the Educationally Backward Classes and of whom at least one shall belong to the tribal people, elected by the Board in the manner prescribed by regulations;
- (b) three members of the Educationally Backward Classes appointed by the State Government;
- (c) two officers of the Education Department, appointed by the State Government, of whom one shall be an officer of the Education Directorate dealing with education of the Educationally Backward Classes.

(2) The Board shall appoint a member of the Committee to be its Chairman.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to the education of members of the Educationally Backward Classes including the tribal people.

(4) The State Government shall from time to time decide which classes of people shall for the purpose of this Act be regarded as members of the Educationally Backward Classes or as belonging to the tribal people, and such decision shall be conclusive and shall not be open to any objection.

Finance  
Committee.

**24.** (1) The Finance Committee shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction or a person in the service of the State Government nominated by him, *ex-officio*;
- (c) four members of the Board, elected by the Board in the manner prescribed by regulations; and
- (d) a person who shall be an expert in financial matters appointed by the State Government.

(2) The President shall be the Chairman of the Committee.

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



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(Chapter III.—The Executive Council and the Committees.—  
Section 25.)

25. (1) The Recognition and Grants Committee shall consist of the following members—

Recog-  
nition and  
Grants  
Committee.

- (a) the President, *ex-officio*;
- (b) the Director of Public Instruction, *ex-officio*;
- (c) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (d) three persons appointed by the State Government;
- (e) two persons elected by the Senate of the University of Calcutta, of whom one shall be a Principal or a Professor of a College affiliated to the University or a Professor or a Teacher of the said University;
- (f) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clauses (12) to (15) of section 4;
- (g) two members of Managing Committees of recognised High Schools elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (16) of section 4;
- (h) three persons elected by the Board in the manner prescribed by regulations from among the members specified in clauses (8) and (9) and clauses (19) to (23) of section 4:

Provided that of the three persons so elected, one shall be a woman.

(2) The President shall be the Chairman of the Committee.

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

- (a) make recommendations to the Executive Council concerning the recognition or withdrawal of recognition of High Schools;
- (b) advise the Executive Council on all matters concerning the recognition of High Schools;
- (c) determine, in accordance with such regulations as may be made in this behalf, the amounts of grants-in-aid to be given to individual High Schools;
- (d) make recommendations to the Executive Council, in accordance with such regulations as may be made in this behalf, concerning the withdrawal of the grants-in-aid from any High School;
- (e) report to the Executive Council—
  - (i) all new grants-in-aid of which amounts have been determined by the Committee;
  - (ii) all changes in the amounts of existing grants-in-aid determined by the Committee;

*(Chapter III.—The Executive Council and the Committees.—  
Section 26.)*

- (f) advise the Executive Council on all matters concerning grants-in-aid to High Schools:

Provided that the Executive Council may revise any decision of the Committee concerning the amount of any grant-in-aid to be given to a High School, if not less than two-thirds of the members present and voting are in favour of such revision.

Exami-  
nations  
Com-  
mittee.

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

- (a) the President, *ex-officio*;
- (b) the Vice-Chancellor of the University of Calcutta, *ex-officio*;
- (c) the Director of Public Instruction, *ex-officio*;
- (d) the Chief Inspector of Women's Education, *ex-officio*;
- (e) the member of the Board specified in clause (19) of section 4;
- (f) the member of the Board specified in clause (20) of section 4;
- (g) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (11) of section 4;
- (h) one woman member of the Board elected by the Board in the manner prescribed by regulations; and
- (i) three members of the Board elected by the Board in the manner prescribed by regulations, of whom at least one shall be a member of the Board specified in clauses (12) to (15) of section 4, and at least one shall be a member of the Board specified in clauses (21) to (23) of section 4.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to arrange for the holding of the examinations referred to in clause (f) of sub-section (1) of section 37 and such duties shall, notwithstanding anything elsewhere contained in this Act, include—

- (a) the appointment of Paper Setters, Moderators, Examiners, Tabulators, Supervisors and Invigilators for such examinations;
- (b) the consideration and determination of the results of such examinations;
- (c) the power to disqualify candidates presenting themselves for examinations for any reason which the Committee considers to be adequate; and
- (d) the fixing of centres for such examinations.

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(Chapter III.—The Executive Council and the Committees.—  
Section 27.)

(4) The Committee shall make recommendations to the Executive Council concerning—

- (a) the rates of remuneration to be paid to the Paper Setters, Moderators, Tabulators and Examiners for such examinations;
- (b) the fees to be paid by candidates for such examinations;
- (c) the fees (if any) to be paid to any persons connected with the holding of such examinations including the Invigilators and Supervisors of such examinations;
- (d) any matters relating to such examinations which may be referred to it for advice by the Executive Council:

Provided that the Committee shall not make any recommendation on any matter affecting the education of girls in recognised High Schools except upon consideration of a report to be called for from, and submitted by, the Girls' Secondary Education Committee, and on any matter affecting technical, commercial or agricultural education except upon consideration of a report to be called for from, and submitted by, the Technical Education Committee.

(5) The Committee may appoint such Sub-Committees as it considers necessary to advise it upon any matter relating to any examination held by the Executive Council, and it shall not be necessary for any member of such a Sub-Committee to be a member of the Board and/or of the Committee.

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

- (a) the President, *ex-officio*;
- (b) the President of the Council of Post-Graduate Teaching in Arts, University of Calcutta, *ex-officio*;
- (c) the President of the Council of Post-Graduate Teaching in Science, University of Calcutta, *ex-officio*;
- (d) the Head of the Department of Education, University of Calcutta, *ex-officio*;
- (e) the Principal of the David Hare Training College, Calcutta, *ex-officio*;
- (f) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (g) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (h) two Principals of Training Colleges, one of whom shall be a woman, elected by the Executive Council, in the manner prescribed by regulations;

*(Chapter III.—The Executive Council and the Committees.—  
Section 27.)*

- (i) four persons elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (11) of section 4 of whom two shall be Principals or Professors of Colleges affiliated to, or Professors or Teachers of, the University of Calcutta;
  - (j) two persons elected by the Board in the manner prescribed by regulations from the members of the Board specified in clauses (12) to (15) of section 4, of whom one shall be a woman;
  - (k) two persons elected by the Board in the manner prescribed by regulations, who have special knowledge of scientific and technical education, and who may or may not be members of the Board;
  - (l) two persons elected by the Board in the manner prescribed by regulations from among the members of the Board of whom one shall be a woman.
- (2) The President shall be the Chairman of the Committee.
- (3) It shall be the duty of the Committee to—
- (a) make recommendations to the Executive Council about the curriculum and syllabus of studies to be followed in recognised High Schools and for examinations referred to in clause (f) of subsection (1) of section 37;
  - (b) advise the Executive Council about the text-books to be used in recognised High Schools and for examinations referred to in clause (f) of subsection (1) of section 37 and about the publication of such text-books by the Executive Council;
  - (c) advise the Executive Council about any matters relating to such curriculum and syllabus and publications as may be referred to it by the Executive Council:

Provided that the Committee shall not make any recommendation on any matters affecting the education of girls in recognised High Schools except upon consideration of a report to be called for from, and submitted by, the Girls' Secondary Education Committee and on any matter affecting technical, commercial or agricultural education except upon consideration of a report to be called for from, and submitted by, the Technical Education Committee.

- (4) The Committee may appoint any Sub-Committees as it considers necessary to advise it upon any matter relating to the drawing up of the syllabus of studies and the preparation of text-books and it shall not be necessary for any member of such a Sub-Committee to be a member of the Board or of the Committee.



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(Chapter III.—The Executive Council and the Committees.—  
Sections 28, 29.)

**28.** (1) The Technical Education Committee shall consist of the following members—

Technical  
Education  
Com-  
mittee.

- (a) the President, *ex-officio*;
- (b) the Principal, Bengal Engineering College, Sibpore, *ex-officio*;
- (c) the Principal, College of Engineering and Technology, Jadavpore, *ex-officio*;
- (d) the Director of Industries, *ex-officio*;
- (e) the Director of Agriculture, *ex-officio*;
- (f) The Chief Inspector of Technical Education, *ex-officio*;
- (g) two persons belonging to the technical branch of the Defence Services, appointed by the State Government in consultation with the Government of India;
- (h) two persons appointed by the Board who are big employers of skilled or semi-skilled personnel;
- (i) two members of the Board having special or technical knowledge from the educational standpoint in agriculture, industry and commerce, and health, elected by the Board in the manner prescribed by regulations;
- (j) one woman appointed by the Board having special knowledge of arts and crafts having relation to education of girls.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to advise the Board and the Executive Council on all matters relating to technical, agricultural and commercial education.

**29.** (1) The Physical Education Committee shall consist of the following members—

Physical  
Education  
Committee.

- (a) the President, *ex-officio*;
- (b) the Youth Welfare Officer, *ex-officio*;
- (c) the Woman Assistant Youth Welfare Officer, *ex-officio*;
- (d) a person nominated by the Syndicate of the University of Calcutta;
- (e) one member of the State Advisory Council of the National Cadet Corps appointed by the State Government;
- (f) three persons interested in physical education appointed by the State Government.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to advise the Board on all matters relating to physical education and training.

*(Chapter III.—The Executive Council and the Committees.—  
Sections 30—32.)*

**Appeal Committee.** **30.** (1) The Appeal Committee shall consist of the following members—

- (a) the President, *ex-officio*;
- (b) the Vice-President, *ex-officio*;
- (c) a person nominated by the Syndicate of the University of Calcutta;
- (d) a person in the service of the State Government belonging to the Education Department;
- (e) a teacher elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clauses (12) to (15) of section 4; and
- (f) a member of a Managing Committee of a recognised High School elected by the Board in the manner prescribed by regulations from among the members of the Board specified in clause (16) of section 4.

(2) The President shall be the Chairman of the Committee.

(3) It shall be the duty of the Committee to hear and determine appeals from decisions in disputes between teachers and Managing Committees of High Schools, referred to the Committee in accordance with regulations made in this behalf.

**Other Committees.**

**31.** (1) The Board may constitute such other Committees as it thinks fit subject to the approval of the State Government, and such Committees may be wholly or in part composed of members of the Board.

(2) With the approval of the State Government the Board may delegate to any such other Committee any powers conferred upon the Board by or under this Act, and may in like manner withdraw any such delegation.

**Term of office of members of the Executive Council and of the Committees.**

**32.** (1) Subject to the provisions of this Act, an elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act, who is also a member of the Board, shall continue to hold office until his resignation or death or until he is removed or becomes disqualified:

Provided that the term of office of such a member shall terminate with effect from the date on which he ceases to be a member of the Board.

(2) An elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act, who is not a member of the Board, shall, subject to any other provisions of this Act, hold office for such term as may be prescribed by regulations in this behalf, and may on expiration of such term be re-elected, re-appointed or co-opted again:

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*(Chapter IV.—Functions of the Board and the Executive Council.—33, 34.)*

Provided that, notwithstanding the expiration of the term so prescribed, an elected, appointed or co-opted member of the Executive Council or of such a Committee 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) When the seat of an elected, appointed or co-opted member of the Executive Council or of a Committee constituted under this Act becomes vacant by reason of his ceasing to be a member of the Board or by reason of his disqualification, resignation, removal or death, the vacancy thus caused shall be filled by a fresh election, appointment or co-option, as the case may be, and in the case of a member of such a Committee, whose term of office as a member of such Committee is limited by or under the provisions of this Act, a person elected, appointed or co-opted in such a vacancy shall hold office during only the remainder of the term of office of the member in whose place he is elected, appointed or co-opted.

(4) The provisions of sections 9 and 11 shall apply *mutatis mutandis* to members of the Executive Council or of a Committee constituted under this Act.

**CHAPTER IV.**

**FUNCTIONS OF THE BOARD AND THE EXECUTIVE COUNCIL.**

**33.** (1) It shall be the duty of the Board to take such measures from time to time as it deems necessary for making suitable provision for Secondary Education throughout the State.

Duty to make suitable provision for Secondary Education.

(2) In taking such measures, the Board shall, in particular, have regard to the number, character and equipment of the High Schools, the variety of training, including practical training offered therein, the suitability of such training to the needs, abilities and aptitudes of pupils thereof and the requirements of such pupils as to boarding accommodation.

(3) Nothing in this section shall affect the provisions of the next two succeeding sections.

**34.** (1) The Board shall, within two years from the establishment of the Board or within such further time as may be allowed by the State Government, prepare and submit to the State Government an estimate of the immediate and prospective needs of the State as regards Secondary Education and shall, from time to time, in respect of any area, where in its opinion suitable provision for Secondary Education is not available, submit to the State Government a plan (in this Act called the Development Plan) in such form as may be prescribed by rules, showing the measures the Board proposes to take for the development of Secondary Education in that area.

Development Plan.



*(Chapter IV.—Functions of the Board and the Executive Council.—Section 34.)*

(2) The Board, in framing the Development Plan of an area, shall have regard to and specify—

- (a) the number, situation, nature and suitability of the existing High Schools;
- (b) what additional High Schools, if any, and of what nature, will be required for the area and the location of such schools;
- (c) which High Schools, if any, recognised either temporarily or permanently by the University of Calcutta shall cease to be recognised by the Board, giving reasons for such recommendations;
- (d) the arrangements made and proposed to be made by the Board for the provision of boarding accommodation attached to High Schools;
- (e) what other measures, if any, the Board proposes to take to secure better facilities for Secondary Education; and
- (f) such other particulars of the proposals of the Board with respect to High Schools as the Board thinks necessary or as the State Government may require.

(3) The Board shall, before submitting its Development Plan to the State Government, consult the Managing Committees of all High Schools and other educational institutions which would in the opinion of the Board be affected by the execution of the plan, and shall, after submitting the plan to the State Government, forthwith furnish to the Managing Committee of every such High School and such educational institution, such particulars relating to the plan as are sufficient to show the manner in which the school or educational institution may be affected by the execution thereof.

(4) If after a Development Plan has been submitted to it, the State Government is of opinion that no particulars or insufficient particulars of the plan have been furnished to any Managing Committee of a High School or an educational institution which, in its opinion, would be affected by the execution of the plan, it may give such directions as it thinks fit for securing that sufficient particulars are so furnished.

(5) The Board shall consider all objections to a Development Plan made to it within a period of two months from the date on which it is satisfied that all necessary particulars have been furnished in accordance with the last two preceding sub-sections.

(6) The State Government shall thereupon, after such consultations with the Board as it considers necessary or expedient and within a period of six months from the receipt of all objections made to it under sub-section (5), either reject the plan or approve the plan with such modifications, if any, as may be agreed upon between the State Government and the Board.



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(Chapter IV.—*Functions of the Board and the Executive Council.*—Sections 35, 36.)

**35.** (1) The Board shall on the approval of the Development Plan by the State Government, give to every High School or educational institution affected by the Development Plan notice thereof. Effect of Development Plan.

(2) The Development Plan for any area shall continue to regulate the duties of the Board in respect of the matters therein mentioned and may be amended by the Board with the approval of the State Government whenever, in the opinion of the Board, further amendment thereof is expedient by reason of any change or proposed change of circumstances :

Provided that before amending the Development Plan as aforesaid the Board shall give notice to any High School or educational institution which, in its opinion, would be affected by the amendment proposed to be made and shall consider any objections made to it by the Managing Committee thereof within two months after the service of the notice.

**36.** (1) Subject to the provisions of this Act, the Board shall have power to direct, supervise, develop and control Secondary Education and to do all such acts as it may consider necessary for the purposes of such direction, supervision, development and control. Powers of the Board.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may—

- (a) prescribe by regulations the procedure to be followed by the Executive Council in granting, withholding and withdrawing recognition to and from High Schools and the conditions to be fulfilled by High Schools for such recognition;
- (b) prescribe by regulations the conditions which shall govern the admission of students to, and the transfer of students to and from, High Schools;
- (c) supervise the administration of High Schools by means of inspection and the issue of directions;
- (d) make regulations for the institution, holding and controlling of such examinations as it thinks fit including any examination qualifying for admission to a course instituted by the University of Calcutta;
- (e) prescribe by regulations the fees payable by candidates for any examination controlled by it;
- (f) prescribe by regulations the conditions to be fulfilled by High Schools applying for or in receipt of grants-in-aid and the procedure for distributing such grants;
- (g) prescribe by regulations the conditions to be fulfilled by High Schools for recognition by the Executive Council for the purpose of presenting candidates for examinations including any examination qualifying for admission to a course instituted by the University of Calcutta;

*(Chapter IV.—Functions of the Board and the Executive Council.—Section 36.)*

- (h) prescribe by regulations the conditions to be fulfilled by candidates presenting themselves for examinations, including the Matriculation Examination of the University of Calcutta;
  - (i) institute and administer such Provident Funds as may be prescribed by regulations;
  - (j) administer the Secondary Education Fund;
  - (k) delegate any of its powers to the Executive Council or, subject to the provisions of this Act, to any Committee constituted under this Act;
  - (l) prescribe by regulations the procedure for the election of members of the Executive Council and of any Committee constituted under this Act, required by this Act to be prescribed by regulations;
  - (m) prescribe by by-laws the procedure to be followed at meetings of the Board, the Executive Council and any Committee constituted under this Act;
  - (n) prescribe by regulations the conditions on which the President may exercise his powers of delegation under section 16;
  - (o) prescribe by regulations the term for which an elected, appointed or co-opted member of a Committee constituted under this Act, who is not a member of the Board, shall hold office under subsection (2) of section 32;
  - (p) decide any appeal preferred against any decision of the Executive Council or Committee; and
  - (q) make regulations in respect of any other matter required to be prescribed by regulations.
- (3) Subject to any rules made by the State Government under section 62, the Board may—
- (a) make regulations for the proper exercise of the powers conferred on it by this section and to provide for any of the matters in respect of which provision is required by this Act to be made by regulations; and
  - (b) make by-laws for the proper exercise of the powers conferred on it by this section and to provide for any of the matters in respect of which provision is required by this Act to be made by the Board by by-laws:

Provided that no regulation or by-law shall be made by the Board except on a recommendation from the Executive Council.

(4) No regulation shall have any validity unless and until it is sanctioned by the State Government and before sanctioning any such regulation the State Government may make such modifications as it thinks fit after consultation with the Board.

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*(Chapter IV.—Functions of the Board and the Executive Council.—Section 37.)*

(5) All regulations made under this section shall be published in the *Official Gazette*.

**37.** (1) Subject to the provisions of section 36, the Executive Council shall have power to— Powers of  
the Exe-  
cutive  
Council.

- (a) advise the Board as to the principles to be followed in drawing up the Development Plan as provided for under this Act;
- (b) take such steps as may be necessary to carry out whatever policy the Board directs the Executive Council to carry out for developing Secondary Education;
- (c) in accordance with such regulations as may be made in this behalf, grant or refuse recognition to High Schools for such purposes as may at the time of recognition be specified, and withdraw such recognition, if it thinks fit;
- (d) maintain a register of recognised High Schools;
- (e) distribute grants-in-aid to High Schools in accordance with such regulations as may be made in this behalf;
- (f) in accordance with such regulations as may be made in this behalf, institute, hold and control such examinations as it thinks fit;
- (g) subject to the provisions of this Act and after considering the recommendations, if any, made to it under sub-section (3) of section 27, within the time prescribed by regulations, determine the syllabus of studies to be followed in High Schools;
- (h) publish the results of any examination instituted, held and controlled by it and award diplomas, certificates, prizes and scholarships in respect thereof;
- (i) in accordance with such regulations as may be made in this behalf, grant permission to candidates to appear in examinations, including any examination qualifying for admission to a course instituted by the University of Calcutta, and to refuse or withdraw such permission if it thinks fit;
- (j) report to the Board upon any matter concerning which its views may be invited by the Board or in respect of which it considers that it should tender advice to the Board;
- (k) take such disciplinary action as it thinks fit against High Schools, or teachers or students of such Schools or, in accordance with such regulations as may be made in this behalf, against the Secretary and other persons appointed by the Board;
- (l) specify the use in High Schools of such publications recommended by the Examinations Committee as it thinks fit;



*(Chapter IV.—Functions of the Board and the Executive Council.—Section 38.)*

- (m) publish such publications recommended by the Examinations Committee as it considers suitable for use in High Schools;
- (n) make recommendations to the Board concerning the making of regulations and by-laws by the Board;
- (o) exercise such powers as may be delegated to it by the Board;
- (p) make provisions for the grant of stipends, scholarships, exhibitions, and prizes; and
- (q) do all other acts required to be done by the Executive Council by or under this Act.

(2) With effect from such date as the State Government may, by notification, appoint—

- (a) a High School which is not recognised by the Executive Council shall not be eligible for any grant-in-aid; and
- (b) a pupil of a High School which is not so recognised shall not be eligible for any scholarship or stipend awarded by the State Government or the Board:

Provided that every High School which on the date of commencement of this Act is recognised by the University of Calcutta for the purpose of presenting candidates for the Matriculation Examination of the said University shall continue to be recognised in the following manner—

- (a) schools enjoying temporary recognition shall continue to be so recognised for a period of one year after the commencement of this Act or until the expiration of the period of temporary recognition, whichever is greater; and
- (b) schools enjoying permanent recognition shall continue to be so recognised under this Act for a period of three years after the commencement of this Act, and thereafter such recognition shall not be withdrawn except in accordance with the provisions of this Act and the rules, regulations and by-laws made thereunder.

Powers and  
duties of  
the  
President.

**38.** (1) The executive authority of the Board and of the Executive Council shall vest in the President who shall be responsible for carrying out and giving effect to the decisions of the Board, the Executive Council and of any Committee constituted under this Act.

(2) The President shall not, without the approval of the Board or the Executive Council, exercise, any power which is by or under this Act expressly conferred upon the Board or the Executive Council, as the case may be:



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(Chapter V.—Meetings.—Section 39.)

Provided that if any emergency arises which, in his opinion, necessitates the exercise of any such power, he may exercise such power in a manner which is not contrary to any decision of the Board or the Executive Council, as the case may be, and shall, as soon as may be thereafter, report to the Board or the Executive Council, as the case may be, the action taken by him and his reasons for taking such action.

(3) In addition to any other powers or duties conferred or imposed upon him by or under this Act, the President shall,—

- (a) subject to the orders of the Board, control and be responsible for the efficiency and discipline of the Secretary and other persons appointed by the Board, and shall post and transfer such persons;
- (b) sanction at the rates prescribed by regulations all claims or travelling or halting allowance properly presented under section 19;
- (c) make and receive all payments on behalf of the Board and the Executive Council and ensure that payments to and from the Secondary Education Fund are made in accordance with the decisions of the Board and the Executive Council and in conformity with the rules made in this behalf; and
- (d) take such other action not inconsistent with any decisions of the Board or the Executive Council as he considers necessary for the proper functioning of the Board under this Act.

## CHAPTER V.

### MEETINGS.

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

Meetings of  
the Board.

(2) The Board shall meet at such other times as may be appointed by the President, who shall give to each member of the Board not less than seven days' notice of each meeting:

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

(3) On receipt of a requisition signed by not less than ten members of the Board, the President shall place before a meeting of the Board for discussion any decision of the Executive Council other than decisions concerning results of any examination, to which such requisition relates, and the Board may revise any such decision if not less than three-fourths of the whole number of members of the Board are in favour of such revision.

(Chapter V.—Meetings.—Chapter VI.—Finance and Audit.  
—Sections 40, 41.)

(4) 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 fifteen members and unless not less than three-fourths of the whole number of members of the Board vote in favour of such reconsideration.

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

Meetings  
of the Exe-  
cutive  
Council.

**40.** (1) The Executive Council shall meet at such times as may be appointed by the President, who shall give to each member of the Executive Council not less than five days' notice of each meeting:

Provided that the President shall, on receipt of a requisition signed by not less than five members of the Executive Council, appoint a time for a meeting within the next seven days, and shall, in the case of an emergency on receipt of the requisition, call a meeting as early as possible after giving not less than two days' notice of such meeting:

Provided further that in the case of an emergency, the President may of his own motion call a meeting, after giving not less than two days' notice thereof.

(2) No business shall be transacted at any meeting of the Executive Council unless a quorum of six members is present.

(3) A copy of the proceedings of every meeting of the Executive Council shall be forwarded to every member of the Board within one month from date of such meeting.

## CHAPTER VI.

### FINANCE AND AUDIT.

Annual  
report and  
budget  
estimate.

**41.** (1) Except in the year in which the Board is constituted, the President shall present to the annual meeting of the Board a report on the work of the Board during the last preceding financial year, together with a budget estimate showing in the form, prescribed by regulations, the anticipated income and expenditure of the Board during the next succeeding financial year.

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

(3) The budget estimate shall, when confirmed by the Board and within such period as may be prescribed by regulations, be forwarded to the State Government which may approve it or may take the action provided for in subsection (4).

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(Chapter VI.—Finance and Audit.—Section 42.)

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

- (i) is not reasonably accurate on the basis of ascertainable facts or shows a deficit balance at the end of the financial year to which the said estimate relates;
- (ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial demands which the Board will not be able to meet from its income; or
- (iii) includes proposals for expenditure which are not in accordance with the provisions of this Act.

(b) When the Board receives back the budget estimate under clause (a), it shall consider the comments and suggestions of the State Government on the said estimate and may thereupon, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the State Government or, if the Board does not see fit to revise the budget estimate, shall return it in its original form to the State Government with the replies of the Board on the said comments and suggestions.

(c) If the State Government does not accept the budget estimate as revised by the Board under clause (b) or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate as revised by the Board or the budget estimate as returned without revision, as the case may be, in one or more of the following ways—

- (i) it may make such alterations as are in its opinion necessary to render the estimate reasonably accurate on the basis of ascertainable facts or to eliminate any deficit balance;
- (ii) it may eliminate or modify any proposals involving fresh recurring expenditure;
- (iii) it may eliminate any proposals for expenditure which are not in its opinion in accordance with the provisions of this Act;

and thereupon the State Government shall approve the budget estimate as so amended.

(5) If the State Government does not within a period of three months of the receipt of the budget estimate forwarded to it under sub-section (3) either approve the said estimate under sub-section (3) or return it to the Board under sub-section (4) the said estimate shall be deemed to have been approved by the State Government.

**42.** For the purpose of enabling the Board to perform its functions under this Act, the State Government shall pay to the Board as soon as it is constituted and thereafter in each financial year a sum of Rupees thirty lakhs and

Liability  
of the  
State  
Govern-  
ment.



*(Chapter VI.—Finance and Audit.—Section 43.)*

such additional sums as may be determined by the State Government after examining the budget estimates of the Board for that financial year:

Provided that nothing in this section shall be deemed to preclude the State Government from making in any financial year such further payment to the Board as it thinks necessary for enabling the Board to perform its functions.

Annual  
grant to  
the Univer-  
sity of  
Calcutta.

**43.** (1) If in accordance with the provisions of any law, the University of Calcutta ceases from any year to hold the Matriculation Examination, the State Government shall with effect from the year following such year pay to the said University an annual grant determined by the Tribunal referred to in sub-section (2), to meet the financial loss incurred by the said University on account of its ceasing to hold the Matriculation Examination.

(2) The Tribunal referred to in sub-section (1) shall consist of the following members—

- (a) the Accountant-General, West Bengal, who shall be the Chairman of the Tribunal;
- (b) a member appointed by the State Government; and
- (c) a member appointed by the said University.

(3) In determining the amount of the annual grant referred to in sub-section (1), the Tribunal shall take into account the following items of receipts and expenditure for the three years ending on 30th June, 1948, 1949 and 1950 respectively, namely:—

- (a) the total receipts realised from fees paid by candidates for the Matriculation Examination, ordinary or supplementary;
- (b) the total receipts realised from the sale of text-books for the Matriculation Examination, ordinary or supplementary, printed or published by the said University;
- (c) the total expenditure incurred in holding the Matriculation Examination, ordinary or supplementary, including the expenditure incurred on account of remuneration paid to Paper-setters, Moderators, Tabulators, Examiners and other persons connected with the holding of such examinations and any other charges including overhead charges attributable to the holding of such examination;
- (d) the total expenditure incurred by the said University in connection with the printing or publication of text-books for the Matriculation Examination including the expenditure incurred in the purchase of paper and other materials and any other overhead charges attributable to such printing or publication; and



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*(Chapter VI.—Finance and Audit.—Sections 44, 45.)*

(e) any other receipts of which the said University is deprived as a result of its ceasing to hold the Matriculation Examination deducting therefrom the expenditure incurred in realising such receipts.

(4) Subject to the provisions of this Act, the Tribunal shall have the power to regulate its own procedure.

(5) In case of any difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail.

(6) The amount of annual grant once determined by the Tribunal shall not be altered on any ground whatsoever.

(7) The decision of the Tribunal determining the amount of the annual grant shall be final and conclusive and no court shall have any authority or jurisdiction of any kind whatsoever in respect of such decision or in respect of any proceedings before the Tribunal.

**44.** (1) All sums received by or on behalf of the Board or the Executive Council shall be paid into a fund called the Secondary Education Fund to which shall be credited—

Secondary  
Education  
Fund.

(a) all sums paid by the State Government for the purpose of enabling the Board to perform its functions under this Act;

(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 for the purposes of this Act;

(d) all sums received from the sale of publications under this Act; and

(e) all other sums received by the Board for any purpose provided in this Act.

(2) The Secondary Education 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 Secondary Education Fund shall forthwith be paid into the Reserve Bank of India to the credit of the said Fund, and all cheques on the said Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

**45.** (1) No expenditure shall be incurred from the Secondary Education Fund except for the purposes of this Act, and unless such expenditure is provided for in an approved budget or by reappropriation in the manner prescribed by rules made in this behalf.

Application  
of the  
Secondary  
Education  
Fund.

(2) The Board shall not, without the previous sanction of the State Government, incur from the Secondary Education Fund any expenditure under any major head of account in excess of the amount provided under that head in the approved budget estimates.

*(Chapter VI.—Finance and Audit.—Sections 46, -47.)*

(3) Subject to the preceding provisions of this section, the Secondary Education Fund shall be applicable to the following objects in the following order of precedence—

First, the payment of the costs of audit, or of such percentage of such costs as may be prescribed by rules;

Secondly, the payment of salaries and allowances to the President and the Secretary and other persons appointed by the Board;

Thirdly, the payment of grants-in-aid to High Schools;

Fourthly, the payment of scholarships and stipends to pupils of Secondary Schools;

Fifthly, the payment of the allowances specified in section 19;

Sixthly, any other expenditure incurred by the Board under this Act.

**Accounts.**

**46.** The Board shall keep accounts of all its receipts and expenditure in the manner and form prescribed by rules.

**Audit.**

**47.** (1) The accounts of the Board shall be examined and audited once in each year by an auditor appointed by the State Government.

(2) For the purposes of an audit under this Act an auditor so appointed may—

(a) require in writing the production before him of any document 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; and

(c) require any person so appearing before him to make and sign a declaration with respect to any such document and to answer any question or prepare and submit any statement.

(3) It shall be the duty of the Board, of every member thereof, and of the Secretary and other persons in the service of the Board, to afford to the auditor every proper facility for the examination and audit of the accounts of the Board, and to comply with a requisition made by the auditor under sub-section (2).

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

(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.

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(Chapter VI.—Finance and Audit.—Sections 48—50.)

(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).

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

Audit  
Report.

(2) Subject to the provisions of section 50, the State Government shall take such action on the audit report as it thinks fit.

49. (1) The auditor shall—

Disallow-  
ance,  
charge  
and  
certificate.

(a) disallow any payment which is in contravention of any law for the time being in force, and charge it against the person making or authorizing it;

(b) charge the amount of any deficiency or loss against the person by whose default or negligence such deficiency or loss resulted;

(c) charge the amount of any sum which should have been, but has not been, brought into account against the person failing to account for it;

(d) in every case of disallowance and charge under this sub-section, certify in writing the amount due from the person against whom the charge is made; and

(e) send a copy of such certificate to the Board and to the person concerned.

(2) For the purposes of sub-section (1), any member of the Board, the Executive Council or any Committee constituted under this Act, including the President and the Vice-President of the Board and the Chairman of each such Committee, who is present at a meeting of the Board, the Executive Council or the Committee, as the case may be, at which a motion or resolution is passed authorizing any expenditure which is subsequently disallowed under sub-section (1), or authorizing any action which results in any such expenditure, shall be deemed to be a person authorizing such expenditure if he votes in favour of such motion or resolution, and all persons so voting shall be held jointly and severally liable for such expenditure.

50. (1) Any person interested in the Secondary Education Fund may, in the manner prescribed by rules, prefer an objection in writing to the accounts submitted to the auditor.

Objection  
to  
accounts.

(2) When an objection under this section is overruled by the auditor, he shall forthwith send a copy of his order overruling the objection to the person who preferred the objection.



*(Chapter VI.—Finance and Audit.—Chapter VII.—Supplemental Provisions.—Sections 51—54.)*

Appeal.

**51.** (1) Any person from whom an auditor has certified any sum to be due under section 49 and any person whose objection under section 50 has been overruled by an auditor may, within one month from the date of the order complained of, appeal therefrom to the State Government.

(2) The State Government shall make on such appeal such order as it thinks fit, which shall be final:

Provided that the State Government may at any time direct that any sum certified under section 49 shall not be realized, and such direction shall be final.

Payment of certified sums.

**52.** (1) Every sum certified under section 49 to be due from any person shall, within fourteen days from the receipt by such person of a copy of the certificate, and unless within that period he makes an appeal under section 51, be paid by him into the Secondary Education Fund.

(2) Any sum not paid in accordance with the provisions of sub-section (1) or, if an appeal has been made under section 51, such sum as the State Government may order to be due, shall be recoverable—

(a) in the case of a person in the service of the State Government or the Secretary or a person in the service of the Board, by deduction from his salary in accordance with such conditions as may be prescribed by rules, and

(b) in any other case, as a public demand.

(3) The Collector of Calcutta shall, for the purpose of section 5 of the Bengal Public Demands Recovery Act, 1913, be deemed to be the person to whom such demand is payable and he shall pay to the Board any sum recovered by him in respect of any such demand.

Ben. Act III of 1913.

## CHAPTER VII.

## SUPPLEMENTAL PROVISIONS.

Board to furnish information.

**53.** The Board shall furnish to the State Government such reports, returns and statements as may be prescribed by rules and such further information relating to any matter under the control of the Board as the State Government may require.

Power of the State Government to suspend proceedings.

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



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(Chapter VII.—Supplemental Provisions.—Sections 55—58.)

**55.** (1) If in the opinion of the State Government the Board has shown its incompetence to perform, or persistently made default in the performance of, the duties imposed or exceeded or abused the powers conferred upon it by or under this Act, the State Government shall formulate in writing specific charges against the Board in respect of those matters and shall forward a copy of such charges to the Board with the direction to the Board to submit any comments or explanations in respect thereof to the State Government within such period as may be specified by the State Government in this behalf. If after the Board has submitted such comments or explanations the State Government is of opinion that they are not satisfactory the State Government shall refer the charges formulated against the Board, together with the comments and explanations so submitted, for opinion to an Investigation Commission appointed by the State Government and the Investigation Commission shall thereupon inquire into the said charges in accordance with such procedure as may be prescribed by rules and forward its opinion thereon to the State Government. After consideration of the opinion of the Investigation Commission or where the Board does not submit any comments or explanations within the period specified in this behalf, after the expiry of the said period, the State Government may, if it thinks fit, by notification, remove the elected, appointed and co-opted members of the Board and direct that the Board be reconstituted by a fresh election, appointment and co-option of members in accordance with the provisions of section 4 and in every such case the State Government shall, as soon as may be, lay before the State Legislature a copy of the said notification together with a statement of the reasons which led to the issue of the order contained in such notification.

Power of the State Government to reconstitute the Board.

(2) Until the Board is reconstituted as directed under subsection (1), the powers and duties of the Board shall be exercised and performed by, and the property vested in the Board shall vest in, such person as the State Government may specify in the said notification.

**56.** The members of the Board, of the Executive Council and of every Committee constituted under this Act, and any person appointed under this Act to inspect the office of the Board or any High School or to audit the accounts of the Board, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Certain persons to be deemed to be public servants.

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

Indemnity.

**58.** Every 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, 1898.

Powers of Tribunals.

Act XLV of 1860.

Act V of 1898.

*(Chapter VII.—Supplemental Provisions.—Sections 59—62.)*

Savings.

**59.** No act or proceeding taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or defect in the constitution of, the Board, the Executive Council or any Committee constituted under this Act,
- (b) any member of the Board having voted on any matter in contravention of the provisions of section 17, or
- (c) any defect or irregularity not affecting the merits of the case.

Special provisions for election by University.

**60.** Where any person or persons is or are required under this Act to be elected by the University of Calcutta, the rules for such election shall be made by the Senate of the said University in such manner as the Senate thinks fit.

Transitory provisions.

**61.** Every matter or thing required to be prescribed by regulations or by-laws under this Act shall until such regulations or by-laws are made, be prescribed by rules.

Power of the State Government to make rules.

**62.** (1) The State Government may, after previous publication, make rules for carrying 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 approval of High Schools prior to the constitution of the Executive Council;
- (b) the acquisition, possession and transfer of property by the Board, the conditions of such acquisition, possession and transfer, and the performance by the Board of any other thing referred to in sub-section (2) of section 3;
- (c) the manner of election of the members of the Board specified in clauses (18) and (19) of section 4, and the dates by which such elections shall be held;
- (d) the procedure to be followed by the Tribunal referred to in sub-section (1) of section 10 in deciding any question under that section;
- (e) the manner in which all payments to and from the Secondary Education Fund referred to in clause (c) of sub-section (3) of section 38 shall be made;
- (f) the form in which the budget estimate shall be presented to the Board under sub-section (1) of section 41 and the period within which it shall be forwarded to the State Government under sub-section (3) of that section or resubmitted to the State Government under clause (b) of sub-section (4) of section 41;

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- (g) the manner of reappropriation under sub-section (1) of section 45 and the percentage of the costs of audit which may be paid under sub-section (3) of that section;
- (h) the manner and form in which accounts of receipts and expenditure shall be kept under section 46;
- (i) the manner of preferring an objection under sub-section (1) of section 50;
- (j) the conditions on which sums due may be deducted from the salaries of persons in the service of the State Government or the Secretary or persons in the service of the Board under sub-section (2) of section 52;
- (k) the reports, returns and statements to be furnished by the Board under section 53 and the form of such reports, returns and statements; and
- (l) any other matter required by this Act to be prescribed by rules.