

The
Kolkata  **Gazette**

सत्यमेव जयते

Extraordinary
Published by Authority

SRAVANA 1]

TUESDAY, JULY 23, 2002

[SAKA 1924

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1198-L.—23rd July, 2002.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VII of 2002

**THE RABINDRA MUKTA VIDYALAYA
(AMENDMENT) ACT, 2002.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 23rd July, 2002.]

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-third 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, 2002.

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

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.**(Sections 2-5.)*

Substitution of new word "Vidyalaya" for the words "Governing Body" in West Ben. Act XI of 2001.

2. In the Rabindra Mukta Vidyalaya Act, 2001 (hereinafter referred to as the principal Act), for the words "Governing Body", wherever they occur, the word "Vidyalaya" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, clause (c) shall be omitted.

Substitution of new section for section 4.

4. For section 4 of the principal Act, the following section shall be substituted:—

"Composition of the Vidyalaya. 4. (1) 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) 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.

(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."

Substitution of new section for section 5.

5. For section 5 of the principal Act, the following section shall be substituted:—

"Powers of the Vidyalaya. 5. (1) It shall be the duty of the Vidyalaya to advise the State Government on all matters relating to the Vidyalaya 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 Vidyalaya 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 Vidyalaya;
- (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;

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.**(Section 5.)*

- (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, and Shramik Vidyalaya;
- (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 Children's 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 examinations 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 co-ordinators, the teachers of schools and such other persons as may be engaged as teaching assistants by study centres under the Vidyalaya.

Explanation.—(a) “Co-ordinator” shall mean any person appointed or recognised by the Vidyalaya 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 West Ben. Act XLIII of 1973.
- (ii) Secondary Education as defined in clause (e) of section 2 of the West Bengal Board of Secondary Education Act, 1963, or West Ben. Act V of 1963.
- (iii) Higher Secondary Education as defined in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975; West Ben. Act VIII of 1975.
- (xiv) to purchase or otherwise acquire or take on lease or hire premises for the Vidyalaya;

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.**(Section 5.)*

- (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, 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 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;

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.**(Section 5.)*

- (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;
- (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;
- (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;
- (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 Vidyalaya;
- (xxxvi) to maintain and publish from time to time list of books approved for the use of the students of the Vidyalaya and for the examinations conducted by the Vidyalaya 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 Vidyalaya 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 Vidyalaya, 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 Vidyalaya, 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 Vidyalaya 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 Vidyalaya 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 Vidyalaya an opportunity to express its views thereon within such period, not exceeding one month, as the State Government may think fit.”

The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.

(Sections 6-11.)

Substitution of
new section for
section 6.

6. For section 6 of the principal Act, the following section shall be substituted:—

“Honourarium
payable to
Chairman.

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

Amendment of
section 18.

7. In section 18 of the principal Act,—

(1) in sub-section (3), for the words “seven members”, the words “nine members” shall be substituted;

(2) in sub-section (4),—

(i) for the words “not more than three”, the words “not more than four” shall be substituted, and

(ii) for the words “including the Director”, the words “including the Chairman and the Director” shall be substituted;

(3) in sub-section (5), for the words “The Director”, the words “The Chairman” shall be substituted;

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

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

Amendment of
section 19.

8. In section 19 of the principal Act,—

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

“(3) Each of the Committees constituted under sub-section (1) shall consist of the Chairman, the Director and such other members, not exceeding seven, as the Vidyalaya may think fit.”;

(2) for sub-section (5), the following sub-section shall be substituted:—

“(5) Any member of the Vidyalaya may be appointed to be a member of any Committee constituted under sub-section (1), but the total number of members of the Vidyalaya, including Chairman and the Director, in any such Committee shall not exceed four.”.

Amendment of
section 20.

9. In section 20 of the principal Act, in sub-section (2), in clause (a), after the words “selection of”, the words “examination centres,” shall be inserted.

Omission of
section 21.

10. Section 21 of the principal Act shall be omitted.

Amendment of
section 22.

11. In section 22 of the principal Act,—

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

“(a) The Chairman shall exercise general supervision and control over the Vidyalaya.”;

(2) in sub-section (2),—

(i) in clause (b), for the words “determine; and” the word “determine.” shall be substituted; and

(ii) clause (c) shall be omitted.

*The Rabindra Mukta Vidyalaya (Amendment) Act, 2002.**(Sections 12-16.)*Amendment of
section 23.**12.** In section 23 of the principal Act,—

(1) in sub-section (1), for the word “January”, the word “July” shall be substituted;

(2) after sub-section (3), the following sub-sections shall be inserted:—

“(4) A meeting of the Vidyalaya shall be convened by the Director after giving ten days’ notice to the members along with the agenda to be prepared by the Director in consultation with the Chairman.

(5) The Director may, on the advice of, or in consultation with, the Chairman, convene an emergent meeting of the Vidyalaya, after giving two days’ notice to the members, for transacting any urgent matter.”.

Amendment of
section 25.**13.** In section 25 of the principal Act,—

(1) in sub-section (1), after the words “preceding financial year.”, the following words shall be inserted:—

“He shall also place the annual accounts of the Vidyalaya for the same period.”;

(2) in sub-section (2), after the words “The report”, the words “and the annual accounts” shall be inserted.

Amendment of
section 28.**14.** In section 28 of the principal Act, in sub-section (3), for the words “or by such other person as he may authorise in writing in this behalf.”, the following words shall be substituted:—

“jointly with any one of two members of the Vidyalaya authorised by the Vidyalaya for the purpose.”.

Amendment of
section 31.**15.** In section 31 of the principal Act, in sub-section (2), in clause (a), after the words “relating to”, the words “financial matter of” shall be inserted.Amendment of
section 41.**16.** In section 41 of the principal Act,—

(1) in sub-section (1), the words “or rules made, or the regulations made by the Governing body, thereunder” shall be omitted;

(2) sub-section (2) shall be omitted.

By order of the Governor,

A. K. BHATTACHARYA,
Secy. to the Govt. of West Bengal.