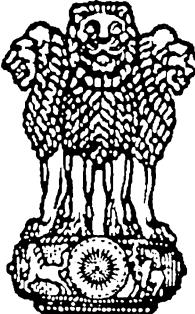


The



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PART IV— Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1026-L.—30th June, 2010.—The Governor having been pleased to order, under rule 66 of the Rules of

Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information :—

Bill No. 19 of 2010

THE WEST BENGAL PANCHAYAT BOARD OF EDUCATION
BILL, 2010.

A

BILL

to establish a Panchayat Board of Education in West Bengal.

WHEREAS it is expedient to establish a *Panchayat* Board of Education in West Bengal, for the purposes and in the manner hereinafter appearing;

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

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter I. — Preliminary, — Clauses 1,2. — Chapter II. — The Board.— Clause 3.*)

CHAPTER I
Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal *Panchayat* Board of Education Act, 2010.

(2) It extends to the *Panchayat* areas of West Bengal.

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

Definitions.

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

- (a) “Board” means the West Bengal *Panchayat* Board of Education established under this Act;
- (b) “by-law” means a by-law made by the Executive Committee;
- (c) “Managing Committee” means the Governing Body of a *Vidyalaya*;
- (d) “Member” means a person elected or nominated or appointed to be a member of the Board, by the State Government;
- (e) “notification” means a notification published in the *Official Gazette*;
- (f) “*Panchayat Prathamik Vidyalaya*” means a school imparting education to the learners up to class IV;
- (g) “*Panchayat Nimna Madhyamik Vidyalaya*” means a school imparting education to the learners of class V to class VIII;
- (h) “*Panchayat Madhyamik Vidyalaya*” means a school imparting education to the learners of class V to class X;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “President” means the President of the Board;
- (k) “regulation” means regulation made by the Board under this Act;
- (l) “rule” means rule made by the State Government under this Act;
- (m) “Secretary” means the Secretary of the Board;
- (n) “*Vidyalaya*” shall mean *Panchayat Prathamik Vidyalaya*, *Panchayat Nimna Madhyamik Vidyalaya* and *Panchayat Madhyamik Vidyalaya* but shall not include schools governed by the West Bengal Primary Education Act, 1973 or the West Bengal Board of Secondary Education Act, 1963 or the West Bengal Board of Madrasah Education Act, 1994.

West Ben. Act
XLIII of 1973.
West Ben. Act V of
1963.
West Ben. Act
XXXIX of 1994.

CHAPTER II
The Board

Establishment and incorporation of Board.

3. (1) The State Government shall, as soon as may be after the Act comes into force, establish a Board to be called West Bengal *Panchayat* Board of Education.

*The West Bengal Panchayat Board of Education Bill, 2010.**(Chapter II. — The Board.— Clauses 4,5.)*

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall engage in such activities as may be necessary for the purpose of the Act, and shall by its name sue and be sued.

Compostion of Board.

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

- (a) the President;
- (b) the President of the West Bengal Council of Higher Secondary Education, *ex officio*;
- (c) the President of the West Bengal Board of Secondary Education, *ex officio*;
- (d) the President of the West Bengal Board of Madrasah Education, *ex officio*;
- (e) the President of the West Bengal Board of Primary Education, *ex officio*;
- (f) the President of the West Bengal State Council of Vocational Education and Training, *ex officio*;
- (g) all *Karmadhyakshas of Shiksha, Sanskriti, Tathya-O-Krira Sthayee Samitis of Zilla Parishads or Mahakuma Parishad*;
- (h) one representative of Darjeeling Gorkha Hill Council;
- (i) the State Project Director, *Paschimbanga Sarba Siksha Mission*;
- (j) the Director of School Education, Government of West Bengal;
- (k) the Director of Technical Education, Government of West Bengal;
- (l) eighteen representatives from among the whole-time *Mukhya Samprasarakas* or *Mukhya Samprasarakas* and *Samprasarakas* or *Smprasarakas* of *Pancahyat Madhyamik* or *Nimna Madhyamik* *Vidyalayas*, one from each district, elected in the manner prescribed;
- (m) nine whole-time *Sahayikas* or *Sahayaks* of *Panchayat Prathamik Vidyalayas* as may be nominated by the State Government;
- (n) three representatives of the West Bengal Legislative Assembly, of which one shall be woman, as may be nominated by the Hon'ble Speaker;
- (o) representatives of the State Government, not exceeding three;
- (p) two representatives of reputed non-Government organizations engaged in promoting universalisation of education in rural areas as may be nominated by the State Government; and
- (q) the Secretary, who shall be a Government officer, not below the rank of a Deputy Secretary, to be appointed by the State Government.

Appointment of member.

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

*The West Bengal Panchayat Board of Education Bill, 2010.**(Chapter II. — The Board.— Clauses 6-10.)*

Publication of the names of members of the Board.

Term of office of member of the Board.

6. The name of every person elected or nominated or appointed as a member of the Board shall be published in the *Official Gazette* by the State Government, as soon as may be after the election or nomination or appointment, as the case may be.

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

(2) Notwithstanding the expiration of the term of five years as mentioned in sub-section (1), a member 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 the Act.

Casual vacancies.

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

Appointment, term of office, salary and allowances of the President.

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

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

Provided that no person who has attained the age of sixty-five years shall be eligible to hold office as President:

Provided further that the State Government may extend the period from time to time, but the total period of appointment shall not exceed seven years from the date of his first appointment.

(3) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications as applicable to other members of the Board.

(4) The President may resign his office by giving notice in writing to the State Government, and on acceptance of such resignation by the State Government, the President shall be deemed to have vacated his office.

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

Temporary and acting arrangement for the office of the President.

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

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

*The West Bengal Panchayat Board of Education Bill, 2010.**(Chapter II. — The Board. — Clauses 11-14.)*

Disqualification for membership.

11. (1) A person shall be disqualified for being nominated or appointed a member of the Board 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 misfortune without any misconduct on his part;
- (d) has been convicted by a court of an offence which is declared by the State Government to be an offence involving moral turpitude, unless—
 - (i) such disqualification is condoned by the State Government, or
 - (ii) the term of his sentence of imprisonment, or a period of five years from the date of his conviction, whichever is longer, has expired;
- (e) directly, or indirectly, by himself or his partner,—
 - (i) has or had any share or interest in any textbook approved by the Board or published by or under the authority of the Board, or
 - (ii) has any interest in any work done by order of or in any contract entered into on behalf of the Board.

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

Resignation and removal of members.

12. (1) A member of the Board may resign his seat by giving notice in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

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

Conduct of meetings.

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

Restriction on voting.

14. (1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any *Vidyalaya* of which he is either a teaching person or a member of the Managing Committee.

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter II. — The Board.— Clause 15. — Chapter III. — Committees under the Board. — Clause 16.*)

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

Persons in the service of the Board.

15. (1) The Board shall have a Secretary, who shall be a Government officer, not below the rank of a Deputy Secretary, to be appointed by the State Government.

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

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

(4) The method of recruitment and conditions of service (including the scale of pay and allowances, if any) shall,—

- (a) as respects the Secretary, be such as may be prescribed, and
- (b) as respects the other officers and employees be such as may, subject to the approval of the State Government, be determined by regulations published in the *Official Gazette*.

(5) The members of the Board or of any committee constituted under the Act who are not in the service of the Government shall, in respect of expenses incurred by them in attending the meeting of the Board or any such committee or sub-committee or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowance at such rate as may be prescribed.

CHAPTER III

Committees under the Board

Constitution of Committees.

16. (1) As soon as may be after the Board is established, the Board may constitute with the approval of the State Government following Committees, namely:—

- (a) the Executive Committee;
- (b) the Academic Committee;
- (c) the Finance Committee.

(2) Each of the Committees referred to in sub-section (1) shall be composed of the President as its Chairman and wholly, or partly, of members of the Board, and the total number of members of such Committee including the President shall not exceed nine.

(3) The Secretary of the Board shall act as the secretary of each such committee.

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter III. — Committees under the Board. — Clause 16.*)

(4) (a) The Executive Committee shall consist of the President and such other members as may be decided by the Board.

(b) Subject to any general or special orders of the State Government, the Executive Committee shall have the power to —

- (i) advise the Board on all matters relating to development of Primary and Secondary Education within the *Panchayat* areas of West Bengal;
- (ii) take such steps as may be necessary to carry out the decisions taken by the Board;
- (iii) grant or refuse recognition to any *Vidyalaya* and withdraw recognition granted to *Vidyalaya*;
- (iv) amalgamate two or more *Vidyalayas* into one *Vidyalaya* or split one *Vidyalaya* into two or more *Vidyalayas* or shift a *Vidyalaya* from one site to another;
- (v) supervise the function of the Managing Committees, approve or withhold approval of the constitution of the Managing Committees, approve special constitution of the Managing Committees, supersede a Managing Committee and appoint administrator or *ad hoc* committee to manage the affairs of a *Vidyalaya*;
- (vi) maintain separate register of recognized *Vidyalayas*;
- (vii) provide the courses of studies to be followed and the books to be studied in recognized *Vidyalayas*;
- (viii) publish or revise the list of books to be studied in *Vidyalayas*;

(c) The Executive Committee shall submit to the Board half-yearly reports on the action taken by it on matters specified in this section and such other reports, returns, statements and information on any matter relating to the duties of the Executive Committee as the Board may require from time to time.

(d) The Executive Committee may make by-laws, not inconsistent with this Act or the rules or the regulations made thereunder, for discharging its functions under the Act.

(e) No by-law shall be valid unless it is approved by the State Government. The Executive Committee shall submit by-law to the Board and the Board shall examine the same and submit the by-law to the State Government with its report. The State Government, after considering the report of the Board may approve the by-law and, if necessary, make such additions, alterations or modifications as it thinks fit.

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter III. — Committees under the Board. — Clause 17. — Chapter IV. — Powers and functions of the Board and President. — Clause 18.*)

(f) All by-laws approved by the State Government shall be published in the *Official Gazette*.

(5) (a) The Academic Committee shall consist of the President and such other members as may be decided by the Board.

(b) It shall be the duty of the Academic Committee to advise the Executive Committee on all matters concerning the recognition of *Vidyalayas*, to advise the Board about the syllabus and courses of studies to be followed in *Vidyalayas* or about books to be studied in *Vidyalays*, to arrange for training of *Mukhya Samprasarakas* or *Samprasarakas* and *Samprasarakas* or *Samprasarakas* of *Panchayat Madhyamik* or *Nimna Madhyamik Vidyalayas* and *Sahayikas* or *Sahayaks* of *Panchayat Prathamik Vidyalayas*, and to arrange for the holding of examination or evaluation at the primary level and secondary level of the students of the *Vidyalayas*.

(6) (a) The Finance Committee shall consist of the President and such other members as may be decided by the Board.

(b) It shall be the duty of the Finance Committee to deal with all financial matters and prepare the budget relating to the Board and to perform such other functions as the Board may direct.

(7) The Board may, with the approval of the State Government, constitute such other committee or committees as it may think fit and any such committee may be composed wholly or in part of members of the Board.

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

Term of office of members of the Committees.

17. (1) A member of any committee who is also a member of the Board shall continue to hold office until he ceases to be a member of the Board.

(2) A member of any committee who is not a member of the Board shall hold office for such term as may be specified by the Board and may on expiration of such term be re-elected or re-nominated or re-appointed:

Provided that, notwithstanding the expiration of the said term, a member of a committee shall continue to hold office until the vacancy caused by the expiration of the said term is filled in.

CHAPTER IV

Powers and functions of the Board and President

Powers and functions of the Board.

18. (1) The Board shall have the power—

(a) to conduct periodical survey to assess the educational needs within the *Panchayat* areas of West Bengal with special emphasis on such needs of the Scheduled Castes and Scheduled Tribes and other backward and minority communities in West Bengal;

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter IV.—Powers and functions of the Board and President.—Clause 18.*)

- (b) to administer the West Bengal *Panchayat* Board of Education Fund;
- (c) to make regulations relating to the conduct, discipline and appeal in respect of the members of its staff;
- (d) to make regulations relating to the conduct and discipline in respect of teachers and non-teaching staff of recognized *Vidyalayas* under the Board;
- (e) to decide any appeal preferred against any decision of the Executive Committee or the Academic Committee or the Finance Committee and the Board shall have the power to require the Executive Committee or the Academic Committee or the Finance Committee from time to time to submit reports, returns and other information relating to the duties of such Committees;
- (f) to award diplomas, certificates, prizes and scholarships in respect of any examination or evaluation conducted by the Board.

(2) Apart from the powers as mentioned in sub-section (1), the Board shall—

- (a) undertake all activities as may be necessary for the implementation of *Shishu Shiksha Karmasuchi* and *Madhyamik Shiksha Karmasuchi*;
- (b) create duly empowered administrative mechanisms through such participation as may be deemed necessary of *Zilla Parishads*, *Panchayat Samitis*, *Gram Panchayats*, various departments and autonomous agencies of the Central Government and State Government as also any other organization and the community interested in the field of universalisation of education;
- (c) bring about effective decentralization in primary and secondary education by involvement of the people through a process of training and awareness building and creation of appropriate structures, formal or otherwise;
- (d) secure constructive and participatory involvement of *Sahayikas* or *Sahayaks* or *Samprasarakas* or *Samprasarakas* and persons interested in education for the achievement of the Board's objectives;
- (e) take up experimental and innovative programmes in primary and secondary education;
- (f) undertake and promote research and studies relating to primary and secondary education and its management;
- (g) ensure technical resources and support by harnessing appropriate institutional and organisational efforts;

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter IV. — Powers and functions of the Board and President. — Clause 18.*)

- (h) advise the State Government, *Zilla Parishads, Panchayat Samitis* and *Gram Panchayats* and the Managing Committees of the *Vidyalayas* on matters relating to primary and secondary education and also on matters referred to the Board by the State Government and other agencies;
- (i) organize conferences, symposia, workshops, trainings etc. on matters related to primary and secondary education;
- (j) undertake preparation and production of educational materials and disseminate the same;
- (k) create academic, technical, administrative, managerial and other posts in the Board with the approval of the State Government and shall make payment in accordance with the rules and regulations of the Board;
- (l) shall accept or provide any grant of money, loan, securities or property of any kind and undertake and accept the management of any endowment, trust, fund or donation in consonance with the objectives of the Board;
- (m) take such actions and enter into all such contracts or actions as may appear necessary or instrumental to the objective of the Board;
- (n) incur expenditure after drawing up a budget and with due regard to economy and propriety;
- (o) purchase, hire, take on lease, exchange or otherwise acquire property movable or immovable and construct, alter and maintain any building or buildings as may be necessary for carrying out the objective of the Board;
- (p) grant or refuse recognition to *Vidyalayas* and to withdraw such recognition if it thinks fit and necessary in accordance with such regulations as may be in this behalf;
- (q) arrange for the holding of examination or evaluation at the primary level and secondary level;
- (r) administer West Bengal *Panchayat* Education Board Fund;
- (s) make regulations relating to formation and functioning of the Managing Committees of the *Vidyalayas*;
- (t) institute and administer such Provident Fund and Death-cum-Retirement benefit of the employees of the Board, as may be prescribed ;

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter IV. — Powers and functions of the Board and President. — Clause 19.*)

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

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

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

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

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

Powers and duties of the President.

19. (1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any committee constituted under the Board.

(2) The President may, in any emergency, exercise any of the powers of the Board or the Executive Committee provided that he shall not act contrary to any decision of the Board or the Executive Committee or Academic Committee and shall, as soon thereafter as may be, place a full report before the Board or the Executive Committee as the case may be, of the action taken by him stating reasons therefor.

(3) The President shall —

(a) exercise general supervision over the Secretary and the staff appointed by the Board, and post and transfer the members of the staff;

(b) sanction all claims of travelling allowance; and

(c) take such other action not inconsistent with any decision of the Board or the Executive Committee, as he considers necessary for the proper functioning of the Board or the Executive Committee.

The West Bengal Panchayat Board of Education Bill, 2010.

(Chapter V. — Meetings. — Clauses 20, 21.)

CHAPTER V

Meetings

Meetings of the Board.

20. (1) The Annual Meeting of the Board shall be held in the month of July in each year.

(2) The Board shall meet at such other times, not less than twice a year, as may be appointed by the President.

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

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

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

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

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

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

Meeting of Committees.

21. The Board shall make regulations relating to meetings of any committee and the procedure to be followed at such meetings. No business shall be transacted at any meeting of the committees unless there is a quorum of one-third of the existing members of such committees; fraction, if any, being counted as one.

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter VI. — Finance and Audit. — Clause 22.*)

CHAPTER VI

Finance and Audit

Annual report on budget estimate.

22. (1) The President shall place before the annual meeting of the Board held in the year following the year in which it is constituted and before every annual meeting thereafter a report on the working of the Board during the last preceding financial year.

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

(3) (a) The Board shall hold a special meeting by the 31st October of every financial year and the President shall place before the said meeting a budget estimate showing the anticipated income and expenditure of the Board for the next financial year.

(b) The budget estimate as aforesaid shall, after confirmation by the Board, be forwarded to the State Government by the 30th November of the financial year in which the special meeting is held.

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

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

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

*The West Bengal Panchayat Board of Education Bill, 2010.**(Chapter VI. — Finance and Audit. — Clauses 23, 24.)*

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

- (i) such modifications as are, in its opinion, necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and expenditures,
- (ii) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature, and
- (iii) any alteration or modification in any provision for expenditure which, in its opinion, is not justified and shall forward the budget estimate as so amended to the Board.

(5) If the State Government does not accord its approval to the budget estimate within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Board within the 31st March of the financial year immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the state Government by the Board or as resubmitted to the State Government by the Board as the case may be shall be deemed to have been approved by the State Government and shall be the budget estimate of the Board for the financial year to which it relates.

Payment to the Board by the State government.

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

Provided that on the establishment of the Board and before the first budget estimate is forwarded to the State Government, it may, after considering such report as it may call for from the Board, make such initial grant to the Board as may be considered necessary.

The West Bengal Panchayat Board of Education Fund.

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

- (a) all sums which may be paid by the State Government;
- (b) all sums representing income from endowments or from property owned or managed by the Board; and

The West Bengal Panchayat Board of Education Bill, 2010.

(*Chapter VI. — Finance and Audit. — Clauses 25—27.*)

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

(2) The fund shall vest in the Board and shall be under its control and shall be held by it in trust for the purposes of the *Vidyalayas*.

(3) All money payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India or into any branch of any nationalized bank and all cheques drawn on the Fund shall be signed by the President and/or by such other person or persons as the Board or the Executive Committee may authorize in this behalf.

Application of the
West Bengal Panchayat
Board of Education
Fund.

25. No expenditure shall be incurred from the Fund except for the purposes of management of affairs of the *Vidyalayas* and unless such expenditure is provided for in the budget approved or can be met by re-appropriation in the prescribed manner.

Accounts.

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

Audit.

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

(2) For the purpose of examination and audit, an auditor appointed for the purpose of audit may —

(a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit;

(b) require in writing the personal appearance before him of any person accountable for or having the custody or control of any such document to answer any question relating thereto; and

(c) require any person so appearing before him to submit a statement in writing in respect of any such document.

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

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(*Chapter VI. — Finance and Audit. — Clause 28. — Chapter VII. — Supplemental provisions. — Clauses 29—32.*)

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall come under disciplinary proceedings as may be prescribed by the State Government.

Audit report.

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

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

CHAPTER VII

Supplemental provisions

Board to furnish information.

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

Power of State Government to suspend proceedings.

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

Certain persons to be deemed to be public servant.

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

45 of 1860.

Indemnity.

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

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(Chapter VII. — Supplemental provisions. — Clauses 33-35.)

Savings.

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

- (a) the existence of any vacancy in, or defects in the initial or subsequent constitution of the Board 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 14; or
- (c) any defect or irregularity not affecting the merits of the case.

Transitory provisions.

34. (1) The President shall make the first regulations for the purpose of this Act.

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

Power to make rules.

35. (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 acquisition, possession, and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and performance by the Board of any function referred to in sub-section (2) of section 3;
- (b) the manner of selection of the members of the Board;
- (c) the composition, powers and functions of the Managing Committees of the *Vidyalayas*;
- (d) the method of recruitment, the terms and conditions of service including the scales of pay and the rules of discipline relating to the employees of the Board;
- (e) the rates at which the Board shall pay travelling allowance to the members of the Board;
- (f) any other matter which has to be, or may be prescribed.

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(*Chapter VII. — Supplemental provisions. — Clauses 36-38.*)

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

Board to be guided by directions of the State Government.

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

Supersession of the Board.

37. (1) If in the opinion of the State Government, the Board —

- (a) has persistently made default in the performance of duties imposed on it, or
- (b) has exceeded or abused its powers,

the State Government may, by an order published in the *Official Gazette* and stating the reasons therefor, supersede the Board for such period, not exceeding two years, as may be specified in the order, and take such steps as may be necessary to re-establish the Board immediately on the expiry of the period of supersession.

(2) The State Government may, if it considers necessary so to do, by order extend or modify from time to time the period of supersession which shall in no case in aggregate exceed three years.

Consequences of supersession.

38. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of an order of supersession made under section 37,—

- (a) all the members of the Board and the Committees constituted under this Act, and the President shall vacate their offices;
- (b) all the powers, duties and functions which, under the provisions of this Act or any rule or regulation made thereunder or of any law for the time being in force, may be exercised or performed by the Board or any of the Committees or the President, shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf;

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Provided that an Administrator appointed under this clause may delegate any of his powers, duties or functions to such person as he may think fit or to such body as may be constituted by him;

(c) the representatives of the Board on every body, statutory or otherwise, shall vacate respective offices as such representatives, and the Administrator may nominate such person or persons to represent the Board or that body, as he thinks fit.

(2) The State Government may, by an order published in the *Official Gazette*, cancel an order made under section 37 and re-establish the Board.

(3) On the re-establishment of the Board under sub-section (2), the Administrator shall cease to exercise his powers and perform his duties.

(4) The terms and conditions of service of the Administrator shall be such as fixed by the State Government by order made in this behalf.

Act to override other laws.

39. The provisions of this Act shall have effect notwithstanding anything contained in any law for the time being in force or in any contract, express or implied, or in any instrument having effect by virtue of any law or in any custom usage.

Power to remove difficulties.

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

STATEMENT OF OBJECTS AND REASONS.

The matter of rendering education upto class X to the children of *Panchayat* areas in the age group of 5-16 years who have not so far been covered by the existing network of primary education and who remain out of schools or if enrolled in schools leave them half way has been a matter of grave concern and under active consideration of the State Government for sometime past. To spread education to such children of *Panchayat* areas *Shishu Shikhsha Karmasuchi* was launched in the year 1997 and it expanded rapidly with the support of the community and effort of the State Government. The number of *Shishu Shikshsha Kendras* at present is 16108 with 1468700 learners and 46477 teaching personnel. Alongwith the expansion of *Shishu Shikhsha Karmasuchis*, the demand for upper primary level units to meet the eduatedal needs of pass-outs of *Shishu Shikshsha Kendras* paved the way for the establishment of *Madhyamik Shiksha Kendras* within the *Panchayat* areas of West Bengal. The number of *Madhyamik Shikshsha Kendras* at present is 1900 with 379010 learners and 9989 teaching personnel. Subsequently, *Paschimbanga Rajya Shishu Shiksha Mission*, an autonomous independent body under the Chairmanship of Hon'ble Chief Minister played a crucial role in managing the all round affairs of the *Shishu Shiksha Kendras* and *Madhyamik Shiksha Kendras* under the administrative control of *Panchayats*.

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and Rural Development Department of this Government. But only a small percentage of *Madhyamik Sikhsa Kendras* pass-outs can find opportunities of pursuing higher studies in high schools and the rest are compelled to surrender to the circumstances, although they have aspirations for higher studies. Considering the pitiable conditions of *Madhyamik Sikhsa Kendras* pass-outs, for better management of all *Shishu Shiksha Kendras* and *Madhyamik Shikhsa Kendras*, to impart education up to class X to *Madhyamik Shiksha Kendras* pass-outs and to spread the light of education to all children in *Panchayat* areas it has been felt necessary and expedient to establish a *Panchayat* Board of Education in West Bengal.

2. The Bill has been framed with the above objects in view.

KOLKATA,
The 29th June, 2010.

ANISUR RAHAMAN,
Member-in-charge.

FINANCIAL MEMORANDUM.

According to preliminary estimate, a recurring expenditure of about one crore and fifty five lakh rupees will be required annually to meet the expenditure of salary to the President, Secretary and staff of the Board and other administrative expenses.

Necessary provision will be made in the State Budget to meet the above-mentioned expenditure.

It may be mentioned here that there is provision in the State Budget to meet the expenditure for running *Paschim Banga Raja Sishu Shiksha Mission*, which will cease to exist when West Bengal *Panchayat* Board of Education will come to effect.

KOLKATA,
The 29th June, 2010.

ANISUR RAHAMAN,
Member-in-charge.

By order of the Governor

MITA BASU ROY,
*Pr. Secy. to the Govt. of West Bengal,
 Law Department.*