

Rabindra Mukta Vidyalaya Act, 2001

11 of 2001

[29 March 2001]

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Rabindra Mukta Vidyalaya Act, 2001

11 of 2001

[29 March 2001]

An Act to establish and incorporate an open school (mukta vidyalaya) in the State of West Bengal and to provide for matters connected therewith or incidental thereto. Whereas it is expedient to establish an open school in the State of West Bengal to provide distance education at school level to all those who cannot get themselves admitted to any school and to provide for matters connected therewith or incidental thereto; It is hereby enacted as follows:-

1. Short Title And Commencement :-

(1) This Act may be called 1[the West Bengal Council of Rabindra Open Schooling] Act, 2001.

(2) It extends to the whole of West Bengal 2[and may extend to the other parts of the country wherever necessary].

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

1. Words Substituted for the words "the Rabindra Mukta Vidyalaya" by W.B. Act 13 of 2006.

2. Words inserted by W.B. Act 13 of 2006.

2. Definitions :-

In this Act, unless the context otherwise requires,-

1(a) "Council" means the West Bengal Council of Rabindra Open Schooling established under section 3;

1(b) "President" means the President of the Council;

2 * * * * *

(d) "State Government" means the Government of West Bengal in the School Education Department;

3* * * * *

1. Clauses (a) and (b) Substituted by W.B. Act 13 of 2006, which

were earlier as under:-

(a) "Chairman" means the Chairman of the Vidyalaya;

(b) "Director" means the Director of the Vidyalaya;

2. Clause (c) om. by W.B. Act 7 of 2002, which was as under:-

(c) "Governing Body" means the Governing Body of the Vidyalaya..

3. Clause (e) om. by W.B. Act 13 of 2006, which was as under:-

(e) "Vidyalaya" means the Rabindra Mukta Vidyalaya established under section 3..

3. Establishment And Incorporation Of The Council :-

Establishment and incorporation of the 1[Council]

(1) The State Government shall, as soon as may be after the coming into force of this Act, establish a school to be called 2[the West Bengal Council of Rabindra Open Schooling].

(2) The 1[Council] shall be a body corporate having perpetual succession and a common seal, and 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 sue and be sued by the name of 2[the West Bengal Council of Rabindra Open Schooling].

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Words Substituted for the words "the Rabindra Mukta Vidyalaya" by W.B. Act 13 of 2006.

4. Composition Of The Council :-

Composition of the 2[Council]

1[(1) The 2[Council] shall consist of the following members:-

(a) the 3[President] appointed by the State Government;

(c) one representative of the School Education Department, Government of West Bengal, to be nominated by the Secretary of the School Education Department, Government of West Bengal;

(d) the Director, School Education, Government of West Bengal, ex officio;

(e) the President of the West Bengal Council of Higher Secondary Education, ex officio;

(f) the President of the West Bengal Board of Secondary Education, ex officio;

(g) the President of the West Bengal Board of Madrasah Education, ex officio;

(h) the President of the West Bengal Board of Primary Education,

ex officio;

(i) the Director of the State Council of Educational Research and Training, West Bengal, ex officio;

(j) three persons, nominated by the State Government in consultation with the Chairman;

(k) one member to be nominated by the Netaji Subhas Open University;

(l) the Regional Director (Eastern Region), National Open School.

5(2) The President shall be the whole-time officer of the Council.

1. Section 4 Substituted by W.B. Act 7 of 2002, which was earlier as under:-

"4. Governing Body of the Vidyalaya.-The Vidyalaya shall consist of the following members:-

(a) the Chairman appointed by the State Government;

(b) the Director appointed by the State Government;

(c) the Chairman of the National Open School, ex officio;

(d) the Director of the State Council of Educational Research and Training, West Bengal, ex officio;

(e) the President of the West Bengal Board of Secondary Education, ex officio;

(f) the President of the West Bengal Council of Higher Secondary Education, ex officio;

(g) the Director, School Education, Government of West Bengal;

(h) the President of the West Bengal Board of Primary Education, ex officio;

(i) the President of the West Bengal Council of Higher Secondary Education, ex officio;

(j) a Deputy Secretary of the School Education Department, Government of West Bengal, to be nominated by the Secretary of the School Education Department, Government of West Bengal;

(k) three persons, nominated by the State Government in consultation with the Chairman;

(i) three members of whom-

(i) one shall be nominated by the Netaji Subhas Open University,

(ii) one shall be nominated by the National Council of Educational Research and Training, and

(iii) one shall be nominated by the National Institute of Educational Planning and Administration."

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

4. Clause (b) om. by W.B. Act 13 of 2006, which was as under:-

"(b) the Director appointed by the State Government;"

5. Sub-section (2) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(2) The Director shall receive such salary and allowances, from the Fund of the Vidyalaya referred to in sub-section (1) of section 28, as the State Government may determine."

5. Powers Of Council :-

Powers of 2[Council]

1[(1) It shall be the duty of the 2[Council] to advise the State Government on all matters relating to the 2[Council] and distance learning system.

(2) Subject to any general or special order of the State Government, the provisions of this Act, and the rules made thereunder, the 2[Council] shall have generally the power to direct, supervise and control its activities and distance learning system and, in particular, the power-

(i) to design and develop a series of courses of studies leading to certification at the upper primary, secondary and higher secondary levels:

(ii) to design, develop, prescribe and offer courses of studies in vocational areas to the students of the 2[Council];

(iii) to design and develop self-learning materials in print, audio, video compact disc rom, and other formats;

(iv) to offer courses of studies through distance learning mode;

(v) to collaborate with institutions at the State level such as State Council of Educational Research and Training, West Bengal Council of Higher Secondary Education, West Bengal Board of Secondary Education, West Bengal Board of Primary Education, Colleges and Institutions of Education in West Bengal, 3[and Shramik Vidyalaya for improvement of quality and standard of distance education process and materials;]

(vi) to collaborate with national and international agencies like National Open School, Indira Gandhi National Open University, National Council of Educational Research and Training, National School of Educational Planning and Administration, Commonwealth of Learning. United Nations Educational, Scientific and Cultural Organization, United Nations International Childrens Emergency Fund, and similar other agencies for continuing effort at improvement of quality and standard of distance education process

and materials;

(vii) to undertake research, and, in particular, action research, for solving diagnostic problem, and for developmental thrust, in building the 2[Council];

(viii) to collaborate with agencies and institutions for opening learning support-centres or study centres for the students of the 2[Council] and to accord approval to such learning support-centres and study centres;

(ix) to establish regional centres in West Bengal for the purpose of supervising the proper functioning of the learning-support-centres and study centres;

(x) to publish, or cause to be published, and to print, the learning and other materials developed by the 2[Council];

(xi) to prescribe by regulations the conditions of registration of students, the eligibility criteria for appearing at the examinations of the 2[Council] and the procedure of conduct of such examinations, and all other matters necessary for proper fulfilment of teaching and examination, and also to award certificates;

(xii) to prescribe by regulations fees and other charges and the method of collection thereof;

(xiii) to organise training programmes for the members of the staff of the 2[Council] the co-ordinators, the teachers of schools and such other persons as may be engaged as teaching assistants by study centres under the 2[Council].

Explanation.-(a) "Co-ordinator" shall mean any person appointed or recognised by the 2[Council] as Co-ordinator for the purposes of this Act; and

(b) "teachers of schools" shall mean the teachers of schools imparting-

(i) Primary Education as defined in clause (c) of section 2 of the West Bengal Primary Education Act, 1973, or

(ii) Secondary Education as defined in clause (e) of section 2 of the West Bengal Board of Secondary Education Act, 1963, or

(iii) Higher Secondary Education as defined in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

(xiv) to purchase or otherwise acquire or take on lease or hire premises for the 2[Council];

4(xv) to invest and deal with funds and monies of the Council in accordance with the provisions of section 28 of the Act;

(xvi) to set up a library containing books and learning materials in other media;

- (xvii) to obtain or accept grants, subscriptions, fees, donations, gifts, bequests and properties, both movable and immovable, from the Government, or from any person, for the purposes of the 2[Council];
- (xviii) to build, construct and maintain building, and alter, extend, improve, repair, or modify any existing building, and suitably equip such building, for the uses of the 2[Council];
- (xix) to appoint committees or sub-committees as may be deemed fit for carrying out the objects of the 2[Council] and to prescribe by regulations and guidelines for the proper functioning of such committees or sub-committees;
- (xx) to make service regulations for the personnel related administration of the 2[Council] and for the proper management of the functions of the 2[Council] including welfare measures for the staff of the 2[Council];
- (xxi) to delegate any of its powers to any of the officers of the 2[Council] or to any of the committees or sub-committees constituted by the 2[Council], for more effective management and functioning of the 2[Council];
- (xxii) to do all such lawful acts and things, whether incidental to the powers as aforesaid or not, as may be required to be done in order to further the aims and objects of the 2[Council];
- (xxiii) to create administrative, technical and other posts under the 2[Council], other than the post of Director, and to make appointment thereto, with prior approval of the State Government;
- (xxiv) to co-operate with educational or other institutions having objects wholly or partly similar to those of the 2[Council] by exchange of teachers and scholars, generally in such manner as may be conducive to such objects;
- (xxv) to make regulations for the conduct of affairs of the 2[Council];
- (xxvi) to maintain a fund to which shall be credited-
- (a) all sums provided by the State Government,
 - (b) all fees and other charges received by the 2[Council],
 - (c) all monies received by the 2[Council] by way of grants, gifts, donations, benefactions, bequests, or transfers,
 - (d) all monies received by the 2[Council] in any other manner or from any other source;
- (xxviii) to meet out of the fund as aforesaid the expenses of the 2[Council] including the expenses incurred while exercising its powers, and discharging its functions, under this Act;
- (xxix) to prepare and maintain accounts and other records and to

prepare an annual statement of accounts (including the balance sheet) of the 2[Council] in such form as may be prescribed by rules by the State Government;

(xxx) to forward annually to the State Government the accounts of the 2[Council] as certified by such competent authority as the State Government may decide;

(xxxi) to grant or refuse recognition to study centres and to withdraw such recognition if it thinks fit, after considering the recommendation of the Recognition Committee, if any, in accordance with such regulations as may be made in this behalf;

(xxxii) to maintain a register of recognised study centres;

(xxxiii) to provide for inspection of the recognised study centres;

(xxxv) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sell of textbooks and other books for the use of the students of the 2[Council];

(xxxvi) to maintain and publish from time to time list of books approved for the use of the students of the 2[Council] and for the examinations conducted by the 2[Council] and to remove the name of any such book from any such list;

(xxxvii) to conduct examinations and to make regulations in this behalf;

(xxxviii) to publish results of the examinations conducted by the 2[Council] and to award diplomas, certificates, prizes and scholarships in respect thereof;

(xxxix) to provide, by regulations, after considering the recommendations of the Examination Committee, if any, the rates of remuneration to be paid to the paper-setters, tabulators, examiners, invigilators, supervisors and other employed in connection with the examinations conducted by the 2[Council], and the fees to be paid by the candidates for such examinations;

(xl) to grant permission to candidates to appear at the examinations conducted by the 2[Council], and to refuse, or to withdraw, such permission, if it thinks fit, in accordance with such regulations as may be made in this behalf;

(xli) to institute, and to administer, such Provident Fund for the benefit of the officers and other employees of the 2[Council] as may be prescribed by rules made under this Act;

(xlii) to perform such other functions as may be assigned to it by the State Government.

(3) Subject to the provisions of sub-section (2), the 2[Council] may make regulations in respect of any matter for the proper exercise of its powers and discharge of its functions 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 to, or alterations or modifications in, the regulations as it thinks fit:

Provided that before making any such additions, alterations or modifications, as the case may be, the State Government shall give the 2[Council] an opportunity express its views thereon within such period, not exceeding one month, as the State Government may think fit.

1. Section 5 Substituted by W.B. Act 7 of 2002, which was earlier as under:-

"5. Powers of the Vidyalaya.-(1) The Vidyalaya shall have the power-

(i) to design and develop a series of courses of studies leading to certification at the upper primary, secondary and higher secondary levels;

(ii) to design, develop, prescribe and offer courses of studies in vocational areas to the students of the Vidyalaya;

(iii) to design and develop self-learning materials in print, audio compact disc rom, and other formats;

(iv) to offer courses of studies though distance learning mode;

(v) to collaborate with institutions at the State level such as State Education Council of Research and Training, West Bengal Board of Secondary Education, West Bengal Board of Primary Education, College of Education, Polytechnic, and Shramik Vidyapath;.

(vi) to collaborate with national and international agencies like National Open School, Indira Gandhi National Open University, National Council of Educational Research and Training, National Institute of Educational Planning and Administration, Commonwealth of Learning, United Nations Educational, Scientific and Cultural Organization United Nations International Childrens Emergency Fund, and similar other agencies for continuing effort at improvement of quality and standard of distance education process and materials;

(vii) to undertake research, and, in particular, action research, for solving diagnostic problem, and for developmental thrust, in building the Vidyalaya;

(viii) to collaborate with agencies and institutions for opening learning-support-centres or study centres for the students of the Vidyalaya and to accord approval to such learning-support-centres and study centres;

(ix) to establish regional centres in West Bengal for the purpose of

supervising the proper functioning of the learning-support-centres and study centres;

(x) to publish, or cause to be published, and to print, the learning and other materials developed by the Vidyalaya;

(xi) to prescribe by regulations the conditions of registration of students, the eligibility criteria for appearing at the examination of the Vidyalaya, and the procedure of conduct of such examinations, and all other matters necessary for proper fulfilment of teaching and examination, and also to award certificates;

(xii) to prescribe by regulations fees and other charges and the method of collection thereof;

(xiii) to organise training programmes for the members of the staff of the Vidyalaya, the coordinators, and the teachers of schools.

Explanation.-(a) "Coordinator" shall mean any person appointed or recognised by the Vidyalaya as Coordinator for the purposes of this Act; and

(b) "teachers of schools" shall mean the teachers of schools imparting-

(i) Primary Education as defined in clause (c) of section 2 of the West Bengal Primary Education Act, 1973, or

(ii) Secondary Education as defined in clause (e) of section 2 of the West Bengal Board of Secondary Education Act, 1963, or

(iii) Higher Secondary Education as defined in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

(xiv) to purchase or otherwise acquire or take on lease or hire premises for the Vidyalaya;

(xv) to invest and deal with funds and monies of the Vidyalaya;

(xvi) to set up a library containing books and learning materials in other media;

(xvii) to obtain or accept grants, subscriptions, fees, donations, gifts, bequests and properties, both movable and immovable, from the Government, or from any person, for the purposes of the Vidyalaya;

(xviii) to build, construct and maintain building, and alter, extend, improve, repair, or modify any existing building, and suitably equip such building, for the uses of the Vidyalaya;

(xix) to appoint committees or sub-committees as may be deemed fit for carrying out the objects of the Vidyalaya and to prescribe by regulations and guidelines for the proper functioning of such committees or sub-committees;

(xx) to make service regulations for the personnel related

administration of the Vidyalaya and for the proper management of the functions of the Vidyalaya including welfare measures for the staff of the Vidyalaya;

(xxi) to delegate any of its powers to any of the officers of the Vidyalaya or to any of the committees or sub-committees constituted by the Vidyalaya, for more effective management and functioning of the Vidyalaya;

(xxii) to do all such lawful acts and things, whether incidental to the powers as aforesaid or not, as may be required to be done in order to further the aims and objects of the Vidyalaya;

(xxiii) to create administrative, technical and other posts under the Vidyalaya, other than the post of Director, and to make appointment thereto, provided the posts so created are in the cadre, and in the scales of pay, approved by the State Government from time to time;

(xxiv) to co-operate with educational or other institutions having objects wholly or partly similar to those of the Vidyalaya by exchange of teachers and scholars, generally in such manner as may be conducive to such objects:

(xxv) to make regulations for the conduct of affairs of the Vidyalaya: (xxvi) to maintain a fund to which shall be credited-

(a) all sums provided by the State Government,

(b) all fees and other charges received by the Vidyalaya,

(c) all monies received by the Vidyalaya by way of grants, gifts, donations, benefactions, bequests, or transfers,

(d) all monies received by the Vidyalaya in any other manner or from any other source;

(xxvii) to deposit all monies credited to the fund referred to in clause (xxvi) in such banks, or to invest them in such manner, as the Vidyalaya may, with the approval of the State Government, decide;

(xxviii) to meet out of the fund as aforesaid the expenses of the Vidyalaya, including the expenses incurred while exercising its powers, and discharging its functions, under this Act;

(xxix) to prepare and maintain accounts and other records and to prepare an annual statement of accounts (including the balance sheet) of the Vidyalaya in such form as may be prescribed by rules by the State Government;

(xxx) to forward annually to the State Government the accounts of the Vidyalaya as certified by such competent authority as the State Government may decide.

(2) Notwithstanding anything contained in any other law for the

time being in force, but without prejudice to the provisions of sub-section (1), it shall be the duty of the Vidyalaya to take all such steps as it may deem fit for the promotion of the open school and distance education system and for the determination of standard of teaching, evaluation and research in such system."

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Words Substituted for the words "and Shramik Vidyalaya;" by W.B. Act 13 of 2006

4. Clause (xv) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(xv) to invest and deal with funds and monies of the Vidyalaya;"

5. Clause (xxvii) om. by W.B. Act 13 of 2006, which was as under:-

"(xxvii) to deposit all monies credited to the fund referred to in clause (xxvi) in such banks, or to invest them in such manner, as the Vidyalaya may, with the approval of the State Government, decide;"

6. Clause (xxxiv) om. by W.B. Act 13 of 2006, which was as under:-

"(xxxiv) to provide, by regulations, after considering the recommendations of the Syllabus Committee, if any, the curriculum, the syllabus, the courses of studies to be followed, and the books to be studied for examinations conducted by the Vidyalaya;"

6. Salary And Allowances Of President :-

1[The President shall receive such salary and allowances from the Rabindra Nath State Council of Open Schooling Fund constituted under sub-section (1) of section 28, as the State Government may, by order, determine.]

1 . Sec. 6 first Substituted by W.B. Act 7 of 2002, then again Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"6. Honorarium payable to Chairman.-The Chairman shall receive such honorarium from the Fund of the Vidyalaya referred to in sub-section (1) of section 28 as the State Government may determine."

7. Publication Of The Names Of President And Other Members Of The Council :-

Publication of the names of 1[President] and other members of the 2[Council]

The names of the 1[President] and other members of the 2[Council], appointed or nominated, as the case may be, under section 4 shall be published in the Official Gazette as soon as may be after their appointment or nomination, as the case may be.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

8. Term Of Office Of Other Members Of The Council :-

Term of office of other members of the 1[Council]

(1) Subject to the provisions of this Act, a member, other than an ex officio member, shall hold office for such term, not exceeding three years, as the State Government may specify, and such term shall be computed from the date on which the name of the member is published under section 7.

(2) On the expiry of the term of office as specified under sub-section (1), a member may be re-nominated.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

9. Casual Vacancies :-

If the 1[President] or any other member, other than an ex officio member, dies or resigns his office or otherwise ceases to be the 1[President] or other member, the vacancy shall be filled up by a fresh appointment or nomination, as the case may be.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

10. Term Of Office Of President :-

Term of office of 1[President]

The appointment of the 1[President] under clause (a) of section 4 shall be for such period, not exceeding four years, as the State Government may, by notification published in the Official Gazette, specify. On the expiry of the period of appointment as aforesaid, the 1[President] may be reappointed for such period as the State Government may determine; so, however, that the total period of appointment (including the period of reappointment) as 1[President] shall not exceed eight years.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of

2006.

11. Disqualification Supervening Membership Of Council :-

Disqualification supervening membership of 1[Council]

If the 2[President] or other member becomes subject to any of the disqualifications specified in section 14, he shall cease to be the 2[President] or other member, as the case may be, with effect from such date as the State Government may direct.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

12. Resignation Of President And Other Members :-

Resignation of 1[President] and other members

(1) The 1[President] may resign his office by giving a notice in writing to the State Government, stating his intention so to do, and, on such resignation being accepted by the State Government, the 1[President] shall be deemed to have vacated his office.

(2) Any other member may resign his office by giving a notice in writing to the 1[President], stating his intention so to do, and, on such resignation being accepted by the 2[Council], such member shall be deemed to have vacated his office.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

13. Temporary Arrangement For The Office Of The President :-

Temporary arrangement for the office of the 1[President]

If the 1[President] dies or resigns his office or ceases to hold office or is temporarily absent or, for any reason, is unable to exercise the powers and perform the duties of his office, 2[the State Government shall authorise a member of the Council] to exercise the powers and perform the duties of the 1[President] until the 1[President] resumes office or a new 1[President] is appointed, as the case may be.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of

2006.

2. Words Substituted for the words "the State Government shall authorise the Director" by W. B. Act 13 of 2006.

14. Disqualifications For Membership :-

A person shall be disqualified for being appointed or nominated as a member of the 1[Council], if he-

(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 misconception without any misconduct on his part;

(d) has been convicted by a Court of an offence involving moral turpitude;

(e) directly or indirectly by himself or his partner-

(i) holds any share or interest in any textbook approved by the 1[Council] or published by or under the authority of the 1[Council], or

(ii) has any interest in any work by order of, or in any contract entered into by or on behalf of the 1[Council], provided that a person who having any share or interest in any textbook referred to in subclause (i) shall not be deemed to have incurred the disqualification under the said sub-clause, if five years have elapsed from the date of publication or republication of such textbook.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

15. Conduct Of Meetings :-

1[The President, or in his absence, one member of the Council elected from amongst those present shall preside over the meetings of the Council, and the President or the member presiding over the meeting, as the case may be, shall be entitled to vote on any matter, and shall have a second or casting vote in every case of equality of votes.]

1. Section 15 Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"15. Conduct of meetings.-The Chairman or, in his absence, the Director shall preside over the meetings of the Vidyalaya, and the Chairman or the Director, as the case may be, shall be entitled to vote on any matter, and shall have a second or casting vote in

every case of equality of votes at any such meeting."

16. Restriction On Vote :-

(1) No member of the 1[Council] shall vote on any matter in which he has any personal or technical interest.

(2) The 2[President], 3[or any member of the Council,] presiding at the meeting of the 1[Council] shall decide any question arising under sub-section (1), and his decision thereon shall be final.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

3. Words Substituted for the words "or the Director," by W.B. Act 13 of 2006.

17. Persons In Service Of Council :-

1[(1) (a) The State Government may appoint a Secretary to the Council for carrying out the purposes of this Act.

(b) The Council may appoint such other officers and employees, as it may consider necessary, for carrying out the purposes of this Act.

(2) The salaries and allowances payable to, and the method of recruitment and other terms and conditions of service of,-

(a) the Secretary of the Council shall be such as may be prescribed;

(b) the other officers and employees of the Council shall be such as may be determined by regulations.

(3) Subject to the general control and supervision of the President, the Secretary shall be the principal administrative officer of the Council and be entitled to attend and speak at any meeting of the Council, but shall not be entitled to vote.]

1 . Section 17 Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"17. Persons in the service of the Vidyalaya."-(1) The Vidyalaya shall have a Secretary who shall be appointed by the Vidyalaya on such terms and conditions as may be determined by the State Government.

(2) The Vidyalaya may appoint such other officers and employees as it may consider necessary for carrying out the purposes of this Act and shall determine, subject to the approval of the State Government, the terms and conditions of such appointment."

18. Academic Advisory Committee Of Council :-

Academic Advisory Committee of 3[Council]

2(1) The Council shall constitute an Academic Advisory Committee of the Council (hereinafter referred to as the Academic Advisory Committee) for advising the Council-

(a) on matters relating to the syllabus to be followed and the books to be studied for examinations conducted by the Council;

(b) on such other matters as may be referred to it by the Council.

(2) The advice given by the Academic Advisory Committee shall not be binding on the 3[Council], but the 3[Council] shall record the reasons at its meeting for not accepting the advice given by the Academic Advisory Committee.

4(3) The Academic Advisory Committee shall consist of the following members:-

(a) the President;

(b) the Head of the Academic Department of the Council;

(c) three members to be nominated by the Council from amongst the members of the Council;

(d) four members to be nominated by the Council from amongst the eminent academicians in different branches of knowledge.

(5) 6[The (President)] shall be the 7[President] of the Academic Advisory Committee, and 8[the Secretary of the Council] shall be the Secretary of the Academic Advisory Committee.

9(6) The President, or in his absence, one member of the Academic Advisory Committee elected from amongst those present shall preside over the meetings of the Academic Advisory Committee.

(7) A member of the Academic Advisory Committee, who is also a member of the 10[Council], shall continue to hold office as a member of the Academic Advisory Committee till he ceases to be a member of the 10[Council].

(8) Any member of the Academic Advisory Committee may resign after giving fifteen days notice to 11[the President] and the 10[Council] shall have the power to remove any member of the Academic Advisory Committee after recording reasons thereof at a meeting.

1. Chapter heading Substituted for the Chapter heading "Committees of the Vidyalaya" by W. B. Act 13 of 2006.

2. Sub-section (1) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(1) The Governing Body shall constitute an Academic Advisory Committee of the Vidyalaya (hereinafter referred to in this Act as the Academic Advisory Committee) for advising the Governing Body

on the courses of studies."

3. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

4. Sub-section (3) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(3) Subject to the other provisions of this section, the Academic Advisory Committee shall consist of nine members including eminent academicians in different branches of knowledge, to be nominated by the Governing Body."

5 . Sub-section (4) om. by W.B. Act 13 of 2006, which was as under:-

"(4) The Head of the Academic Department of the Vidyalaya (hereinafter referred to in this Act as the Academic Department) shall be member of the Academic Advisory Committee and not more than four members of the Governing Body including the Chairman and the Director shall be included in the Academic Advisory Committee."

6. Words "The Chairman" first Substituted for the words "The Director" by W.B. Act 7 of 2002, then again the word "President" Substituted for the word "Chairman" by W.B. Act 13 of 2006.

7. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

8 . Words Substituted for the words "the Head of the Academic Department" by W.B. Act 13 of 2006.

9. Sub-section (6) first Substituted by W.B. Act 7 of 2002, then again Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(6) The Chairman, and in his absence the Director, shall preside over the meeting of the Academic Advisory Committee."

10. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

11. Words Substituted for the words "The Director" by W.B. Act 13 of 2006.

19. Committees Of The Council :-

Committees of the 1[Council]

(1) The 2[Council] may also constitute all or any of the following committees:-

(b) Examination Committee;

(c) Recognition Committee;

(d) Finance Committee.

(2) The 2[Council] may constitute such other Committee or Committees as it may think fit.

4(3) Each of the Committees constituted under sub-section (1) shall consist of 5[the President and such other members,] not exceeding seven, as the 2[Council] may think fit.

6(4) The Secretary of the Council shall be the Secretary of each of the Committee constituted under sub-section (1).

7(5) Any member of the 1[Council] may be appointed to be a member of any Committee constituted under sub-section (1), but the total number of members of the 1[Council], 8[including the President and the Secretary,] in any such Committee shall not exceed four.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Clause (a) om. by W.B. Act 13 of 2006, which was under:-
"(a) Syllabus Committee;"

4. Sub-section (3) Substituted by W.B. Act 7 of 2002, which was earlier as under:-

"(3) Each of the Committees constituted under sub-section (1) shall consist of the Director as its Chairman and such other members, not exceeding six, as the Governing Body may think fit."

5. Words Substituted for the words "The Chairman, the Director and such other members." by W. B. Act 13 of 2006.

6. Sub-section (4) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(4) Each such Committee shall have a Secretary who shall be deputed by the Director from amongst the Officers of the Vidyalaya."

7. Sub-section (5) Substituted by W.B. Act 7 of 2002, which was earlier as under:-

"(5) Any member of the Governing Body may be appointed to be a member of any Committee constituted under sub-section (1), but the total number of members of the Governing Body, including the Director, in any such Committee shall not exceed three."

8. Words Substituted for the words "including the Chairman and the Director," by W.B. Act 13 of 2006.

20. Functions Of Committees :-

(2) The Examination Committee shall advise the 2[Council] on-

(a) the selection of 3[examination centres,] paper-setters, moderators, tabulators, examiners, invigilators, supervisors, and others employed in connection with the examinations conducted by the 4[Council] and the rates of remuneration to be paid to them,
(b) the fees to be paid by the candidates for such examinations, and

(c) such other matter relating to the examinations as aforesaid as may be referred to it by the 2[Council] for advice.

(3) The Recognition Committee shall advise the 2[Council] on all matters relating to the recognition of study centres.

(4) The Finance Committee shall prepare the budget of the 4[Council] and shall advise the 2[Council] on such matters relating to finance as may be referred to it by the 2[Council] for advice.

(5) Any other Committee that may be constituted by the 2[Council] under the sub-section (2) of section 19 shall perform such functions as may be assigned to such Committee by the 2[Council].

1. Sub-section (1) om. by W.B. Act 13 of 2006, which was as under:-

"(1) The Syllabus Committee shall advise the Governing Body-

(a) on matters relating to the syllabus, the courses of studies to be followed, and the books to be studied for examinations conducted by the Vidyalaya, and

(b) on such other matter relating to the syllabus, the courses of studies to be followed, and the books to be studied for examinations conducted by the Vidyalaya as aforesaid, as may be referred to it by the Vidyalaya."

2. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Words inserted by W.B. Act 7 of 2002.

4. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

20A. Boards Of Studies Of Council :-

1[(1) The Academic Advisory Committee referred to under sub-section (1) of section 18 shall constitute Boards of Studies for one or more subjects in general and in vocational stream course.

(2) Each such Board of Studies shall consist of-

(a) the President;

- (b) one member to be nominated by the State Government;
- (c) one member to be elected by the members of the Council from amongst themselves;
- (d) not more than four members to be nominated by the President from amongst the experts in the branch of education in respect of which the Board of Studies is to be constituted.
- (3) The terms of the office of the members of each of Board of Studies shall be three years, but the Council may extend the period from time to time so, however, that the total period does not exceed four years.
- (4) The President shall be the 2[President] of each of the Board of Studies and the Secretary to the Council shall be the Secretary thereto.
- (5) Each Board of Studies shall-
 - (a) make recommendation relating to introduction of the course of studies for each of the subjects in general and in vocational stream;
 - (b) perform such functions as may be assigned to it by the Council.
- (6) The Academic Advisory Committee shall consider the recommendations of the Board of Studies and advise the Council on that basis from time to time.
- (7) The 2[President] shall preside over the meetings of each such Board of Studies and in his absence, the members present shall elect one from amongst themselves to preside.
- (8) A member of any such Board who is a member of the Council shall continue to hold office until he ceases to be a member of the Council.]
- 1. Section 20A inserted by W.B. Act 13 of 2006.
- 2. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

21. Powers And Functions Of President :-

- 1[(1) The President shall be responsible for carrying out and giving effect to the decisions of the Council and of any Committee or Board of Studies constituted under this Act.
- (2) The President may, in any emergency, exercise any of the powers of the Council provided however that he shall not act contrary to any decision of the Council, and shall, as soon thereafter as may be, report to the Council the action taken by him together with the reasons therefor.
- (3) The President shall-

- (a) exercise general supervision and control over the Secretary and the other officers and employees appointed by the Council;
- (b) assign to each member of the Council, the Committee or the Board of Studies such duties as he thinks fit;;
- (c) sanction such claims of travelling allowances and at such rates as the State Government may determine;
- (d) take such other action not inconsistent with any decision of the Council as he considers necessary for the proper functioning of the Council.]

1. Chapter IV containing sec. 21 and 22 Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"CHAPTER IV

Powers and functions of Governing Body, Chairman and Director

22. Powers and functions of Chairman and Director.-(1) (a) The Chairman shall exercise general supervision and control over the Vidyalaya.

(b) The Chairman may, in any emergency, exercise any of the powers of the Vidyalaya, provided, however, that he shall not act contrary to any decision of the Vidyalaya and shall, as soon thereafter as may be, report to the Governing Body the action taken by him in exercise of any such power together with the reasons therefor.

(2) The Director shall-

(a) be responsible for carrying out, and for giving effect to, the decisions of the Vidyalaya or of any Committee constituted under this Act;

(b) sanction such claims for allowances, and at such rates, as the State Government may determine.

22. Powers And Functions Of Secretary :-

1[The Secretary shall-

(a) be responsible for carrying out, and for giving effect to the decision of the President, the Council or of any Committee or Board of Studies constituted under this Act;

(b) sanction such claims for allowances, and at such rates, as the State Government may determine.]

1. Chapter IV containing sec. 21 and 22 Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"CHAPTER IV

Powers and functions of Governing Body, Chairman and Director

22. Powers and functions of Chairman and Director.-(1) (a) The

Chairman shall exercise general supervision and control over the Vidyalaya.

(b) The Chairman may, in any emergency, exercise any of the powers of the Vidyalaya, provided, however, that he shall not act contrary to any decision of the Vidyalaya and shall, as soon thereafter as may be, report to the Governing Body the action taken by him in exercise of any such power together with the reasons therefor.

(2) The Director shall-

(a) be responsible for carrying out, and for giving effect to, the decisions of the Vidyalaya or of any Committee constituted under this Act;

(b) sanction such claims for allowances, and at such rates, as the State Government may determine.

23. Meetings Of Council :-

(1) The annual meeting of the 1[Council] shall be held in the month of 2[July] each year.

(2) The 1[Council] may hold meetings, at such other times as the 3[President] may decide, but in no case shall such meetings be held for less than four times a year.

(3) One-third of the total number of members of the 1[Council] shall be a quorum for a meeting of the 1[Council].

4(4) A meeting of the 5[Council] shall be convened by the 6[Secretary] after giving ten days notice to the members along with the agenda to be prepared by the 44[Secretary] in consultation with the 3[President].

4(5) The 6[Secretary] may, on the advice of, or in consultation with, the 3[President], convene an emergent meeting of the 5[Council] after giving two days notice to the members, for transaction any urgent matter.

1. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Word Substituted for the word "January" by W.B. Act 7 of 2002.

3. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

4. Sub-secs. (4) and (5) inserted by W.B. Act 7 of 2002.

5. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

6. Word Substituted for the word "Director" by W.B. Act 13 of

2006.

24. Power To Make Regulations :-

The 1[Council] shall make regulations relating to the meetings of the 1[Council] or of any Committee constituted by the 1[Council] and the procedure to be followed at such meetings.

1. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

25. Annual Report :-

(1) The 1[President] shall place at the first annual meeting of the 2[Council] in the year following the year in which it is constituted and at every annual meeting thereafter a report on the working of the 3[Council] during the last preceding financial year. 4[He shall also place the annual accounts of the 3(Council) for the same period.]

(2) The report 4[and the annual accounts] shall be forwarded to the State Government within one month of its presentation at the annual meeting of the 2[Council] with such comments thereon as the 2[Council] may think fit to make.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

4. Words inserted by W.B. Act 7 of 2002.

26. Budget :-

(1) The 1[President] shall place at every annual meeting a Budget Estimate, in such form as may be prescribed by rules, showing the anticipated income and expenditure of the 2[Council] during the financial year in which the annual meeting is held.

(2) The Budget Estimate shall, after confirmation by the 3[Council], be forwarded to the State Government within such time as may be prescribed by rules.

(3) (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 2[Council] with such comments and suggestions as it may deem necessary if, in its opinion, such Estimate-

(i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in its closing balance;

(ii) includes new items of recurring expenditure which are likely to impose upon the 2[Council] in the future financial liabilities which the 2[Council] is not likely to be able to meet from its income; and

(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 3[Council] shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The 3[Council] shall, then, submit the Budget Estimate as so revised to the State Government or the 3[Council] shall, if it does not think fit to revise the Estimate, submit 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 the Budget Estimate as revised by the 3[Council] or if the Budget Estimate is returned by the 3[Council] 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 alterations or modifications 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 2[Council] and the Budget Estimate so returned shall be the Budget Estimate of the 2[Council] for the relevant financial year.

(d) If the State Government does not accord its approval to the said Estimate within three months of receipt thereof by that Government for such approval or within three months of re-submission thereof by the 2[Council] with or without revision, the said Estimate shall be deemed to have been approved by the State Government.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

3. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

27. Grant By The State Government :-

The State Government may, after considering the Budget Estimate, the accounts of the 1[Council] and such revision of the Budget Estimate as it may think necessary, make such annual or periodical grant to it as it may think fit, provided that on the establishment of the 1[Council] and before the first Budget Estimate is forwarded to the State Government, the State Government may, after considering such report as it may call for from the 1[Council] make such initial grant to the 1[Council] as may be considered necessary.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

28. Fund Of The Council :-

Fund of the 1[Council]

(1) The 1[Council] shall have a Fund to be called 2[the Rabindra Nath State Council of Open Schooling Fund] (hereinafter referred to in this Act as the Fund of the 1[Council] to which shall be credited-

(a) all sums which may be paid by the State Government under section 27;

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

(c) all sums representing income from endowments, if any, or from property owned or managed by the 1[Council]; and

(d) all other sums received by or on behalf of the 1[Council] from any other source.

(2) The Fund of the 1[Council] shall vest in the 1[Council] and shall be under its control and shall be held in trust for the purposes of this Act.

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

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Words Substituted for the words "The Rabindra Mukta Vidyalaya

Fund" by W.B. Act 13 of 2006.

3. Sub-section (3) Substituted by W.B. Act 13 of 2006, which was earlier as under:-

"(3) All moneys payable to the credit of the Fund of the Vidyalaya shall forthwith be paid into the State Bank of India or any nationalised bank to the credit of the Fund of the Vidyalaya, and all cheques drawn on the Fund of the Vidyalaya shall be signed by the Director or by such other person as he may authorise in writing in this behalf jointly with any one of two members of Vidyalaya authorised by the Vidyalaya."

29. Application Of The Fund Of The Council :-

Application of the Fund of the 1[Council]

No expenditure shall be incurred from the Fund of the 1[Council] except for the purposes of this Act and unless such expenditure is provided for in the Budget as approved under this Act or may be met by re-appropriation in the manner prescribed by rules.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

30. Accounts :-

The 1[Council] shall keep an account of all its receipts and expenditure in the manner prescribed by rules.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

31. Audit :-

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

(2) For the purposes 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 2[financial matter of] the 1[Council] 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; or

(c) require any person so appearing before him to submit a

statement in writing instead of any such document.

(3) It shall be the duty of the 1[Council] and every member thereof and of the Secretary and other officers and employees in the service of the 1[Council] to afford to the auditor every facility for the examination and audit of the accounts of the 1[Council] and to comply with any requisition made by the auditor under sub-section (2) and the requirements of any rule made in this behalf.

(4) Any person who wilfully suppresses, or refuses to comply with, any requisition made under sub-section (2) or refuses to comply with the requirement of any rule made in this behalf shall, on conviction, be punished with fine which may extend to live thousand 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 Metropolitan Magistrate or a Judicial Magistrate of the First Class, shall try an offence punishable under sub-section (4).

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Words inserted by W.B. Act 7 of 2002.

32. Audit Report :-

Not more than 14 days after the 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 1[Council] and, thereupon, the 1[Council] shall forward the report to the State Government together with its observations thereon.

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

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

33. Payment Of Allowances :-

Subject to the provisions of section 6, the members of the 1[Council] or of any Committee constituted under this Act shall receive such allowances for attending the meetings of the 1[Council] or the Committee, as the case may be, or for such other purposes, as the State Government may determine.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

34. Council To Furnish Information :-

1[Council] to furnish information

The 1[Council] shall furnish to the State Government such reports, returns, and statements as may be prescribed by rules and such further information or any matter relating to the 1[Council] as the State Government may require.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

35. Power Of State Government To Suspend Proceedings :-

The State Government may, by order in writing and stating the reasons therefor, suspend the execution of any resolution or order of the 1[Council] or of any Committee constituted under this Act and prohibit the doing of any act which is purported to be done or is 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 on the 1[Council] or the Committee, as the case may be.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

36. Certain Persons Deemed To Be Public Servants :-

The members of the 1[Council] or of any Committee constituted under this Act, persons in the service of the 2[Council] and, any other person appointed under this Act to audit the accounts of the 2[Council] shall be deemed to be public servants, within the meaning of section 21 of the Indian Penal Code.

1. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

37. Indemnity :-

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

38. Savings :-

No act or proceeding under this Act shall be invalid merely on the ground of-

(a) the existence of any vacancy in, or any defect in the constitution of, the 1[Council] or any Committee constituted under this Act, or

(b) any member of the 2[Council] having cast his vote in any matter in contravention of the provisions of section 16, or

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

1. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

39. Transitory Provisions :-

(1) The 1[President] shall make the first regulations for the purposes of this Act.

(2) The first regulations shall remain in force for a period of one year or until regulations are made by the 2[Council] under this Act, whichever is earlier.

1. Word Substituted for the word "Chairman" by W.B. Act 13 of 2006.

2. Word "Vidyalaya" first Substituted for the words "Governing Body" by W.B. Act 7 of 2002, then the word within third brackets" Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

40. Powers To Make Rules :-

(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:-

(a) the acquisition, possession and disposal of property by the 1[Council], the conditions of such acquisition, possession and disposal, and the doing of any other thing referred to in sub-section (2) of section 3;

2(aa) the salaries and allowances payable to, and the method of recruitment and other terms and conditions of service of the Secretary of the Council under clause (a) of sub-section (2) of section 17;

(b) the provident fund referred to in clause (m) of sub-section (2)

of section 21 as may be instituted and administered by the 1[Council];

(c) the form in which the Budget Estimate of the 6[Council] shall be prepared as referred to in sub-section (1) of the section 26;

(d) the time within which the Budget Estimate shall be forwarded to the State Government as referred to in sub-section (2) of section 26;

(e) the manner in which all payments to and from the Fund of the 1[Council] shall be made;

(f) the manner of re-appropriation under section 29;

(g) the manner of keeping of accounts of receipts and expenditure under section 30;

(h) the manner in which examinations and audit of accounts of the 1[Council] shall be made under section 31;

(i) the reports, returns and statements to be furnished by the 1[Council] under section 34 and the form of such reports, returns and statements; and

(j) any other matter required to be prescribed, or to be provided for, by rules.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Clause (aa) inserted by W.B. Act 13 of 2006.

41. Power To Make Regulations :-

The 1[Council] may, with the approval of the State Government and by notification published in the Official Gazette, make regulations not inconsistent with the provisions of this Act 2 * * * * * * * in respect of all or any of the matters required to be provided for by regulations.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.

2. Words "or the rules made, or the regulations made by the Governing Body, thereunder" om. by W.B. Act 7 of 2002.

3. Sub-section (2) om. by W.B. Act 7 of 2002, which was as under:-

"(2) The Governing Body may, with the approval of the State Government and by notification published in the Official Gazette, make regulations not inconsistent with the provisions of this Act or the rules, or the regulations made by the Vidyalaya, thereunder in respect of all or any of the matters required to be provided for by regulations."

42. Council To Be Guided By Directions Of State Government :-

The 1[Council] shall, in exercising its powers and performing its duties under this Act, be guided by such directions in the matter of scope and content of courses of studies as the State Government may, by notification published in the Official Gazette, give from time to time.

1. Word Substituted for the word "Vidyalaya" by W.B. Act 13 of 2006.