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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL  
LAW DEPARTMENT

Legislative

NOTIFICATION

No.535-L.—10th May, 2006.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

**West Bengal Act XIII of 2006**

**THE RABINDRA MUKTA VIDYALAYA (AMENDMENT) ACT, 2006.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,  
*Extraordinary*, of the 10th May, 2006.]

*An Act to amend the Rabindra Mukta Vidyalaya Act, 2001.*

WHEREAS it is expedient to amend the Rabindra Mukta Vidyalaya Act, 2001, for the purposes and in the manner hereinafter appearing;

West Ben.  
Act XI of  
2001.

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

Short title and  
commencement.

1. (1) This Act may be called the Rabindra Mukta Vidyalaya (Amendment) Act, 2006.

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

Substitution of certain  
words for the words  
“Vidyalaya” and  
“Chairman” of West  
Ben. Act XI of 2001.

2. In the Rabindra Mukta Vidyalaya Act, 2001 (hereinafter referred to as the principal Act), for the word “Vidyalaya” and the word “Chairman”, wherever they occur, the words “Council” and “President” shall respectively be substituted.

Amendment of  
section 1.

3. In section 1 of the principal Act,—

(a) in sub-section (1), for the words “ the Rabindra Mukta Vidyalaya”, the words “ the West Bengal Council of Rabindra Open Schooling” shall be substituted;

(b) in sub-section (2), after the words “it extends to the whole of West Bengal”, the words “ and may extend to the other parts of the country wherever necessary,” shall be added.

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2006.**(Sections 4-10.)*Amendment of  
section 2.**4. In section 2 of the principal Act,**

(a) for clause (a), the following clause shall be substituted:—

‘(a) “Council” means the West Bengal Council of Rabindra Open Schooling established under section 3;’;

(b) for clause (b), the following clause shall be substituted:—

‘(b) “President” means the President of the Council;’;

(c) clause (e) shall be omitted.

Amendment of  
section 3.**5. In section 3 of the principal Act, for the words “the Rabindra Mukta Vidyalaya”, occurring at two places, the words “the West Bengal Council of Rabindra Open Schooling” shall be substituted.**Amendment of  
section 4.**6. In section 4 of the principal Act,—**

(a) in sub-section (1), clause (b) shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted:—

“(2) The President shall be the whole time officer of the Council.”.

Amendment of  
section 5.**7. In section 5 of the principal Act, in sub-section (2),—**

(1) in clause (v), for the words “and Shramik Vidyalaya;”, the words “and Shramik Vidyalaya for improvement of quality and standard of distance education process and materials;”;

(2) for clause (xv), the following clause shall be substituted:—

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

(3) clause (xxvii) shall be omitted;

(4) clause (xxxiv) shall be omitted.

Amendment of  
section 6.**8. For section 6 of the principal Act, the following section shall be substituted:—**“Salary and  
allowances of  
President.**6. 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.”.**Amendment of  
section 13.**9. In section 13 of the principal Act, for the words “the State Government shall authorise the Director”, the words “the State Government shall authorise a member of the Council” shall be substituted.**Substitution of  
new section for  
section 15.**10. For section 15 of the principal Act, the following section shall be substituted:—**“Conduct of  
meetings.**15. 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.”.**

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2006.*  
(Sections 11-13.)

Amendment of  
section 16.

**11.** In section 16 of the principal Act, in sub-section (2), for the words "or the Director," the words "or any member of the Council," shall be substituted.

Substitution of  
new section for  
section 17.

**12.** For section 17 of the principal Act, the following section shall be substituted:—

"Persons in  
service of  
Council.

**17. (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."

Amendment of  
Chapter III.

**13.** In Chapter III of the principal Act,—

(1) for the Chapter heading "Committees of the Vidyalaya", the following Chapter heading shall be substituted:—

**"Committees and Boards of Council";**

(2) in section 18,—

(a) for sub-section (1), the following sub-section shall be substituted:—

"(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."

(b) for sub-section (3), the following sub-section shall be substituted:—

"(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;

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2006.**(Section 13.)*

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

(c) sub-section (4) shall be omitted;

(d) in sub-section (5), for the words “the Head of the Academic Department”, the words “the Secretary of the Council” shall be substituted;

(e) for sub-section (6), the following sub-section shall be substituted:—

“(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.”;

(f) in sub-section (8), for the words “the Director,”, the words “the President” shall be substituted;

(3) in section 19,—

(a) in sub-section (1), clause (a) shall be omitted;

(b) in sub-section (3), for the words “the Chairman, the Director and such other members”, the words “the President and such other members” shall be substituted;

(c) for sub-section (4), the following sub-section shall be substituted:—

“(4) The Secretary of the Council shall be the Secretary of each of the Committee constituted under sub-section (1)”;

(d) in sub-section (5), for the words “including Chairman and the Director”, the words “including the President and the Secretary” shall be substituted;

(4) in section 20, sub-section (1) shall be omitted;

(5) after section 20, the following section shall be inserted:—

“Boards of Studies 20A. (1) The Academic Advisory Committee referred of Council. 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.

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2006.**(Section 14.)*

(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 Chairman 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 Chairman 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.”

Substitution of  
new Chapter for  
Chapter IV.

14. For Chapter IV of the principal Act, the following Chapter shall be substituted:—

“CHAPTER IV

**Powers and functions of President and Secretary**

Powers and functions of President. 21. (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.

22. The Secretary shall—

Powers and functions of Secretary. (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;

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2006.**(Sections 15-17.)*

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

Amendment of section 23.

**15.** In section 23 of the principal Act, for the word “Director”, wherever it occurs, the word “Secretary” shall be substituted.

Amendment of section 28.

**16.** In section 28 of the principal Act,—

(1) in sub-section (1), for the words “the Rabindra Mukta Vidyalaya Fund”, the words “the Rabindra Nath State Council of Open Schooling Fund” shall be substituted;

(2) for sub-section (3), the following sub-section shall be substituted:—

“(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.”

Amendment of section 40.

**17.** In section 40 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted:—

“(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;”.

By order of the Governor,

SHYAMAL KANTI CHAKRABARTI,  
*Secy. to the Govt. of West Bengal,  
Law and Judicial Departments.*