

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT**

Legislative

West Bengal Act XI of 2001¹

**THE RABINDRA MUKTA VIDYALAYA
ACT, 2001.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 29th 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 in the Fifty-second Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the Rabindra Mukta Vidyalaya Act, 2001.

(2) It extends to the whole of West Bengal.

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

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

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

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

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

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

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

Short title,
extent and
commence-
ment.

Definitions.

¹For proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 13th February, 2001.

(Chapter II.—The Vidyalaya.—Sections 3, 4.)

CHAPTER II

The Vidyalaya

Establishment and incorporation of the Vidyalaya.

3. (1) The State Government shall, as soon as may be after the coming into force of this Act, establish a school to be called the Rabindra Mukta Vidyalaya.

(2) The Vidyalaya 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 the Rabindra Mukta Vidyalaya.

Governing Body of the Vidyalaya.

4. 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 Board of Madrasah Education, *ex officio*;
 - (g) the Director, School Education, Government of West Bengal, *ex officio*;
 - (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;
 - (l) 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.

(Chapter II.—The Vidyalaya.—Section 5.)

5. (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, 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 Education Council of Research and Training, West Bengal Board of Secondary Education, West Bengal Board of Primary Education, College of Education, Polytechnic, and Sramik Vidyapeeth;
 - (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 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 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;

Powers of
the
Vidyalaya.

(Chapter II.—The Vidyalaya.—Section 5.)

- (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;

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(Chapter II.—The Vidyalaya.—Section 5.)

- (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.

(Chapter II.—The Vidyalaya.—Sections 6-11.)

(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.

Salary and allowances of Chairman.

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

Publication of the names of Chairman and other members of the Vidyalaya.

7. The names of the Chairman and other members of the Vidyalaya, 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.

Term of office of other members of the Vidyalaya.

8. (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.

Casual vacancies.

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

Term of office of Chairman.

10. The appointment of the Chairman 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 Chairman 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 Chairman shall not exceed eight years.

Disqualification supervening membership of Governing body.

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

(Chapter II.—The Vidyalaya.—Sections 12-14.)

12. (1) The Chairman 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 Chairman shall be deemed to have vacated his office.

Resignation
of Chairman
and other
members.

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

13. If the Chairman 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, the State Government shall authorise the Director to exercise the powers and perform the duties of the Chairman until the Chairman resumes office or a new Chairman is appointed, as the case may be.

Temporary
arrangement
for the office
of the
Chairman.

14. A person shall be disqualified for being appointed or nominated as a member of the Vidyalaya, if he—

Disqualifica-
tions for
membership.

- (a) has been adjudged by a competent Court to be of unsound mind;
- (b) is an undischarged insolvent;
- (c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by 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 Vidyalaya or published by or under the authority of the Vidyalaya, or
 - (ii) has any interest in any work by order of, or in any contract entered into by or on behalf of, the Vidyalaya, provided that a person who having any share or interest in any textbook referred to in sub-clause (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.

*(Chapter II.—The Vidyalaya.—Sections 15-17.—Chapter III.—
Committees of the Vidyalaya.—Section 18.)*

Conduct of
meetings.

15. 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.

Restriction
on vote.

16. (1) No member of the Governing Body shall vote on any matter in which he has any personal or technical interest.

(2) The Chairman, or the Director, presiding at the meeting of the Vidyalaya shall decide any question arising under sub-section (1), and his decision thereon shall be final.

Persons in
the service
of the
Vidyalaya.

17. (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.

CHAPTER III

Committees of the Vidyalaya

Academic
Advisory
Committee
of the
Vidyalaya.

18. (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.

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

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

(Chapter III.—Committees of the Vidyalaya.—Section 19.)

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

(5) The Director shall be the Chairman of the Academic Advisory Committee, and the Head of the Academic Department shall be the Secretary of the Academic Advisory Committee.

(6) The Chairman shall preside over the meetings of the Academic Advisory Committee and, in his absence, the members present at a meeting shall elect one from amongst themselves to preside over the meeting.

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

(8) Any member of the academic Advisory Committee may resign after giving fifteen days' notice to the Director, and the Governing Body shall have the power to remove any member of the Academic Advisory Committee after recording reasons thereof at a meeting.

19. (1) The Governing Body may also constitute all or any of the following committees:—

- (a) Syllabus Committee;
- (b) Examination Committee;
- (c) Recognition Committee;
- (d) Finance Committee.

(2) The Governing Body may constitute such other Committee or Committees as it may think fit.

(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.

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

(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.

Committees
of the
Vidyalaya.

*(Chapter III.—Committees of the Vidyalaya.—Section 20.—
Chapter IV.—Powers and functions of Governing Body,
Chairman and Director.—Section 21.)*

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20. (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) The Examination Committee shall advise the Governing Body on—
- (a) the selection of paper-setters, moderators, tabulators, examiners, invigilators, supervisors, and others employed in connection with the examinations conducted by the Vidyalaya 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 Governing Body for advice.
- (3) The Recognition Committee shall advise the Governing Body on all matters relating to the recognition of study centres.
- (4) The Finance Committee shall prepare the budget of the Vidyalaya and shall advise the Governing Body on such matters relating to finance as may be referred to it by the Governing Body for advice.
- (5) Any other Committee that may be constituted by the Governing Body under sub-section (2) of section 19 shall perform such functions as may be assigned to such Committee by the Governing Body.

CHAPTER IV

Powers and functions of Governing Body, Chairman and Director.

Powers
and
functi
of
Governing
Body.

21. (1) It shall be the duty of the Governing Body to advise the State Government on all matters relating to the Vidyalaya and distance learning system.

*(Chapter IV.—Powers and functions of Governing Body,
Chairman and Director.—Section 21.)*

(2) Subject to any general or special order of the State Government, the provisions of this Act, and the rules made thereunder, the Governing Body shall have generally the power to direct, supervise and control the Vidyalaya and distance learning system and, in particular, the power—

- (a) 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;
- (b) to maintain a register of recognised study centres;
- (c) to provide for inspection of the recognised study centres;
- (d) 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;
- (e) 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;
- (f) to maintain and publish from time to time list of books approved for the use of the students of the Vidyalaya and to remove the name of any such book from any such list;
- (g) to conduct examinations and to make regulations in this behalf;
- (h) to make regulations regarding the conditions to be fulfilled by the candidates presenting themselves for examinations conducted by the Vidyalaya;
- (i) to publish results of the examinations conducted by the Vidyalaya and to award diplomas, certificates, prizes and scholarships in respect thereof;
- (j) 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 others employed in connection with the examinations conducted by the Vidyalaya, and the fees to be paid by the candidates for such examinations;

*(Chapter IV.—Powers and functions of Governing Body,
Chairman and Director.—Section 22.)*

- (k) 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;
- (l) to administer the Fund of the Vidyalaya;
- (m) 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;
- (n) to make regulations relating to the conduct and discipline of the officers and other employees of the Vidyalaya;
- (o) 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, 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.

Powers and
functions of
Chairman
and
Director.

22. (1) (a) The Chairman shall—
- (i) exercise general supervision and control over the Director;
 - (ii) assign to each member of the Governing Body, the Academic Advisory Committee, or any other Committee constituted under this Act such duties as he thinks fit.

(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.

*(Chapter V.—Meetings.—Sections 23, 24.—Chapter VI.—
Finance and Audit.—Section 25.)*

(2) The Director shall—

- (a) be responsible for carrying out, and for giving effect to, the decisions of the Governing Body or of any Committee constituted under this Act;
- (b) sanction such claims for allowances, and at such rates, as the State Government may determine; and
- (c) take such other action, not inconsistent with any decision of the Governing Body, as he considers necessary for the proper functioning of the Vidyalaya.

CHAPTER V

Meetings

23. (1) The annual meeting of the Governing Body shall be held in the month of January each year.

Meetings of
Governing
Body.

(2) The Governing Body may hold meetings at such other times as the Chairman 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 Governing Body shall be a quorum for a meeting of the Governing Body.

24. The Governing Body shall make regulations relating to the meetings of the Governing Body or of any Committee constituted by the Governing Body and the procedure to be followed at such meetings.

Power to
make
regulations.

CHAPTER VI

Finance and Audit

25. (1) The Chairman shall place at the first annual meeting of the Governing Body in the year following the year in which it is constituted and at every annual meeting thereafter a report on the working of the Vidyalaya during the last preceding financial year.

Annual
Report.

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

Budget.

26. (1) The Chairman 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 Vidyalaya during the financial year in which the annual meeting is held.

(2) The Budget Estimate shall, after confirmation by the Governing Body, 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 Vidyalaya 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 Vidyalaya in the future financial liabilities which the Vidyalaya 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 Governing Body shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said Estimate. The Governing Body shall, then, submit the Budget Estimate as so revised to the State Government or the Governing Body 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 Governing Body or if the Budget Estimate is returned by the Governing Body 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,

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(Chapter VI.—Finance and Audit.—Sections 27-29.)

and shall forward the Budget Estimate as so amended to the Vidyalaya, and the Budget Estimate so returned shall be the Budget Estimate of the Vidyalaya 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 Governing Body with or without revision, the said Estimate shall be deemed to have been approved by the State Government.

27. The State Government may, after considering the Budget Estimate, the accounts of the Vidyalaya 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 Vidyalaya 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 Vidyalaya, make such initial grant to the Vidyalaya as may be considered necessary.

Grant by the
State
Government.

28. (1) The Vidyalaya shall have a Fund to be called the Rabindra Mukta Vidyalaya Fund (hereinafter referred to in this Act as the Fund of the Vidyalaya) to which shall be credited—

Fund of the
Vidyalaya.

- (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 Vidyalaya; and
- (d) all other sums received by or on behalf of the Vidyalaya from any other source.

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

(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.

29. No expenditure shall be incurred from the Fund of the Vidyalaya 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.

Application
of the Fund
of the
Vidyalaya.

(Chapter VI.—Finance and Audit.—Sections 30-32.)

Accounts. 30. The Vidyalaya shall keep an account of all its receipt and expenditure in the manner prescribed by rules.

Audit. 31. (1) The accounts of the Vidyalaya 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 the Vidyalaya 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 Governing Body and every member thereof and of the Secretary and other officers and employees in the service of the Vidyalaya to afford to the auditor every facility for the examination and audit of the accounts of the Vidyalaya 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 five 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).

Audit report. 32. (1) 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 Vidyalaya and thereupon, the Vidyalaya 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.

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(Chapter VII.—Supplemental provisions.—Sections 33-38.)

CHAPTER VII

Supplemental provisions

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

Payment of allowances.

34. The Vidyalaya 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 Vidyalaya as the State Government may require.

Vidyalaya to furnish information.

35. The State Government may, by order in writing and stating the reasons therefor, suspend the execution of any resolution or order of the Vidyalaya 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 Vidyalaya or the Committee, as the case may be.

Power of State Government to suspend proceedings.

36. The members of the Governing Body or of any Committee constituted under this Act, persons in the service of the Vidyalaya, and any other person appointed under this Act to audit the accounts of the Vidyalaya shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Certain persons deemed to be public servants.

37. 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.

Indemnity.

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

Savings.

- (a) the existence of any vacancy in, or any defect in the constitution of, the Governing Body or any Committee constituted under this Act, or
- (b) any member of the Governing Body 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.

(Chapter VII.—Supplemental provisions.—Sections 39, 40.)

Transitory provisions

39. (1) The Chairman 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 Governing Body under this Act, whichever is earlier.

Power to make rules.

40. (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 Vidyalaya, the conditions of such acquisition, possession and disposal, and the doing of any other thing referred to in sub-section (2) of section 3;
- (b) the provident fund referred to in clause (m) of sub-section (2) of section 21 as may be instituted and administered by the Vidyalaya;
- (c) the form in which the Budget Estimate of the Vidyalaya shall be prepared as referred to in sub-section (1) of 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 Vidyalaya 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 Vidyalaya shall be made under section 31;
- (i) the reports, returns and statements to be furnished by the Vidyalaya 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.

(Chapter VII.—Supplemental provisions—Sections 41, 42.)

41. (1) The Vidyalaya 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 made, or the regulations made by the Governing Body, thereunder in respect of all or any of the matters required to be provided for by regulations.

Power to make regulations.

(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. The Vidyalaya 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.

Vidyalaya to be guided by directions of State Government.

Statement of Objects and Reasons on the Rabindra Mukta Vidyalaya Bill, 2001 (Bill No. 4 of 2001).

STATEMENT OF OBJECTS AND REASONS.

To tackle effectively with the issue of large drop-out rates in different stages of school education and to create enthusiasm and awareness among the general people in elementary education for successful implementation of total literacy programme, the State Government has been contemplating for an Open School system of education to be introduced in the State under the direct supervision of the State Government.

2. A study on feasibility of the proposal has accordingly been conducted and a report containing academic programme, delivery mechanism, student evaluation, examination management, organisational structure and financial implications, has been prepared.

3. Keeping in view the above objects, the report has been accepted, in general with a partial modification, by the State Government for a separate set-up for elementary stage and an integrated set-up for secondary stage up to Madhyamik standard with a provision to introduce the Higher Secondary standard in due course.

4. Pending enactment of a suitable legislation in the Open School system of education, the Rabindra Mukta Vidyalaya has already been set-up with the approval of the State Planning Board under a constituted Governing Body having appointed a Director-cum-member to contact authorities of different schools in order to get an estimate of the response from the students and preparation of course materials through an expert committee.

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

KOLKATA,
The 22nd January, 2001.

KANTI BISWAS,
Member-in-charge.