

West Bengal Act V Of 1963

The West Bengal Board of Secondary Education
Act, 1963 as amended upto 2004

[Including Appeal Regulations, 1965, Examination Regulations, 2001 and
Regulations regarding Conduct & Discipline of the Teachers
and non-teaching staff, 2004 made by the W. B. B. S. E.]



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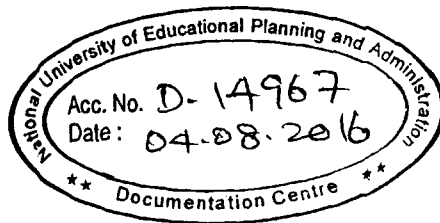
WEST BENGAL BOARD OF SECONDARY EDUCATION

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REFERENCE TO AMENDMENTS

- (A) The West Bengal Board of Secondary Education (Amendment) Act, 1969 (West Bengal Act XIV of 1969).
- (B) The West Bengal Board of Secondary Education (Amendment) Act, 1973 (West Bengal Act XXXI of 1973).
- (C) The West Bengal Board of Secondary Education (Amendment) Act, 1977 (West Bengal Act IX of 1977).
- (D) The West Bengal Board of Secondary Education (Amendment) Act, 1978 (West Bengal Act II of 1978).
- (E) The West Bengal Board of Secondary Education (Amendment) Act, 1979 (West Bengal Act XXXXII of 1979).
- (F) The West Bengal Board of Secondary Education (Amendment) Act, 1982 (West Bengal Act XIII of 1982).
- (G) The West Bengal Board of Secondary Education (Amendment) Act, 1983 (West Bengal Act XXVII of 1983).
- (H) The West Bengal Board of Secondary Education (Amendment) Act, 1984 (West Bengal Act X of 1984).
- (I) The West Bengal Board of Secondary Education (Amendment) Act, 1986 (West Bengal Act XV of 1986).
- (J) The West Bengal Board of Secondary Education (Amendment) Act, 1988 (West Bengal Act XVI of 1988).
- (K) The West Bengal Board of Secondary Education (Amendment) Act, 1990 (West Bengal Act XX of 1990).
- (L) The West Bengal Board of Secondary Education (Amendment) Act, 1994 (West Bengal Act XXIV of 1994).
- (M) The West Bengal Board of Secondary Education (Amendment) Act, 2001 (West Bengal Act XXVIII of 2001).
- (N) The West Bengal Board of Secondary Education (Amendment) Act, 2002 (West Bengal Act XXV of 2002).
- (O) The West Bengal Board of Secondary Education (Amendment) Act, 2003 (West Bengal Act XXX of 2003).
- (P) The West Bengal Board of Secondary Education (Amendment) Act- 2004.
- (Q) Appeal Regulations made by West Bengal Board of Secondary Education dated the 30th January, 1965.
- (R) West Bengal Board of Secondary Education (Examination) Regulations, 2001.
- (S) West Bengal Board of Secondary Education (Conduct & Discipline of the teachers and non-teaching staff) Regulations-2004 & Amendment-2005.

Preface

The West Bengal Board of Secondary Education Act, 1963 came into force with effect from 01.01.1964 vide Notification No. 4551 Edn. (G)/G. 8B-42/63 dt. 27.12.1963. By this Act the Board was empowered to direct, supervise and control Secondary Education in West Bengal. A Book on this Act, as amended upto 1990, was compiled and published by West Bengal Board of Secondary Education. Since then, several amendments of this Act have been made. It was being urgently felt for some time past that such amendments need to be incorporated so as to make the compilation updated. An effort has been made by the Board to make the compilation of the Rules and Regulations of this Act, amended upto 2004 and to bring out this improved volume with necessary foot-notes & annexures for the purpose of reference. This edition may immensely help the concerned persons who are in the ambit of educational management.

The Board will feel amply rewarded if this book serves the Clientile it is meant for.

Constructive suggestions are welcome and shall be gratefully acknowledged.

D. B. Hota

PRESIDENT

West Bengal Board of Secondary Education

West Bengal Act V of 1963
THE WEST BENGAL BOARD OF SECONDARY EDUCATION ACT,1963
CHAPTER I

Preliminary

1.(1). This Act may be called the West Bengal Board of Secondary Education Act, 1963. Short Title

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

¹Provided that any institution situated in any other State or in any Union Territory may also, with the sanction of the Government of such State or Union Territory, as the case may be, apply to the Board for recognition and the Board may, subject to such conditions or restrictions as it may, with the approval of the State Government, think fit to impose, grant recognition to such institutions. The West Bengal Board of Secondary Education (Second Amendment) Act 2003 the date of appointment has been made as 7th January 2004 vide notification no. 49-S (SE) dt. 08.01.2004 of SE Department, Secondary Branch, Government of West Bengal.

Extent

(3) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint. Commencement

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

Definitions

a. "Board means the West Bengal Board of Secondary Education established under this Act;

³(aa) "by-law" means a by-law made by the Executive Committee under this Act;

b. "Head of Institution" Means the head of the teaching staff of an Institution, by whatever name he or she may be designated;

c⁴. "Institution" means a Secondary School or an educational Institution or part or department of such school or Institution imparting instruction in Secondary Education;

¹This proviso has been added by the WBBSE (Amendment) Act, 1977 vide WB Act IX, 1977.

²This Act came into force w. e. f. 01.01. 1964 vide Notification No. 4551 Edu. (G)/G. 8B-42/63 dt. 27.12.63.

³Clause (aa) of Section 2 has been added by the WBBSE (Amendment) Act 1979 vide WB Act XXXII of '79.

⁴Clause © of Section 2 has been substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of '79.

[West Bengal Act V of 1963]

- d. “Managing Committee” used in reference to an Institution includes the Governor or the Governing Body of such an Institution;
- e. “Notification” means a notification published in the Official Gazette.
- f. “Prescribed” means prescribed by rules made under this Act;
- g. “President” means the President of the Board.
- h. “Primary Education” means education imparted in a primary school as defined in any Bengal Act or West Bengal Act or education equivalent thereto;
- i. “Recognized” with its grammatical variations, used with reference to Institutions, means recognized under this Act or within the meaning of the West Bengal Secondary Education Act, 1950;
- j. “Regulation” means a regulation made by the Board under this Act;
- k. “Rule” means a rule made by a State Government under this Act;
- l. “Secondary Education” means general education above the primary education stage provided for students with a view to qualifying them for admission to a certificate, diploma or degree course instituted by a University or by Government, or by a Statutory Body, and includes, subject to any general or special order of the State Government,-
 - i. Technical education,
 - ii. Agricultural education.
 - iii. Commercial education,
 - iv. Education for the physically handicapped,
 - v. Education for the mentally retarded and defectives,
 - vi. Education in Reformatory schools and jails, or
 - vii. Any other type of education which the State Government may, in consultation with the Board, specify.

¹Added by the WBBSE (Amendment) Act, 1973 vide WB Act-XXXI of 1973

[West Bengal Act V of 1963]
(Chapter II-The Board-Sections 3,4)

CHAPTER II

The Board

3. (1) The State Government shall, as soon as may be after this Act comes into force, establish a Board named the West Bengal Board of Secondary Education.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, 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 by its name sue and be sued.
4. ¹The Board shall consist of the following members :-
- (1) the President;
 - (2) ²the President of West Bengal Council of Higher Secondary Education ex officio;
 - 2A. ³the President of West Bengal Board of Madrasa Education, ex officio;
 - 2B. ⁴the President of West Bengal Board of Primary Education, ex officio;
 - (3) ⁵the Director of School Education, Government of West Bengal, ex officio;
 - (4) Omitted Vide notification no 752-L dt. 05.04.84 (W.B. act X of 1984)
 - (5) the Director of Technical Education, Government of West Bengal, ex officio;
 - (6) the Deputy Director of Secondary Education (for women), Government of West Bengal, ex officio;
 - (7) the Deputy Director of Secondary (I) Government of West Bengal, ex officio;
 - (8) two persons elected in the manner prescribed from amongst the teaching staff of training colleges for teachers of Secondary Schools affiliated to or recognized by any of the Universities in West Bengal;

Section 4 has been substituted by sec.3 of the WBBSE (Amendment Act, 1979 vide WB Act XXXII of '79.

Inserted after Clause (1) of the WBBSE (Amendment) Act, 1977 vide WB Act IX of 1977.

Inserted in Clause (2A) after Clause (2) of the WBBSE (Amendment) Act, 2002 vide WB Act XXV of 02.

Inserted in Clause (2B) of the WBBSE (Amendment) Act, 2004 vide WB Act 2004 under bill no-2.

Substituted Clause (3) of Sec. 4 of WBBSE (Amendment) Act, 1984 vide WB Act X of 1984.

[West Bengal Act V of 1963]

(Chapter II-The Board-Sections 4)

- (9) the Dean of the Faculty of Arts and the Dean of the Faculty of Science of the Calcutta University, ex officio;
- (10) the Dean of the Faculty of Engineering and Technology, Jadavpur University, ex officio;
- (11) the Adhyaksha, Kala Bhawan, Viswa Bharati, Santiniketan, ex officio;
- (12) a Dean nominated by each of Universities of Burdwan, Kalyani and North Bengal and the Bhidhan Chandra Krishi Viswa Vidyalaya;
- (13) ¹Omitted vide WB Act XXV of 2002
- (14) a. two Heads of recognized Secondary Schools nominated by the State Government;
- b. ²thirty-three whole time and permanent teachers of recognized Secondary Schools (whose appointment has been approved in accordance with the rules) of whom one shall be from the Hill areas elected in the manner prescribed;
Explanation-“Hill areas” shall have the same meaning as in the Darjeeling Autonomous³ Gorkha Hill Council Act, 1988.
- c. ⁴three whole time and permanent members of the non-teaching staff of recognized Secondary Schools elected in the manner prescribed, of whom :
 - i. One shall be from the Presidency Division;
 - ii. One shall be from the Burdwan Division;
 - iii. One shall be from the Jalpaiguri Division
- (15) two representatives of the West Bengal Legislative Assembly elected in the manner prescribed;
- (16) five persons interested in education nominated by the State Government one of whom shall be a woman and at least one shall be a member of the Managing Committee of a recognized Institution;

¹Omitted Clause 13 of the WBBSE (Amendment) Act. 1979 vide WB Act XXV of 2002.

²Sub-Clause (b) of Clause 14 of Section 4 has been substituted by the WBBSE (Amendment) Act, 1983 vide WB Act XVI of 1988.

³Added to the WBBSE (Amendment) Act, 1988 vide WB Act XXI of 1988 and read with WB Act of 2004.

⁴Inserted Clause (C) in Clause 14 after sub-Clause (b) of Section 4 of WBBSE (Amendment) Act, 1990 vide WB Act XX of 1990.

[West Bengal Act V of 1963]

(Chapter II- The Board-Sections 4, 5,6,7)

- (17) one person elected by the employees of the Board from amongst themselves in the manner provided by regulations; and
- (18) (a) one whole time and permanent member of the teaching staff of primary schools recognized by the District School Board or the Director of Public Instruction or the Director Primary Education, nominated by the State Government;
- (b) one whole time permanent member of the teaching staff of colleges affiliated to any of the Universities in West Bengal nominated by the State Government.
- 5.(1) 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 member or members qualified for election or nomination by such authority;
- Provided that in the case of State Legislative Assembly if the said Assembly has been dissolved, the State Government shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and a representative is elected by the members thereof.
- (2) A person appointed under this section shall be deemed to be a member of the Board duly elected or nominated under Section 4.
6. The name of every person elected or nominated under section 4 or appointed under section 5 as a member of the Board shall be published in the Official Gazette as soon as may be after his election or nomination or appointment, as the case may be.
- 7.(1) Subject to the provisions of this Act, an elected, nominated or appointed member of the Board shall hold office for a term of five years from the date on which his name is published under section 6, and may, on expiration of such term, be re-elected, re-nominated or-re-appointed.

[West Bengal Act V of 1963]

(Chapter II-The Board-Sections 7, 8,9)

- (2) Notwithstanding the expiration of the term of five years specified in sub-section (1), an elected, nominated or appointed member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provision of this Act.
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 nomination or election under section 4 and the member so nominated or elected shall hold office for the unexpired portion of the term of the member whose place he fills.
- 9.(1) The President shall be appointed by the State Government.
- (2) The appointment of a President under sub-section (1) shall be for such period as may be specified in the notification but the State Government may extend the period from time to time so, however, that the total period of appointment does not exceed five years from the date of first appointment. The term of office of the President shall be five years from the date of his appointment provided that no person² who has attained the age of sixty-two years shall be eligible to hold office as President.
- (3) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in sub-section (1) of section 11.
- (4) The President may resign his office by giving notice in writing to the State Government.
- (5) The President shall receive such salary and allowances, if any, from the West Bengal Board of Secondary Education Fund as the State Government may determine.

¹Sub-Section of Section 9 has been substituted through amendment of Section 9 of WBBSE Act 1963 vide WB Act XXIV of 1994.

²Substituted Sec 9(2) of the WBBSE (Amendment) Act, 1994 vide WB Act XXVIII of 2001.

[West Bengal Act V of 1963]

(Chapter II-The Board-Sections 10,11)

- 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, under sub-section (1), shall hold office for the unexpired portion of the term of the President whose place he fills.
- 11.(1) A person shall be disqualified for being elected, 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 text-book approved by the Board or published by or under 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 :
Provided that a person who had any share or interest in any text-book 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 the publication of such text-book.

[West Bengal Act V of 1963]

(Chapter II-The Board-Sections 11,12, 13)

- (2) If an elected, nominated or appointed member of the Board becomes after his election, nomination or appointment, as the case may be, subject to any of the disqualification specified in sub-section (1), his membership shall thereupon cease with effect from such date as the State Government may direct.
- 12.(1) If any question arises relating to—3
- (i) the eligibility of any person for election as a member of the Board, of any committee or of a Regional Council¹ under this Act, or
 - (ii) the manner in which any such election has been held, or
 - (iii) the disqualification of any member of the Board, of any Committee or of a Regional Council continuing as such member, such question shall be referred for decision to a Tribunal consisting of a Judicial Officer not below the rank of a District Judge or an Additional District Judge, appointed by the State Government.
- (2) The procedure to be followed by the Tribunal shall be such as may be prescribed.
- (3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Tribunal under that sub-section.
- 13.(1) An elected nominated or appointed 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.

¹The words “Regional Council” have been substituted for the word “Regional Examination council” by Sec 5 of the WBBSE (Amendment) Act. 1979 vide WB Act XXXII of 1979.

[West Bengal Act V of 1963]

(Chapter II-The Board-Sections 13, 14, 15, 16)

- (2) The State Government may, by notification, and after giving the member concerned an opportunity of being heard, remove any elected, nominated or appointed member of the Board if, without obtaining the consent of the President, he is absent from three consecutive meetings of the Board.
14. The President, or in his absence, one of the members of the Board elected from amongst those present, shall preside at meetings of the Board, and the President or such member shall have a second or casting vote in every case of equality of votes.
- 15.(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 Institution of which he is either a teacher or a member of the Managing Committee.
- (2) The President or the member presiding at a meeting of the Board shall decide any question arising under subsection (1) and his decision thereon shall be final.
- 16.(1) The Board shall have a Secretary who shall be appointed by the State Government.
- (2) The Board may appoint such other officers and servants as it considers necessary for carrying out the purpose of this Act.
- (3) The method of Recruitment and the condition of service (including scales of pay and allowances, if any), shall—
 - (a) as respect of Secretary be such, as may be prescribed.
 - (b) as respect the other officers and servants be such as may, subject to the approval of the State Government be determined by regulation published in the official Gazette.

¹Sub-Clause (3) of Section (16) has been substituted by the WBBSE (Amendment) Act, 1963 vide WB Act XX of 1990.

West Bengal Act V of 1963]

(Chapter II—Committees Section 17)

(Chapter III—Committees and Regional Councils—Section 18)

- 3(A) ²Anything done or any action take under sub-section (3) before the publication of the West Bengal Board of Secondary Education (Amendment) Act, 1990 in the official Gazette, shall be deemed to have been validly done, or taken under subsection (3) as amended by the West Bengal Board of Secondary Education (Amendment) Act. 1990, as if the West Bengal Board of Secondary Education (Amendment) Act, 1990 were in force when such thing was done or such action was taken.
4. 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 meeting of the Board, but shall not be entitled to Vote.
17. Such members of the Board or of any Committee, sub-committee or Council constituted under this Act as are not in the service of the State Government, shall in respect of expenses incurred by them in attending meetings of the Board, or of any such Committee, sub-committee or Council, 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 allowances and at such rates as may be prescribed.

CHAPTER III**Committees and Regional Council**

18. As soon as may be after the Board is established the Board shall constitute the following Committees, namely—
- (a) The Recognition Committee;
 - (aa) The Executive Committee;
 - (b) The Syllabus Committee;
 - (c) The Examination Committee;
 - (d) The Appeal Committee;
 - (e) The Finance Committee;

²Substituted Sub-Clause (3a) of Section (16) vide WB Act XX of 1990.

[West Bengal Act V of 1963]

(Chapter II-Committees-Sections 19, 19A)

- 19.(1) The Recognition Committee shall consist of the following members :
- (a) the President;
 - (b). ¹the Director of School Education, Government of West Bengal, ex officio;
 - (c) four persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14), clause (15) and Clause (16) of section 4.
 - (d) the Deputy Director of Secondary Education (for women), Government of West Bengal, ex-officio;
- and**
- (e) the Deputy Director of Secondary (1) Government of West Bengal, ex-officio;
- (2) The President shall be the Chairman of the Recognition Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Recognition Committee to advise the Executive Committee on all matters concerning the recognition of Institutions and the Executive Committee shall not accord recognition to any Institution except on the recommendation of the Recognition Committee.

19A

- (1) The Executive Committee shall consist of the following members :
- (a) the President;
 - (aa) ²the President, West Bengal Council of Higher Secondary Education, ex officio;
 - (aaa) ³the President of the West Bengal Board of Madrasa Education, ex officio;
 - (aaaa) ⁴the President of West Bengal Board of Primary Education, ex officio;

¹Substituted sub-section 1b of section 19A of the WBBSE (Amendment) Act, 1984 vide WB Act X of 1984.

²Added the Clause (aa) sub-Section 1 of Section 19A of the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

^{3&4}Added the Clause (aaa) and (aaaa) in sub-section 1 of Section 19A of the Principal Act vide WB Act XIII of 1982 and WB Act XXXII of 1979 read with WB Act XXVI XXVII of 1988 and WB Act XXV of 2002 and WB Act 2004.

[West Bengal Act V of 1963]

(Chapter II—Committees Section 19A.)

- (b) ¹the Director of School Education, Government of West Bengal, ex-officio;
 - (c) Omitted Under W.B. Act X of 1984.
 - (d) the Director of Secondary Education (~~1~~) Government of West Bengal, ex officio;
 - (e) the Director of Secondary Education (for women), Government of West Bengal, ex officio;
 - (f) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clauses (8), (9), (10), (11) and (12) of Section 4.
 - (g) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) section 4.
 - (h) one person elected by the Board in the manner provided by regulation from amongst the members referred to in clause (15) of section 4.
 - (i) two persons elected by the Board in the manner provided by regulation from amongst the members referred to in clause (16) and clause (18) of section 4.
 - (j) members referred to in clause (17) of section 4.
- (2) The President shall be the Chairman of the Executive committee and the Secretary to the Board shall be the Secretary of the said Committee.
- (3) ²Subject to any general or special orders of the State Government, the provision of this Act and any rules or regulation made there under, the Executive Committee shall have power to—
- (a) advise the Boaed on all matters relating to development of Secondary Education,
 - (b) take such steps as may be necessary to carry out, as directed by the Board, the policy in accordance with the provisions of this Act;

¹Substituted Sub-Section 1b of Section 19A of WBBSE (Amendment) Act, 1984 vide WB Act X of 1984.

²Substituted Sub-Section 3 of Section 19A of WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1984.

[West Bengal Act V of 1963]

(Chapter II-Committees-Sections 19A)

- (c) subject to any directions of the State Government in regard to the number, location and manner of selection-
- i. grant or refuse recognition to Institutions, and
 - ii. withdraw recognition granted to institutions, after considering the recommendation of the Recognition Committee;
 - iii. under section 9A of the WB School Service Commission (2nd Amendment) Act 2001 Govt. may direct WBBSE others to withdraw recognition. The text of this section is as follows :

9A. ¹“If the State Government is of the opinion that the Managing Committee, by whatever name called or the ad-hoc Committee or the administrator, if any (where there is no Managing committee) of a school wilfully fails to discharge its function to issue appointment to the post of Teacher in such school on the recommendation of the Regional commission having jurisdiction, it may, by order, and for reasons to be recorded in writing, stop all financial assistance to such school and may also issue a direction upon the WBBSE or the WB Council of Higher Secondary Education or the WB Board of Madrasah Education as the case may be, to withdraw recognition of such school”. ²Withdraw recognition granted to Institutions after considering the recommendation of the Recognitions Committee.

- (d) (i) amalgamate two or more Institutions into one Institution,
- (ii) split one Institution into two or more institution, and
 - (iii) ³shift an Institution from one site to another,
- (e) (i) supervise the functions of the managing Committees
- (ii) approve or withhold approval of the constitution of the managing committee.
 - (iii) approve special constitution of the managing committee^{4,s}

¹Substituted Sub-Section 3 in Clause C of WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

^{2,3} & ⁴Omitted Sub-Section 3 in clause c (ii) and d (iii) of WBBSE (A.mentment) Act, 1982 vide WB Act XIII of 1982 & in Clause e (iii) vide WB Act XIII of 1982.

[West Bengal Act V of 1963]

(Chapter II—Committees Section 19A, 20)

- (iv) supersede a managing committee and appoint Administrator or ad-hoc Committee⁵ to manage the affairs of an Institution.
- (f) maintain a register of recognized Institution;
- (g) ⁶provide, after considering the recommendations, if any, of the syllabus committee, the syllabus, the courses of studies to be followed and the books to be studied in recognized Institutions and for examinations instituted by the Board;
- (h) undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognized Institutions;
- (i) (a) ⁷approve or prescribe book either for being studied in recognized institutions or for examinations instituted by the Board or for both, and
 - (b) publish list of books so approved or prescribed and revise such list from time to time.
- (j) set down ¹the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Board;
- (k) ²provide, after considering the recommendations, if any, of the Examinations Committee and Regional Councils, and with the approval of the State Government, the rates of remuneration to be paid to paper-setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with the examinations instituted by the Board and the rates of fees to be paid by candidates for such examinations;
- (l)(1) grant permission to candidates to appear at the examination instituted by the Board and;

⁵Inserted in Clause e (iv) of sub-section 3 the word "ad-hoc Committee" after the word "Administrator".

⁶Substituted Clause 'g' of Sub-Section 3 of WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

⁷Substituted by the WBBSE (Amendment) Act, 1983 vide WBBSE Act XXVII of 1983.

^{1,2,3&4}Substituted by the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

[West Bengal Act V of 1963]

(Chapter II-Committees-Sections 19A, 20)

- (2) refuse or withdraw such permission, if it thinks fit, stating³ the reasons of such refusal or withdrawal,
- (4) The Executive Committee shall submit to the Board half-yearly⁴ reports on the action taken by it on matters specified in this section and such other reports, returns, statement and information on any matter relating to the duties of the Executive Committee as the Board may require from time to time.
- (5) ⁵The Executive Committee may, if it thinks necessary, make by-laws, not inconsistent with this Act or the rules or the regulations made there under, for discharging its functions under this Act.
Provided that any decision or action taken or any order made by the Executive Committee in the discharge of its functions under this Act, shall not be invalid merely on the ground that no-by-law has been made under this subsection.
- (6) No by-law shall be valid unless it is approved by the State Government. The Executive Committee shall submit the 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 for the Board, may approve the by-law and, if necessary, make such additions, alterations or modifications as it thinks fit.
- (7) All by laws approved by the State Government shall be published in the Official Gazette.
- 20.(1) The Syllabus Committee shall consist of the following members.
- (a) the President.
- (aa) ¹the President, West Bengal Council of Higher Secondary Education, ex officio

³Substituted by the WBBSE (Amendment) Act, 1983 vide WB Act XIII of 1983 & read with WBBSE (Amendment) Act, 1983 vide WB Act XXVII of 1983.

⁴Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979 and Added clause (aa) by the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

[West Bengal Act V of 1963]

(Chapter II—Committees Section 20)

- (b) the Dean of the faculty of Arts of the University of Calcutta, ex officio;
 - (c) the Dean of the Faculty of Science of the University of Calcutta, ex officio;
 - (d) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal;
 - (e) the Dean of the Faculty of Engineering, Jadavpur University, ex officio;
 - (f) one person elected by the Board in the manner provided by regulation from amongst the members referred to in clause (8) of section 4;
 - (g) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;
 - (h) three persons having special knowledge of scientific or technical education, who may or may not be members of the Board, elected by the Board in the manner provided by regulations.
- (2) The President shall be the Chairman of the Syllabus Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Syllabus Committee to-
- (a) advise, by way of recommendation², the Executive Committee about the Syllabus and courses of studies to be studied in recognized Institutions as well as for examinations instituted by the Board.
 - (b) advise, by way of recommendation³, the Executive Committee on any matter relating to the Syllabus, courses of study or books to be studied, as may be referred to it by the Executive Committee⁴.

^{2&3}Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979 and inserted by the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

⁴Substituted by the WBBSE (Amendment) Act, 1979 (the word Executive Committee in place of the Board) vide WB Act XXXII of 1979.

[West Bengal Act V of 1963]

(Chapter II-Committees-Sections 20,21)

- (4) The Syllabus Committee may appoint such sub-Committee or sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and it shall not be necessary for any member of such a sub-Committee to be a member of the said Committee or the Executive Committee.
- 21.(1) ¹The Examination Committee shall consist of the following members :
- (a) the President,
 - (b) ²the Director of School Education, Govt. of WB, ex officio;
 - (c) one person nominated by the State Government from amongst the members of the Board referred to in Clauses (9), (10), (11) and (12) of section 4;
 - (d) one person elected by the Board in the manner provided by regulation from amongst the members referred to in clauses (9), (10), (11) and (12) of section 4;
 - (e) the Director of Technical Education, Government of West Bengal, ex officio;
 - (f) the Deputy Director Secondary Education (1), Government of West Bengal, ex officio.
- (2) the President shall be the Chairman of the Examinations Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Examination Committee to—
- (a) arrange for the holding of examinations instituted by the Board including the fixing of centers for such examinations;
 - (b) appoint Papers-setters and Moderators for such examinations;

¹Substituted sub-section 1. of Section 21 by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

²Substituted clause (b) sub-sec of Section 21 by the WBBSE (Amendment) Act, 1984 vide WB Act X of 1984.

[West Bengal Act V of 1963]

(Chapter II—Committees and Regional Councils 21,22)

- (c) appoint Examiners, Tabulators Supervisors and Invigilators for such examination;
- (d) consider, approve and publish the results of such examinations; and
- (e) disqualify candidates for presenting themselves at examinations for any reason considered to be adequate or for being declared as having passed any such examination on the ground of misconduct.

(4) ³The Examinations committee shall advise—

- (a) The Executive Committee on—
 - i. the rates of remuneration to be paid to the paper-setter, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with examination;
 - ii. the fees to be paid by the candidates for examinations; and
- (b) The Board on any matter relating to examinations which may be referred to it for advice by the Board.

(5) The Examination Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to it in sections (3) and (4) and it shall not be necessary for any member of such a Sub-Committee to be member¹ of the Examinations Committee or the Executive Committee or the Board.

22.(1) The Appeal Committee shall consist of the following members :

- (a) three persons elected by the Board in the manner provided by regulation from amongst the members referred to in clause (14) of section 4;

³Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

¹Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXIII of 1979.

[West Bengal Act V of 1963]

(Chapter II-Committees and Regional Councils¹ 22, 23)

- (b) ²a person, who is or has been a member of the Judicial Service of the State Government, nominated by State Government;
 - (c) ³the Director of School Education, Government of West Bengal. *ex officio*;
 - (d) a member of a Managing Committee of a recognized Institution nominated by the President.
- (2) ⁴The person referred to in clause (b) of sub-section (1) shall be the Chairman of the Appeal Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Appeal committee to hear and decide appeals by teachers and other employees⁵ against decisions of Managing Committee of Institutions adversely affecting them, in accordance with regulation made in this behalf.
- (4) The decision of the Appeal Committee under sub-section (3) shall be final and no suit or proceeding shall lie in any civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.
- (5) The honorarium⁶ or remuneration, if any, of the member nominated under clause (b) of Sub-Section (1) may be fixed by the State Government by an order made in this behalf.

23.(1) The Finance Committee shall consist of the following members;

²Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXIII of 1979 and read with WB Act XIII of 1982.

³Substituted vide WB Act X of 1984 by the WBBSE (Amendment) Act, 1984 . ⁴Substituted the words for "President" by the WBBSE (Amendment) Act, 1979 vide WB Act XIII of 1982 with the word "a person" referred to in clause (b) of sub-sec. 1.

⁵Added the words "and other employees" by the WBBSE (Amendment) Act, 1978 vide WB Act II of 1978.

⁶Added the words "honorarium" vide WB Act, XIII of 1982.

[West Bengal Act V of 1963]

(Chapter II-Committees and Regional Councils¹ 23, 24,25)

- (a) the President
 - (b) ²the Director of School Education, Government of West Bengal, Ex officio;
 - (c) two members of the Board elected by the Board in the manner provided by regulations; and
 - (d) one person having knowledge of, or experience in, financial matters, appointed by the State Government.
- (2) The President shall be the Chairman of the Finance Committee and the Secretary to the Board shall be the Secretary to the said Committee.
 - (3) It shall be the duty of the Finance Committee to prepare the Budget of the Board and to perform such other functions as the Board may direct.
- 24.(1) The Board may, with the approval of the State Government constitute such other Committee or Committees as it may think fit and such Committee may be composed wholly or in part of members of the Board.
 - (2) The Board may, with the approval of the State Government, delegate to any such Committee any of its power or functions and may in like manner withdraw from it any such power or function.
- 25.(1) The Board may, with the approval of the State Government, constitute such Regional Council³ or Councils as it may deem fit. The number, composition and territorial jurisdiction of the Regional Council shall be determined by the Board with the approval of the State Government.
 - (2) The Board may, with the approval State Government, delegate to a Regional Council such powers or duties

¹Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

²Substituted by the WBBSE (Amendment) Act, 1984 vide WB Act X of 1984.

³Substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979. the words "Regional Council" in place of "Regional Examination Council" in Sections 25 and 26 wherever they occur.

[West Bengal Act V of 1963]

(Chapter II-Committees and Regional Councils¹ 25, 26)

of the Board, the Executive Committee or the Examination Committee conferred or imposed by or under this Act, except those referred to in clause (b) of Sub-Section (3); clause (b) of Sub-Section (4); and Sub-Section (5) of Section 21, as it may deem fit and may at any time withdraw from such Regional Council the powers or duties so delegated and dissolve the Regional Council.

- 26.(1) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is also a member of the Board, shall continue to hold office until he ceases to be member of the Board.
- (2) An elected nominated or appointed member of any Committee or Council constituted under this Act, who is not a member of the Board, shall hold office for such term as may be specified by the Board¹ and may on expiration of such term be re-elected, re-nominated or re-appointed:
- Provided that, notwithstanding the expiration of the said term, an elected, nominated or appointed member of a committee or Council 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 this Act.
- (3) The Provisions of section 5 and of sections 8, 11 and 13 shall apply *mutatis mutandis* to members of any Committee or of a Regional Council constituted under this Act as if references to the Board or the President were references to such Committee or Regional Council or the Chairman of such Committee or Regional Council.

¹Substituted by the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982.

[West Bengal Act V of 1963]

(Chapter IV-Power and Duties¹ of the Board and the President-Section-27)**CHAPTER IV**

- 27.(1) It shall be the duty² of the Board to advise the State Government on all matters relating to Secondary Education referred to it by the State Government.
- (2) Subject to any general or special orders of the State Government, the provisions of this Act and any rules made there under, the Board shall have generally the power to direct, supervise and control Secondary Education, and in particular the power—
- (a) ³to lay down the general policy for development of Secondary Education in west Bengal;
 - (b) to conduct periodical survey to assess the educational needs of West Bengal with particular reference to such needs of the Scheduled Casts, the scheduled Tribes and other back ward communities and the hill areas in West Bengal;
 - (c) W.B.Act XIII of 1982-Omitted;
 - (d) to institute Secondary Examinations and such other examinations as it may think fit and to make regulations in this behalf;
 - (e) to administer the West Bengal Board of Seondary Education Fund;
 - (f) to institute and administer such Provident Funds as may be prescribed;
 - (g) to make regulations relating to the conduct, discipline and appeal in respect of members of its staff;
 - (gg) ⁴to make regulations relating to the conduct and discipline in respect of teachers and non-teaching staff of recognized institutions under the Board;

^{1&2}In section 27 and sub-sec 1 the word “powers & duties” have been substituted for the word “functions” by the WBBSE (Amendment) Act, 1979, vide WB Act XXXII of 1979.

³Clause (a) to (i) of sub-section 2 of Section 27 have been substituted for the Clause (a) to (m) of sec. 27 by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979 read with WB Act XIII of 1982.

⁴Inserted clause (gg) in Sub-section (2) of Section (27) vide WB Act XXX of 2003

⁵Added to Sub-Sec. (3) of Section (27) by the WBBSE (Amendment) Act, 1983 vide WB Act XXVII of 1983.

[West Bengal Act V of 1963]

(Chapter IV - Power and Duties of the Board and the President - Section-27)

- (h) to decide any appeal preferred against any decision of the Executive Committee or, subject to the provisions of this Act, any other committee constituted under this Act; and
- (i) to award diplomas, certificates, prizes and scholarships in respect of any examinations instituted by the Board;
- (3) Subject to the provisions of sub-section (2), the Board may, if it thinks necessary, make regulations in respect of any matter for the proper exercise of its powers under this Act. Provided that any decision or action taken or any order made by the Board in exercise of its powers under this Act shall not be invalid merely on the ground that no regulation has been made under this Sub-Section.
- (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 and modifications therein as it thinks fit and also¹ specify the date or dates from which the regulations shall come into force or shall be deemed to have come into force.
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.
- (6) ²Subject to the provisions of sub-sections (2) and (3), the Board shall have the power to require the Executive Committee, from time to time, to submit reports, returns, statements and other information on any matter relating to the duties of the Executive Committee referred to in sub-section (3) and (4) of Section 19A.

¹In sub-section 4 of section 27 the words "and also specify..... Comes into force" have been added by the WBBSE (Amendment) Act, 1978 vide WB Act I of 1978

²Added sub-section 6 of section 27 by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

[West Bengal Act V of 1963]

(Chapter V – Meetings – Section – 28, 29)

- 28.(1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any Committee or Council constituted under this Act.
- (2) ³The President may, in any emergency, exercise any of the powers of the Board or the Executive Committee provided however that he shall not act contrary to any decision of the Board or the Executive Committee⁴ 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; and
- (3) The President shall–
- (a) exercise general supervision over the Secretary and the staff appointed by 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 decisions of the Board or the Executive Committee, as he considers necessary for the proper functioning of the Board or the Executive Committee under this Act.

CHAPTER V-Meetings

- 29.(1) The annual meeting of the Board or the Executive Committee¹ shall be held in the month of July in each year
- (2) ²The Board shall meet at such other times, not less than twice a year, as may be appointed by the President on the advice of the Executive Committee.
- (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 seven days' notice of each meeting including the annual or a special meeting:

³Substituted sub-section 2 of Section 28 by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

⁴added to the sub-clause c of sub-section 3 of Section 28 by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979 and inserted the words "or the Executive Committee" after the word "Board"— wherever it occurs.

[West Bengal Act V of 1963]
(Chapter V – Meetings – Section – 28, 29)

Provided that the President shall, on receipt of a requisition signed by not less than twenty³ 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 fifteen⁴ members of the Board, the President shall place before a meeting of the Board for discussion any decision of any⁵ Committee other than the Executive Committee constituted under this Act 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 twenty⁶ 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 twenty⁷ members is present.

¹In section 29(1) the words "or the Executive Committee" have been added by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

²Substituted sub-section 2 of Section 29 by the WBBSE (Amendment) Act 1979 vide WB Act XXXII of 1979

³In the proviso of Sub-section 3 of Section 29 for the word "ten has been substituted by the word "twenty" by the WBBSE (Amendment) Act 1979 vide WB Act XXXII of 1979.

⁴Substituted the word "fifteen" for the word "six" by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

⁵substituted that the words "any Committee.....Executive Committee" by the Amendment Act 1979 vide WB Act XXXII of 1979

^{6 & 7}In sub-section 5 the word "twenty" has been substituted for the word "ten" and in sub-section 7 the word "twenty" in place of "ten" by the WBBSE (Admendment) Act, 1979 vide WB Act XXXII 1979

[West Bengal Act V of 1963]
(Chapter V – Meetings – Section – 29, 30)

8. (a) ¹The Executive Committee shall meet at least once in every two months and at least six times a year.
- (b) The President shall give to each member not less than seven days' notice of each meeting:
Provided that the President may call an emergency meeting after giving not less than two days' notice to each member.
- (c) No business shall be transacted at any meeting of the Executive Committee unless there is a quorum² of fifty per cent of the existing members of the Executive Committee, fraction, if any, being computed as one.
30. The Board shall make regulations relating to meeting of any committee other than the Executive Committee³ or of any Regional Council⁴ constituted by it and the procedure to be followed at such meetings.

¹Sub-Section (8a) of Section 29 has been added by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979

²Clause (C) of Sub-section 8 has been substituted by the WBBSE (Amendment) Act, 1983 vide WB Act XXXVII of 1983

³In Section 30 the Words "any Committee.....Executive Committee" has been substituted by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

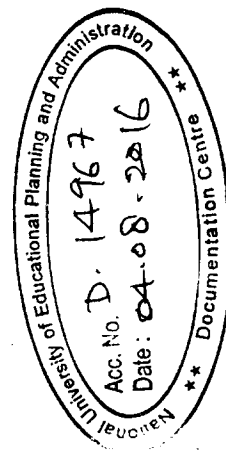
⁴The Words "Regional council" has been substituted for the words "Regional Examination Council" by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

[West Bengal Act V of 1963]
(Chapter VI – Finance and Audit Section–31)

CHAPTER VI

Finance and Audit

- 31.(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 year¹
- (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) ²The Board shall hold a special meeting by the 31st October, of every financial year and shall before the said meeting a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board for the next financial year.
- (b) ³The 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 special meeting referred to in clause (a) is held.
- (4) (a) The State Government shall within two⁴ 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 suggestion 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 is not likely to be able to meet from its income; or



¹Omitted words "together with Meeting is held" after "Financial year" by WBBSE (Amendment) Act, 1986 vide WB Act XV of 1986

² & ³Substituted sub-section 3 (a & b) by the WBBSE (Amendment) Act, 1983 vide WB Act XV of 1986.

⁴In sub-section 4(a) of section 31 the words "within two months" have been substituted for the words "within three months" by the WBBSE (Amendment) Act, 1986 vide WB Act XV of 1986.

[West Bengal Act V of 1963]

(Chapter VI – Finance & Audit – Section – 31)

- 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 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.
- (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 the expenditure;
 - (ii) additions, alterations or modifications in any provisions relating to new expenditure of a recurring nature;
 - (iii) any alterations or modifications in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this act; and shall forward the budget estimate as so amended to the Board.
- (5) If the State Government does not accord its approval to the budget estimate under clause (b) of sub-section (3) within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Board under clause (c) of sub-section (4) within the 31st March of the financial year

[West Bengal Act V of 1963]

(Chapter VI – Finance & Audit – Section – 31, 32, 33)

immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the State Government by the Board under clause (b) of sub-section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (4) 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.

- (6) ¹Notwithstanding anything contained in the foregoing provisions of this section, the budget estimate of the Board for the financial year 1986-87 shall be submitted to the State Government and the approval or otherwise of the said estimate shall be accorded by the State Government in accordance with the provisions of this Act as in force immediately before the coming into force the West Bengal Board of Secondary Education (Amendment) Act, 1986.
32. 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 it as it may think fit.
33. (1) The Board shall have a fund to be called West Bengal Board of Secondary Education Fund to which shall be credited –
- (a) all sums which may be paid by the State Government under section 32.
 - (b) all fees realized under any of the provisions of this Act.
 - (c) all sums representing income from endowments or from property owned or managed by the Board; and

¹Added sub-section 6 by the WBBSE (Amendment) Act, 1986 vide WB Act XV of 1986

²In the sub-section 3 of section 33 (1) of the said Act after words “Reserve Bank of India” the words “or into the State Bank of India or any branch thereof” have been added by the WBBSE (Amendment) Act, 1977 vide WB Act IX of 1977 and the words “or into the United Bank of India or any branch thereof” have been added by the WBBSE (Amendment) Act, 1990 vide WB XX of 1990.

[West Bengal Act V of 1963]

(Chapter VI – Finance & Audit – Section – 33,34, 35)

- (d) 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 this Act.
 - (3) All monies payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India or into the State Bank of India or any branch thereof or into the ²United Bank of India or any branch thereof, to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorize in writing in this behalf.
34. No expenditure shall be incurred from the Fund except for the purposes of this Act, and unless such expenditure is provided for in the budget as approved under this Act or can be met by re-appropriation sanctioned in the prescribed manner.
35. The Board shall keep an account of all its receipts and expenditure in the manner prescribed.
36. (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 under subsection (1) an auditor appointed under that subsection 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

[West Bengal Act V of 1963]

(Chapter VI – Finance & Audit – Section – 36, 37 Chapter VII supplemental Provisions Section 38)

- (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) and with the requirement of any rule made in this behalf.
 - (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, on conviction, be punishable with fine which may extend to one hundred 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 Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under sub-section (4).
37. (1) Not more than fourteen days after 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 Board which shall forward it to the State Government together with its observations thereon.
- (2) The State Government shall take action on the audit report as it thinks fit.

CHAPTER VII

Supplemental Provisions

38. 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.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provisions Section 39, 40, 41, 42, 43)

39. The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board or of any Committee or any Regional Council¹ 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 or the Council, as the case may be.
40. The members of the Board and of every Committee or Council 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.
41. No suit, prosecution or other legal proceeding what ever shall lie against any person for anything in good faith done or intended to be done under this Act.
42. A Tribunal appointed under this Act shall have all the powers of a Civil court for the purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of section 480 and 482 of the Code of Criminal Procedure.
43. No act or proceeding taken under this act shall be invalid on the ground merely of—
- (a) the existence of any vacancy in, or defects¹ in the initial or subsequent constitution of, the Board or any committee or any Regional Council² constituted under this Act,
 - (b) any member of the Board having voted on any matter in contravention of the provisions of section 15, or

¹ In Section 39 the Words “Regional Council” have been substituted for the words “Regional Examination Council” by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

¹ & ²In Clause (a) of Section 43 the words “defects.....Constitution of “have been substituted for the words “defect in the constitution of“and the “Regional Council” for “Regional Examination Council” have been substituted by the WBBSE (Amendment) act, 1979 vide WB Act XX.XII of 1979.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provisions Section 44,45)

- (c) any defect or irregularity not effecting the merits of the case
44. Every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.
- 45.
- (1) The State Government may after previous publication, made rules for carrying out the purpose 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 the performance by the Board of any function referred to in sub-section (2) of Section 3.
- (b) the manner of election of the members of the Board specified in clause (8) and³ sub-clause (b) of clause (14) of section⁴ (4) the constitution of electorates for such elections and the dates by which such elections shall be held;
- (c) the manner of election of the members of the Board specified in clause (15) of section⁵ (4) and the dates by which such election shall be held;
- (d) ⁶the composition, powers and functions of Managing Committees of Institutions;
- (e) the procedure to be followed by a Tribunal in determining disputes referred to in sub-section (1) of section 12;

^{3,4,&5} Clause 8 clause 14 in sub-section 2 (b) of section (4) and clause 15 in sub-section c of section (4) have been substituted for clause 15, clause 16 and clause 17 respectively by the WBBSE (Amendment) Act, 1979 vide WB Act, XXXII of 1979

⁶in clause (d) of sub-section 2 the words "the Composition, power & function" have been substituted for the words "The composition of" by the Act 1969 vide WB Act XIV of 1969.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provisions Section 45,46)

- (f) the terms and conditions of appointment, the scale of pay and the rules of discipline relating to the Secretary of the Board;
- (g) the rates at which the Board shall pay travelling allowance to person referred to in section 17.
- (h) the Provident Funds referred to in clause (1) of sub-section (2) of section 27 as may be instituted and administered by the Board.
- (i) the form in which the budget estimate of the Board shall be prepared;
- (j) the manner in which all payments to and from the West Bengal Board of Secondary Education Fund shall be made;
- (k) the manner of re appropriation under section 34.
- (l) the manner and form in which accounts of receipts and expenditure shall be kept under section 235;
- (m) the manner in which examination and audit of the accounts of the Board shall be made;
- (n) the reports, returns and statements to be furnished by the Board under section 38 and the forms of such reports, returns and statements,
- (o) any other matter required to be prescribed or provided or made by rules.

46.

(1) The West Bengal Board of Secondary Education Act, 1950 (hereafter referred to as the said Act), and the West Bengal Secondary Education (Temporary Provisions) Act, 1954, are hereby repealed.

(2) Upon such repeal –

- (a) all property and assets vested in the Board of Secondary Education and all rights, liabilities and obligations acquired or incurred by such Board before the commencement of this Act shall stand transferred to the State Government:

[West Bengal Act V of 1963]

(Chapter VII supplemental Provision Section 46)

Provided that State Government may by order made in this behalf retransfer all or any of such property or assets to the Board and thereupon such property or assets shall vest in the Board;

- (b) all legal proceedings or remedies instituted or enforceable by or against the Board of Secondary Education before the Commencement of this Act may be continued or enforced, as the case may be, by or against the Board, or until the Board is established by or against officer or authority as State Government may by order specify;
- (c) all officers and other persons in the employment of the Board of Secondary Education immediately before and commencement of this Act, shall until other provision is made, continue in the service of the Board;
- (d) all recognized schools shall be deemed to have recognized under this Act until the expiration of the period recognition subject, however, to the power of the Board to withdraw recognition in accordance with the provisions of this Act,
- (e) all syllabuses, courses of studies and text-books in force shall until other provision is made under this Act, continue to be followed, and
- (f) all appeals, referred to in sub-section (3) of section 30 of the said Act and pending immediately before the commencement of this Act, shall be continued and be heard and determined by the Appeal Committee constituted under section 18 of this Act, and, until such Appeal Committee is constituted, by the Director of Public Instruction, Government of West Bengal and for the purpose of disposal of such appeals the regulations made under the said sub-section (3) of section 30 of the said act shall be deemed to continue in force.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provision Section 47,48,49, 50)

47. The Board shall, in exercising its powers 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 Secondary Education.
48. If any difficulties arise 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.
- 49.(1) ¹If in the opinion of the State Government the Board—
- (a) has persistently made default in the performance of the duties imposed upon it, or
 - (b) has exceeded or abused its powers, the State Government may, by an order published in the Official Gazette and stating the reason there for, supersede the Board for such period not exceeding two years, as 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, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession of the Board subject to the condition that the aggregate period of such supersession shall in no case exceed three years.
- 50².(1)³Notwithstanding 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 49,
- (a) all the members of the Board, the Committees and the Sub-Committees constituted under this Act, and the President shall vacate their offices,

¹Section 49 has been added by the WBBSE (Amendment) Act, 1977 vide WB Act IX of 1977.

²Section 50 has been added by the WBBSE (Amendment) Act, 1977 vide WB Act IX of 1977.

³Substituted by the WBBSE (Amendment) Act, 1978 of WB Act II of 1978.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provision Section 50, 51)

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

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 their offices as such representatives and the Administrator may nominate such person or persons, as he may think fit, to represent the Board on that body;

(2) Omitted (vide W. B. Act, II of 1978)

(3) The State Government may, by an order published in the Official Gazette, cancel an order made under section 49 and re-establish the Board.

(4) On the re-establishment of the Board under subsection (3) the Administrator shall cease to exercise his powers and perform his duties.

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

51. ¹For the avoidance of doubts it is hereby declared that an order of super session made under section 49 shall not effect or imply in any way the dissolution of the Board as a body corporate.

¹Section 51 has been added by the WBBSE (Amendment) Act, 1978 vide WB Act II of 1978.

[West Bengal Act V of 1963]

(Chapter VII supplemental Provision Section 52)

- 52.(1) The State Government shall, by an order published in the Official Gazette, specify the date on which the Board is re-established in accordance with the provisions of section 4.
- (2) The State Government shall, by an order published in the Official Gazette, specify the dates by which the authorities (other than the State Government) shall elect or nominate members referred to in section 4. If such member or members are not elected or nominated, as the case may be, by the specified dates, the State Government shall appoint such member or members from amongst persons qualified for such election or nomination, as the case may be.
- (3) Until³ election of members referred to in section 4, is held the State⁴ Government shall appoint such member or members from amongst persons qualified for election under clause (8) and Sub-Clause (b) of Clause (14) of Section 4.
- (4) ⁵(i) Members appointed under sub-section (2) shall hold office until nomination of members under Section 4 is made;
- (ii) Members appointed under Sub-Section (3) shall hold office until election of members referred to in Section 4 is held and the result of such election is published in the Official Gazette in this behalf.

²Secpn 52 has been added by the WBBSE (Amendment) Act, 1979 vide WB Act XXXII of 1979.

³Omitted the words "rules made by the State Government for" by the WBBSE (Amendment) Act, 1982 vide WB Act XII of 1982 in sub-section 3 of section 52 above.

⁴In sub-section 3 of section 52 the word "is held" have been added after the words "in Section 4" by the WBBSE (Amendment) Act, 1982 of WB Act XIII of 1982.

⁵Subsection 4 of Section 52 has been substituted by the WBBSE (Amendment) Act, 1982 vide WB Act XIII of 1982

: ANNEXURES :

GOVERNMENT OF WEST BENGAL LEGISLATIVE DEPARTMENT

West Bengal Act XIV of 1969

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT, 1969.**

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 11th August, 1969.]

[11th August, 1969]

***An Act to amend the West Bengal Board of Secondary
Education Act, 1963.***

West Ben.
Act V of 1963.

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

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

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1969. Short title
2. In clause (d) of Sub-section (2) of section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the said Act), for the words “the composition of”, the words ‘the composition, powers and functions of shall substituted. Amendment of section 45 of West Ben. Act V of 1963.
- 3.(1) The West Bengal Board of Secondary Education (Amendment) Ordinance, 1969, is hereby repealed. Repeal and savings,
 - (2) Anything done or any action taken under the said Act as amended by the West Bengal Board of Secondary Education (Amendment) Ordinance, 1969, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 9th day of May, 1969.

West Beng.
Ord. V of
1969.

GOVERNMENT OF WEST BENGAL LEGISLATIVE DEPARTMENT

West Bengal Act XXXI of 1973

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT, 1973.**

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 7th June 1973]

[7th June, 1973]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

West Beng.
Act V of 1963.

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1973.
2. In clause (I) of section 2 of the West Bengal Board of Secondary Education Act, 1963, after the words "*by Government*", the words "*or by a Statutory Body*" shall be *inserted*.

Short title

Amendment
of section 2
of West Ben.
Act V of
1963.



THE CALCUTTA GAZETTE

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VAISAKHA 9]

FRIDAY, APRIL 29, 1977

[SAKA 1899

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL LEGISLATIVE
DEPARTMENT

NOTIFICATION

No. 853-L—29th April, 1977.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act IX of 1977

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1977.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 29th April, 1977.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purposes and in the
manner hereinafter appearing;

West Beng.
Act Vof 1963.

It is hereby enacted in the Twenty eighth Year of the Republic
of India, by the Legislature of West Bengal, as follows :—

Short title

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1977.

(Sections 2, 3, 4, 5)

Amendment
of section 1
of West Ben.
Act V of
1963.

2. To sub-section (2) of section 1 of the West Bengal Board of Secondary Education Act, 1963, (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

“Provided that any institution situated in any other State or in any Union Territory may also with the sanction of the Government of such State or Union Territory, as the case may be, apply to the Board for recognition and the Board may, subject to such conditions of restrictions as it may, with the approval of the State Government, think fit to impose, grant recognition to such institution.”

Amendment
of section 4.

3. In section 4 of the said Act,—
(1) after clause (1), the following clause shall be inserted, namely:—

“(1A) the President of the West Bengal Council of Higher Secondary Education, *ex-officio*;”

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

“(2) the Director of Secondary Education, Government of West Bengal, *ex-officio*;”

Amendment
of section 19.

4. In sub-section (1) of section 19 of the said Act, for clause (b), the following clause shall be substituted, namely:—

“(b) the Director of Secondary Education, Government of West Bengal, *ex-officio*;”

Amendment
of section 21.

5. In sub-section (1) of section 21 of the said Act, for clause (b), the following clause shall be substituted, namely:—

“(b) the Director of Secondary Education, Government of West Bengal, *ex-officio*;”

(Sections 6, 7, 8)

Amendment
of section 23.

6. In sub-section (1) of section 23 of the said Act, for clause (b), the following clause shall be substituted, namely :—

“(b) the Director of Secondary Education, Government of West Bengal, *ex-officio*;”

Amendment
of section 33.

7. In sub-section (3) of section 33 of the said Act, after the words “Reserve Bank of India”, the words “or into the State Bank of India or any branch thereof” shall be inserted.

Addition of
new sections
49 and 50.

8. After section 48 of the said Act, the following sections shall be added, namely :—

Superssion
of the Board.

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

(a) has persistently made default in the performance of the duties imposed upon 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 be omitted, 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.

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

Consequen-
ces of super-
session.

50.(1) When an order of supersession has been made under section 49—

(a) all the members of the Board shall vacate their offices.

(Sections 8, 9)

- (b) all the powers and duties of the Board shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf,

With effect from the date of the order :

Provided that an administrator appointed under this sub-section may delegate any his powers or duties to any officer or other employee of the Board.

- (2) All property vested in the Board shall vest in the State Government during the period of supersession.
- (3) The State Government may, by an order published in *Official Gazette*, cancel an order made under section 49 and re-establish the Board.
- (4) On the re-establishment of the Board under sub-section (3) the Administrator shall cease to exercise his powers and perform his duties.
- (5) The terms and conditions of service of the Administrator shall be such as may be fixed by the State Government by order made in this behalf.”

Repeal and savings,

9. (1) The West Bengal Board of Secondary Education (Amendment) Ordinance, 1977, is hereby repealed.
- (2) Anything done or any action taken under the said Act as amended by the West Bengal of Secondary Education (Amendment) Ordinance, 1977, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 19th day of February, 1977.

West Ben Ord.
V of 1977.

By order of the Governor,
K. K. MOITRA,
Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL

Legislative Department

West Bengal Act II of 1978

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT, 1978.**

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 20th March, 1978.]

[20th March, 1978]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

West Ben.
Act V of 1963.

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

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

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1978. Short title
2. In sub-section (3) of section 22 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the said Act), after the words “teachers”, the words “and other employees” shall be inserted. Amendment of section 22 of West Ben. Act V of 1963.
3. In sub-section (4) of section 27 of the said Act, after the words “as it thinks fit”, the words “and also specify the date or dates from which the regulation shall come into force or shall be deemed to have come into force” shall be added. Amendment of section 27.

(Sections 4)

4. In Section 50 of the said Act,—

Amendment
of section 50.

(I) for sub-section (I) the following sub-section shall be substituted;—

“(I) Notwithstanding anything contained in this Act or any other law for the time being in force, with effect from the date of an order of supersession made under section 49,—

(a) all the members of the Board, the committees and the Sub-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 Sub-Committees or the President, shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf.

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 their offices as such representatives and the Administrator may nominate such person, or persons as he may think fit, to represent the Board on that body.”

(2) sub-section (2) shall be, and shall be deemed always to have been, omitted.

(Sections 5, 6)

Insertion of new section 51. 5. After Section 50 of the said Act, the following section shall be inserted :—

“Board to continue as a body corporate. 51. For the avoidance of doubts it is hereby declared that an order of supersession made under section 49 shall not effect or imply in any way the dissolution of the Board as a body corporate.”

Repeal and savings. 6.(1) The West Bengal of Secondary Education (Amendment) Ordinance, 1978, is hereby repealed.
(2) Anything done or any action taken under the said Act as amended by the West Bengal Board of Secondary Education (Amendment) Ordinance, 1978, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 19th day of January, 1978.

West Ben.
Ord. VII of
1978.

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THE CALCUTTA GAZETTE

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FRIDAY, NOVEMBER 2, 1979

[SAKA 1901

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL LEGISLATIVE
DEPARTMENT

NOTIFICATION

No. 2350-L—2nd November, 1979.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXXII of 1979

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1979.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 2nd November, 1979.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

West Beng.
Act V of 1963.

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

Short title

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1979.

(Sections 2, 3, 4)

Amendment
of section 2
of West Ben.
Act V of
1963.

2. In section 2 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act)—
 - (i) after clause (a) the following clause shall be inserted :—
 - (aa) “by-law” means a by law made by the Executive Committee under this Act.”
 - (ii) for clause (c), the following clause shall be substituted :—
 - (c) “Institution” means a Secondary School or an educational Institution or part or department of such school or Institution imparting instruction in Secondary Education,”

Substitution
of new
section for
section 4.

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

Composition
of the Board.

4. The Board shall consist of the following members :—
 - (1) the President;
 - (2) the President of the West Bengal Council of Higher Secondary Education, *ex officio*;
 - (3) the Director of Secondary Education, Government of West Bengal, *ex officio*;
 - (4) the Director of Primary Education, Government of West Bengal, *ex officio*;
 - (5) the Director of Technical Education, Government of West Bengal, *ex officio*;
 - (6) the Deputy Director of Secondary Education, (for women), Government of West Bengal, *ex officio*;

(Section 4)

- (7) the Deputy Director of Secondary Education, (I), Government of West Bengal, *ex officio*;
- (8) two persons elected in the manner prescribed from amongst the teaching staff of training colleges for teachers of Secondary Schools affiliated to or recognised by any of the Universities in West Bengal;
- (9) the Dean of the Faculty of Arts and the Dean of the Faculty of Science of the Calcutta University, *ex officio*;
- (10) the Dean of the Faculty of Engineering and Technology, Jadavpur University, *ex officio*;
- (11) the Adhyaksha, Kala Bhaban Viswa Bharati Santiniketan, *ex officio*;
- (12) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal and the Bidhan Chandra krishi Vidyalaya;
- (13) one person nominated by the Madrasha Education Board from amongst the members of Madrasha Education Board;
- (14)(a) two heads of recognised Secondary Schools nominated by the State Government;
- (b) thirty-two wholetime and permanent teachers of recognised Secondary Schools of the teaching staff elected in the manner prescribed;
- (15) two representatives of the West Bengal Legislative Assembly elected in the manner prescribed;
- (16) five persons interested in education nominated by the State Government, one of whom shall be a woman and at least one shall be a member of the Managing Committee of a recognised Institution.

(Sections 4,5, 6, 7)

- (17) one person elected by the employees of the Board from amongst themselves in the manner provided by regulations; and
- (18)(a) one wholetime and permanent member of the teaching staff of primary schools recognised by the District School Board or the Director of Public Instruction or the Director of Primary Education, nominated by the State Government;
- (b) one wholetime and permanent member of the teaching staff of colleges affiliated to any of the Universities in West Bengal nominated by the State Government.”

Amendment of section 12.

- 4. In sub-section (I) of section 12 of the principal Act, for the words “Regional Examination Council” wherever they occur, the words “Regional Council” shall be substituted.

Amendment of the heading under Chapter III

- 5. In the heading under Chapter III of the principal Act, for the words “Regional Examination Councils”, the words “Regional Councils” shall be substituted.

Amendment of section 18.

- 6. After clause (a) of section 18 of the principal Act, the following clause shall be inserted :—

“(aa) the Executive Committee;”

- 7. In section 19 of the principal Act :—

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

- “(I) The Recognition Committee shall consist of the following members :—

- (a) the President;

- (b) the Director of Secondary Education, Government of West Bengal, *ex officio* ;

(Sections 8)

- (c) four persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14), clause (15) and clause (16) of section 4;
- (d) the Deputy Director of Secondary Education (for women), Government of West Bengal, *ex officio*; and
- (e) the Deputy Director of Secondary Education (I), Government of West Bengal, *ex officio*”, and
- (b) in sub-section (3), for the words “the Board”, in the two places where they occur. the words “the Executive Committee” shall be substituted.

Insertion of
new section
19A.
“Executive
committee

8. After section 19 of the principal Act, the following section shall be inserted :—

19A.(I) The Executive Committee shall consist of the following members :—

- (a) the President;
- (b) the Director of Secondary Education, Government of West Bengal, *ex officio*;
- (c) the Director of *Primary Education*, Government of West Bengal, *ex officio*;
- (d) the Deputy Director of Secondary Education, (I) Government of West Bengal, *ex officio*;
- (e) the Deputy Director of Secondary Education, (for Women), Government of West Bengal, *ex officio*;
- (f) five persons elected by the Board *in the manner provided by regulations* from amongst the members referred to in clauses (8), (9), (10), (11) and (12) of section 4;
- (g) five persons elected by the Board *in the manner provided by regulations* from amongst the members referred to in clause (14) of section 4;

(Sections 8)

- (h) one person elected by the Board *in the manner provided by regulations* from amongst the members referred to in clause (15) of section 4;
 - (i) two persons elected by Board *in the manner provided by regulations* from amongst the members referred to in clause (16) and clause (18) of section 4;
 - (j) member referred to in clause (17) of section 4;
- (2) The President shall be the Chairman of the Executive Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Executive Committee to—
- (a) advise the Board on all matters relating to development of Secondary Education;
 - (b) take such steps as may be necessary to carry out, as directed by the Board, the policy in accordance with the provisions of this Act;
 - (c) Subject to any orders of the State Government in regard to the number, location and manner of selection—
 - (i) *grant or refuse* recognition to Institutions, and
 - (ii) withdraw recognitions granted to Institutions, after considering the recommendation of the Recognition Committee and in accordance with such regulations as may be made by the Board in this behalf;
 - (d)
 - (i) amalgamate two or more Institutions into one Institution.
 - (ii) split one Institution into two or more Institutions, and

(Section 8)

- (iii) shift an Institution from one site to another. in accordance with such regulation as may be made by the Board in this behalf;
- (e) (i) supervise the functions of the Managing Committees,
 - (ii) *approve or withhold* approval of the constitution of the managing committees-
 - (iii) approve special constitution of the managing committees in accordance with such regulations as may be made by the Board.
 - (iv) supersede a managing committee and appoint Administrator to manage the affairs of an Institution;
- (f) maintain a register of recognised Institutions;
- (g) provide by by-laws after considering the recommendations, if any, of the Syllabus Committee, the syllabus, the courses of studies to be followed and books to be studied in recognised Institutions and for examinations instituted by the Board in accordance with such regulations as may be made by the Board.
- (h) undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognised Institutions;
- (i) (a) maintain and publish lists of books approved for use in recognised Institution and for examinations instituted by the Board, and
 - (b) revise such lists from time to time;
- (j) make by-laws regarding the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Board;

(Section 8)

- (k) provide by by-laws after considering the recommendations, if any, of the Examinations Committee and the Regional Councils, the rates of remuneration to be paid to paper-setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with the examinations instituted by the Board and fees to be paid by candidates for such examinations;
- (l) (i) grant permission to candidates to appear at the examinations instituted by the Board, and
(ii) refuse or withdraw such permission, if it thinks fit in accordance with such by-laws as may be made by it in this behalf.
- (4) The Executive Committee shall submit to the Board quarterly 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.
- (5) Subject to the provisions of sub-sections (3) and (4), the Executive Committee shall have the power to make by-laws, in respect of matters referred to in clause (g), (i), (k) and (l) of sub-section (3).
- (6) 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.
- (7) All by-law approved by the State Government shall be published in the *Official Gazette*.”

(Sections 9)

9. In section 20 of the Principal Act—

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

(1) “The Syllabus Committee shall consist of the following members :—

- (a) the President;
- (b) the Dean of the Faculty of Arts of the University of Calcutta, *ex officio*;
- (c) the Dean of the Faculty of Science of the University of Calcutta, *ex officio*;
- (d) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal;
- (e) the Dean of the Faculty of Engineering Jadavpur University, *ex officio*;
- (f) one person elected by the Board in the manner provided by regulations from amongst the members referred to in clause (8) of section 4;
- (g) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;
- (h) three persons having special knowledge of scientific or technical education, who may or may not be members of the Board, elected by the Board in the manner provided by regulations.”;

(2) in sub-section (3),—

- (a) in clause (a), for the words “the Board”, the words “the Executive Committee” shall be substituted; and

(Sections 10)

- (b) in clause (b), for the words “the Board”, wherever they occur, the words “the Executive Committee” shall be substituted; and
- (3) in sub-section (4), for the words “the Board”, the words “the Executive Committee” shall be substituted.

Amendment
of section 21.

10. In section 21 of the principal Act,—

- (1) for sub-section (1), the following sub-section shall be substituted :—
- (2) The Examinations Committee shall consist of the following members :—
 - (a) the President;
 - (b) the Director of Secondary Education, Government of West Bengal, *ex officio*;
 - (c) one person nominated by the State Government from amongst the members of the Board referred to in clauses (9), (10), (11) and (12) of section 4;
 - (d) one person elected by the Board in the manner provided by regulations from amongst the members referred to in clauses (9), (10), (11) and (12) section 4;
 - (e) the Director of Technical Education, Government of West Bengal, *ex officio*; and
 - (f) the Deputy Director of Secondary Education (I), Government of West Bengal, *ex-officio*; and
- (3) for sub-section (4) the following sub-section shall be substituted :—
- (4) “The Examinations Committee shall advise—
 - (a) the Executive Committee on—
 - (i) the rates of remuneration to be paid to the paper setters, moderators, tabulators, examiners,

(Sections 11)

invigilators, supervisors and other persons employed in connection with examinations.

(ii) the fees to be paid by the candidates for examinations; and

(b) the Board on any matter relating to examinations which may be referred to it for advice by the Board.” and

(3) in sub-section (5), for the words “of the Examinations Committee of the Board”, the words “of the Examinations Committee or the Executive Committee or the Board” shall be substituted.

Amendment
of section 22.

11. In section 22 of the principal Act,—

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

(1) “The Appeal Committee shall consist of the following members :—

(a) three persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;

(b) a person nominated by the State Government from amongst the members of judicial service of the State Government;

(c) the Director of Secondary Education Government of West Bengal, ex officio;

(d) a member of a managing committee of a recognised Institution nominated by the President.” and

(e) in sub-section (2), for the words “The President”, the words “The person referred to in clause (b) of sub-section (1) shall be substituted.

(Sections 12, 13, 14, 15)

- Amendment of section 25. 12. In section 25 of the principal Act and in the marginal note to that section, for the words “Regional Examination Councils”, wherever they occur, the words “Regional Councils” shall be substituted.
- Amendment of section 26. 13. In section 26 of the principal Act, in sub-section (3), for the words “Regional Examination Council” wherever they occur, the words “Regional Council” shall be substituted.
- Amendment of the heading under Chapter IV. 14. In the heading under Chapter IV of the principal Act, for the words “functions”, the word “duties” shall be substituted.
- Amendment of section 27. 15. In section 27 of principal Act,—
- (i) in the marginal note, for the word “Functions” the words “powers and duties” shall be substituted; and
 - (ii) in sub-section (2), for clauses (a) to (n) the following clauses shall be substituted :—
 - (a) “to lay down the general policy for development of Secondary Education in West Bengal;
 - (b) to conduct periodical survey to assess the educational needs of West Bengal with particular reference to such needs of the Scheduled Castes, the Scheduled Tribes and other backward communities and of the hill areas in West Bengal;
 - (c) to make regulations in respect of matters referred to in clauses (c), (d) (e) and (g) of sub-section (3) of section 19A;
 - (d) to institute Secondary Examinations and such other examinations as it may think fit and to make regulations in this behalf excepting in respect of matters specified in clauses (j), (k) and (l) of sub-section (3) of section 19 A.

(Sections 15, 16)

- (e) to administer the West Bengal Board of Secondary Education Fund;
 - (f) to institute and administer such Provident Funds as may be prescribed;
 - (g) to make regulations relating to the conduct, discipline and appeal in respect of the members of its staff;
 - (h) to decide any appeal preferred against any decision of the Executive Committee or, subject to the provisions of this Act, any other Committee constituted under this Act; and
 - (i) to award diplomas, certificates prizes and scholarships in respect of any examinations instituted by the Board”;
- (iii) after sub-section (5) the following sub-section shall be added.
- “(6) Subject to the provisions of sub sections (2) and (3), the Board shall have the power to require the Executive Committee, from time to time, to submit reports, returns, statements and other information on any matter relating to the duties of the Executive Committee referred to in sub-sections (3) and (4) of section 19A.

Amendment
of section 28.

16. In section 28 of the peincipal Act,—

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

“(2) The President may, in any emergency, exercise any of the powers of the Board or the Executive Committee provided however that he shall not Act contrary to any decision of the Board or the Executive Committee and shall, as soon thereafter

(Sections 17)

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” and

- (b) in clause (c) sub-section (3) after the word “Board” wherever it occurs, the words “or the Executive Committee” shall be inserted.

17. In section 29 of the principal Act—

Amendment
of section 29.

- (a) in the marginal note, after the word “Board” the words “and the Executive Committee” shall be inserted;
- (b) for sub-section (2), the following sub-section shall be substituted :—
- “(2) The Board shall meet at such other times, not less than twice a year, as may be appointed by the President on the advice to the Executive Committee”;
- (c) in the proviso to sub-section (3) for the word “ten”, the word “twenty” shall be substituted.
- (d) in sub-section (4),—
- (i) for the word “six”, the word “fifteen” shall be substituted, and
- (ii) for the words “any committee”, the words “any committee other than the Executive Committee” shall be substituted;
- (e) in sub-section (5) for the word “ten, the word “twenty” shall be substituted;
- (f) in sub-section (7) for the word “ten”, the word “twenty” shall be substituted;
- (g) after sub-section (7), the following sub-section shall be added :—
- (8) (a) The Executive Committee shall meet at least once in every two months and at least six times a year.

(Sections 18, 19, 20, 21)

(b) The President shall give to each member not less than seven day's notice of each meeting;

Provided that the President may call an emergency meeting after giving not less than two days notice to each member.

(c) No business shall be transacted at any meeting of the Executive Committee unless a quorum of nine members is present."

Amendment
of section 30.

18. In section 30 of the principal Act,—

(a) in the marginal note, for the words "Regional Examination Councils" the words "Regional Councils" shall be substituted;

(b) for the words "Regional Examination Council" the words "Regional Council" shall be substituted, and

(c) for the words "any Committee", the words "any Committee other than the Executive Committee" shall be substituted.

Amendment
of section 39.

19. In section 39 of the principal Act, for the words "Regional Examination Council" the words "Regional Council" shall be substituted.

Amendment
of section 43.

20. In section 43 of the principal Act, in clause (a),—

(a) for the words "defect in the Constitution of" the words "defects in the initial or subsequent constitution of," shall be substituted; and

(b) for the words "Regional Examination Council" the words "Regional Council" shall be substituted.

Amendment
of section 45.

21. In sub-section (2) of Section 45 of the principal Act,—

(i) in clause (b), for the words, brackets, letter and figures "sub-clause (b) of clause (15) and clause (16)", the words, brackets letter and figures Clause (8) and sub-clause (b) of clause (14)" shall be substituted;

(ii) in clause (c), for the word, brackets and figures "clause (17)", the word, brackets and figures "clause (15)" shall be substituted;

(iii) in clause (h), for the word, brackets and letter "clause (I)", the word, brackets and letter "clause (e)" shall be substituted.

(Sections 22)

22. After section 51 of the principal Act, the following section shall be added :—

52. (1) The State Government shall, by an order published in the Official Gazette, specify the date on which the Board is re-established in accordance with the provisions of section 4.
- (2) The State Government shall, by an order published in the Official Gazette, specify the dates by which the authorities (other than the State Government) shall elect or nominate members referred to in section 4. If such member or members are not elected or nominated, as the case may be, by the specified dates the State Government shall appoint such member or members from amongst persons qualified for such election or nomination, as the case may be.
- (3) Until rules are made by the State Government for election of members referred to in section 4, the State Government shall appoint such member or members from amongst persons qualified for election under clause (8) and sub clause (b) of clause (14) of section 4.
- (4) Members appointed under sub-sections (2) and (3) shall hold office for such period not exceeding two years as the State Government may specify from time to time”.

Addition of
new section 52.

“Re-establishment of
Board.

By order of the Governor

S. N. SANYAL

secy. to the Govt. of West Bengal.

Registered No. WB/SC-132



No. 512 (III)

THE CALCUTTA GAZETTE

Extraordinary

Published by Authority

ASVINA 20]

TUESDAY, OCTOBER 12 1982

[SAKA 1904

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WESTBENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2937-L.—12th October, 1982.—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 1982

THE WEST BENGAL BOARD OF SECONDARY EDUCATION (AMENDMENT) ACT 1982.

[Passed by the West Bengal legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 12th October, 1982.]

*An Act to amend the West Bengal Board of
Secondary Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purposes and in the manner hereinafter appearing;

West Beng.
Act V of 1963.

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

Short title
and commen-
cement.

1. (1) This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1982.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 12, 1982

(Section 2)

(2) This section and clause (1), item (i) of sub-clause (b) and item (ii) of sub-clause (d) of clause (2), of section 2, clause (1) of section 3 and sections 4 and 5 shall be deemed to have come into force on the 5th day of August, 1982; and the remaining provisions of this Act shall be deemed to have come into force on the 2nd day of November, 1979.

Amendment
of section
19A of West
Ben. Act V of
1963.

2. In section 19A of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—

(1) in sub-section (1) after clause (a), following clause shall be inserted :

“(aa) the President, West Bengal Council of Higher Secondary Education, ex-officio;”

(2) in sub-section (3),—

(a) for the words “It shall be the duty of the executive Committee”, the words “Subject to any general or special orders of the State Government, the provisions of this Act and any rules or regulations made thereunder, the Executive Committee shall have the power” shall be substituted;

(b) in clause (c),—

(i) for the words “subject to any orders”, the words “subject to any directions” shall be substituted;

(ii) in sub-clause (ii), the words “and in accordance with such regulations as may be made by the Board in this behalf” shall be omitted;

(c) sub-clause (iii) of clause (d), the words, “in accordance with such regulations as may be made by the Board in this behalf” shall be omitted;

(d) in clause (e),—

(i) in sub-clause (iii), the words “in accordance with such regulations as may be made by the Board” shall be omitted;

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- (ii) in sub-clause (iv), after the word “Administrator”, the words “or *ad-hoc* committee” shall be inserted;
- (e) for clause (g), the following clause shall be substituted :—
 - (g) “provide, after considering the recommendations, if any, of the Syllabus Committee, the syllabus, the courses of studies to be followed and the books to be studied in recognised institutions and for examinations instituted by the Board”;
- (f) in clause (j), for the words “make by-laws regarding”, the words “set down” shall be substituted;
- (g) for clause (k), the following clause shall be substituted :—
 - (k) “provide, after considering the recommendations, if any, of the Examinations Committee and the Regional Councils and with the approval of the State Government, the rates of remuneration to be paid to paper setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with the examinations instituted by the Board and the rates of fees to be paid by candidates for such examinations”;
- (h) in sub-clause (ii) of clause (l), for the words “in accordance with such by-laws as may be made by it in this behalf”, the words “stating the reasons of such refusal or withdrawal”, shall be substituted;
- (3) in sub-section (4), for the words “quarterly reports”, the words “half-yearly reports” shall be substituted;
- (4) for sub-section (5), the following sub-section shall be substituted :—
 - “(5) The Executive Committee shall have the power to make by-laws, not inconsistent with this Act or the rules or the regulations made thereunder, for discharging its functions under this Act”.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 12, 1982

(Sections-3, 5)

Amendment
of section 20.

3. In section 20 of the principal Act,—
 - (1) in sub-section (1), after clause (a), the following clause shall be inserted :—
 - “(aa) the President, West Bengal council of Higher Secondary Education, ex officio”;
 - (2) in sub-section (3),—
 - (a) in clause (a), after the word “advise”, the words “by way of recommendation”, shall be inserted;
 - (b) in clause (b), after the words “advise”, the words “by way of recommendation,” shall be inserted.

Amendment
of section 22.

4. In section 22 of the principal Act,—
 - (1) for clause (b) of sub-section (1), the following clause shall be substituted :—
 - “(b) a person, who is or has been member of the judicial service of the State Government, nominated by the State Government”;
 - (2) after sub-section (4), the following sub section shall be inserted :—
 - “(5) The honorarium or remuneration, if any, of the member nominated under clause (b) of sub-section (1) may be fixed by the State Government by an order made in this behalf”.

Amendment
of section 25.

5. For section 25 of the principal Act, the following section shall be substituted :—

Regional
Council.

5. (1) The Board may, with the approval of the State Government, constitute such Regional Council or Councils as it may deem fit. The number, composition and territorial jurisdiction of a Regional Council shall be determined by the Board with the approval of the State Government.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 12, 1982

(Sections-6-8)

- (2) The Board may, with the approval of the State Government, delegate to a Regional Council such powers or duties of the Board, the Executive Committee or the Examinations Committee conferred or imposed by or under this Act, except those referred to in clause (b) of sub-section (3), clause (b) of sub-section (4), and sub-section (5), of section 21, as it may deem fit, and may at any time withdraw from such Regional Council the powers or duties so delegated and dissolve the Regional Council”.
- Amendment of section 26. 6. In section 26 of the principal Act, in sub-section (2), for the words “provided by regulations made in this behalf,” the words “specified by the Board,” shall be substituted.
- Amendment of section 27. 7. In section 27 of the principal Act, in sub-section (2),— (1) clause (c) shall be omitted;
- (2) in clause (d), the words, letters, figures and brackets “excepting in respect of matters specified in clauses (j), (k) and (l) of sub-section (3) of section 19A” shall be omitted.
- Amendment of section 52. 8. In section 52 of the principal Act,— (1) in sub-section (3),— (a) the words “rules are made by the State Government for” shall be omitted;
- (b) after the words and figures “referred to in section 4”, the words “is held” shall be inserted,
- (2) for sub-section (4), the following sub-section shall be substituted :—
- “(4) (i) Members appointed under sub-section (2) shall hold office until nomination of members under section 4 is made;

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 12, 1982

(Section-9)

(ii) members appointed under sub-section (3) shall hold office until election of members referred to in section 4 is held and the result of such election is published in the *Official-Gazette* in this behalf.”

Repeal and saving.

9. (1) The West Bengal Board of Secondary Education (Amendment) Ordinance, 1982 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal Board of Secondary Education (Amendment) Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

West Ben.
Ord. XIX of
1982.

By order of the Governor.

H. CHAKRABARTY

Secy. to the Govt. of West Bengal.

Registered No. WB/SC-132



No. 682 (III)

THE CALCUTTA GAZETTE

Extraordinary

Published by Authority

ASVINA 19]

TUESDAY, OCTOBER 11 1983

[SAKA 1905

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2668-L. —11th October, 1983. —The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXVII of 1983

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1983.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 11th October, 1983.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

West Beng
Act V of 1963

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

Short title and
commence-
ment.

- (1) This Act may be called the West Bengal Board of
Secondary Education (Amendment) Act, 1983.
- (2) It shall be deemed to have come into force on the 2nd
day of November, 1979.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 11, 1983

(Sections 2-4)

Amendment
of section 4 of
West Ben. Act
of 1963:

2. In clause (14) of section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act), for sub-clause (b), the following sub-clause shall be substituted :-

(b) "thirty-two whole-time and permanent teachers of recognised secondary schools (whose appointment has been approved in accordance with the rules), elected in the manner prescribed;"

Amendment of
section 19A.

3. In section 19A of the principal Act,-

(1) in clause (h) of sub-section (3), for sub-clause (i) the following sub-clause shall be substituted :-

"(i) (a) approve or prescribe books either for being studied in recognised institutions or for examinations instituted by the Board or for both, and

(b) publish list of books so approved or prescribed and revise such list from time to time;"

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

"(5) The Executive Committee may, if it thinks necessary, make by-laws, not inconsistent with this Act or the rules or the regulations made thereunder, for discharging its functions under this Act :

Provided that any decision or action taken or any order made by the Executive Committee in the discharge of its functions under this Act shall not be invalid merely on the ground that no by-law has been made under this sub-section."

Amendment
of section 27.

4. For sub-section (3) of section 27 of the principal Act, the following sub-section shall be substituted :-

"(3) Subject to the provisions of sub-section (2), the Board may, if it thinks necessary, make regulations in respect of any matter for the proper exercise of its powers under this Act :

THE CALCUTTA GAZETTE, EXTRA ORDINARY, OCTOBER 11, 1983

(Sections 4 & 5)

Provided that any decision or action taken or any order made by the Board in exercise of its powers under this Act shall not be invalid merely on the ground that no regulation has been made under this sub-section."

Amendment
of section 29.

5. In sub-section (8) of section 29 of the principal Act, for clause (c), the following clause shall be substituted :—

“(c) No business shall be transacted at any meeting of the Executive Committee unless there is a quorum of fifty *percent* of the existing members of the Executive Committee, fraction, if any, being computed as one”.

By order of the Governor,

G. C. CHATTERJEE,
Secy. to the Govt. of West Bengal.

Registered No. WB/SC-132



No. 250 (III)

THE CALCUTTA GAZETTE

Extraordinary

Published by Authority

CHAITRA 16

THURSDAY, APRIL 5, 1984

[SAKA 1906

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 752-L.—5th April, 1984. —The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act X of 1984

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1984.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 5th April, 1984.]

*An Act to amend the West Bengal Board of
Secondary Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

West Beng.
Act V of 1963.

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

Short title and
commence-
ment.

1. (1) This Act may be called the West Bengal Board of
Secondary Education (Amendment) Act, 1984

(2) It shall be deemed to have come into force on the 9th
day of February, 1984.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, APRIL 5, 1984

(Sections 2-7)

- Amendment of section 4 of West Beng. Act V of 1963
2. In section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—
- (a) for clause (3), the following clause shall be substituted :—
- “(3) the Director of School Education, Government of West Bengal, *ex officio*.”
- (b) clause (4) shall be omitted.
- Amendment of section 19.
3. In sub-section (1) of section 19 of the principal Act, for clause (b), the following clause shall be substituted :—
- “(b) The Director of School Education, Government of West Bengal, *ex officio*,”
- Amendment of section 19A.
4. In sub-section (I) of section 19A of the principal Act.—
- (a) for clause (b), the following clause shall be substituted :—
- “(b) the Director of School Education, Government of West Bengal, *ex officio*,”;
- (b) clause (c) shall be omitted.
- Amendment of section 21.
5. In sub-section (1) of section 21 of the principal Act, for clause (b), the following clause shall be substituted :—
- “(b) the Director of School Education, Government of West Bengal, *ex officio*,”.
- Amendment of section 22.
6. In sub-section (1) of section 22 of the principal Act, for clause (c), the following clause shall be substituted;—
- “(c) the Director of School Education, Government of West Bengal, *ex officio*,”.
- Amendment of section 23.
7. In sub-section (1) of section 23 of the principal Act, for clause (b), the following clause shall be substituted :—

THE CALCUTTA GAZETTE, EXTRA ORDINARY, APRIL 5, 1984

(Section 8)

“(b) the Director of School Education, Government of West Bengal, *ex officio*,”.

Repeal and
saving.

8. (1) The West Bengal Board of Secondary Education (Amendment) Ordinance, 1984 is hereby repealed. West Ben. Ord. V of 1984
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal Board of Secondary Education (Amendment) Ordinance, 1984 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

By order of the Governor.

A. M. SINHA,

Jt. Secy. to the Govt. of West Bengal.

Registered No. WB/SC-247



No. 234A (III)

THE CALCUTTA GAZETTE

Extraordinary

Published by Authority

JYAISTHA 17]

SATURDAY, JUNE 7, 1986

[SAKA 1908]

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 1347-L.—7th June, 1986.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XV of 1986

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1986.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 7th June, 1986.]

*An Act to amend the West Bengal Board of
Secondary Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

West Beng.
Act V of 1963.

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

Short title

1. This Act may be called the West Bengal Board of Secondary
Education (Amendment) Act, 1986.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, JUNE 7, 1986

(Section 2)

Amendment of
section 31 of
West Bengal
Act V of 1963

2. In section 31 of the West Bengal Board of Secondary Education Act, 1963,—

(a) In sub-section (1), the words “together with a budget estimate showing in such form as may be prescribed, the anticipated income and expenditure of the Board during the financial year in which such annual meeting is held” shall be omitted;

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

“(3) (a) The Board shall hold a special meeting by the 31st October of every financial year and shall place before the said meeting a budget estimate showing, in such form as may be prescribed, 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 referred to in clause (a) is held”;

(c) in sub-section (4), in clause (a), for the word “within three months”, the words “within two months” shall be substituted;

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

“(5) If the State Government does not accord its approval to the budget estimate under clause (b) of sub-section (3) within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Board under clause (c) of sub-section (4) 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 under clause (b) of sub-

THE CALCUTTA GAZETTE, EXTRA ORDINARY, JUNE 7, 1986

(Section 2)

section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (4), 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”;

(e) after sub-section (5), the following sub-section shall be inserted :-

“(6) Notwithstanding anything contained in the foregoing provisions of this section, the budget estimate of the Board for the financial year 1986-87 shall be submitted to the State Government and the approval or otherwise of the said estimate shall be accorded by the State Government in accordance with the provisions of this Act as in force immediately before the coming into force of the West Bengal Board of Secondary Education (Amendment) Act, 1986”.

By order of the Governor,

P. K. BANERJEE,

Secy. to the Govt. of West Bengal

Registered No. WB/SC-247



No. 526(III)

THE CALCUTTA GAZETTE

Extraordinary

•Published by Authority

KARTIKA 14] SATURDAY, NOVEMBER 5, 1988

[SAKA 1910]

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
LEGISLATIVE
NOTIFICATION

No. 2040-L.—5th November, 1988.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XVI of 1988

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT 1988.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 5th November, 1988.]

*An Act to amend the West Bengal Board of
Secondary Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of
Secondary Education Act, 1963, for the purpose and in the
manner hereinafter appearing;

West Beng.
Act V of 1963.

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

1. (1) This Act may be called the West Bengal Board of
Secondary Education (Amendment) Act, 1988.
- (2) It shall come into force on such date as the State
Government may, by notification in the *Official Gazette*,
appoint.

Short title and
c o m m e n -
c e m e n t.

THE CALCUTTA GAZETTE, EXTRA ORDINARY, NOVEMBER 5, 1988

*(Section 2)*Amendment
of section &
of West Ben.
Act V of 1963.

2. In section 4 of the West Bengal Board of Secondary Education Act, 1963, in clause (14), for sub-clause (b), the following sub-clause shall be substituted :—

“(b) thirty-three whole-time and permanent teachers of recognised Secondary Schools (whose appointment has been approved in accordance with the rules) of whom one shall be from the hill areas, elected in the manner prescribed.

Explanation.—‘Hill areas’ shall have the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988”.

By order of the Government,

S. MAITRA,*Jt. Secy. to the Govt. of West Bengal.*

Registered No. WB/SC-247



No. 605A(III)

THE CALCUTTA GAZETTE

Extraordinary

Published by Authority

ASVINA 20]

FRIDAY, OCTOBER 12, 1990

[SAKA 1912]

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT LEGISLATIVE

NOTIFICATION

No. 1531-L.—12th October, 1990.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XX of 1990

THE WEST BENGAL BOARD OF SECONDARY EDUCATION (AMENDMENT) ACT 1990.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 12th October, 1990.]

*An Act to amend the West Bengal Board of
Secondary Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing;

West Beng.
Act V of 1963.

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

Short title

1. (1) This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1990.

THE CALCUTTA GAZETTE, EXTRA-ORDINARY, OCTOBER 12, 1990

(Sections 2-4.)

Amendment
of section 4 of
West Bengal
Act V of 1963.

2. In section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act.) in clause (14), after sub-clause (b), the following sub-clause shall be inserted :-

“(c) three whole-time and permanent members of the non-teaching staff of recognised Secondary Schools, elected in the manner prescribed, of whom ;

(a) one shall be from the Presidency Division,

(b) one shall be from the Burdwan Division, and

(c) one shall be from the Jalpaiguri Division;”

3. In section 16 of the principal Act,--

Amendment
of section 16.

(a) for sub-section (3), the following sub-section shall be substituted and shall be deemed always to have been substituted :-

“(3) The method of recruitment and the conditions of service (including the scales 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 servants, be such as may, subject to the approval of the State Government, be determined by regulations published in the *Official Gazette*.”;

(b) after sub-section (3), the following sub-section shall be inserted :-

“(3A) Anything done or any action taken under subsection (3) before the publication of the West Bengal Board of Secondary Education (Amendment) Act, 1990,

in the *Official Gazette*, shall be deemed to have been validly done or taken under sub section (3), as amended by the West Bengal Board of Secondary Education (Admendment) Act, 1990, as if the West Bengal Board of Secondary Education (Amendment) Act, 1990, were in-force when such thing was done or such action was taken”.

Amendment
of section 33.

4. In section 33 of the principal Act, in sub-section (3), after the words “or into the State Bank of India or any branch thereof”, the words “or into the United Bank of India or any branch thereof” shall be inserted.

By order of the Governor,
S. N. MUKHERJEE,
Secy. to the Govt. of West Bengal

THE KOLKATA GAZETTE



Extraordinary
Published by Authority

VAISAKHA 30]

FRIDAY, MAY 20, 1994

[SAKA 1916

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No 901-L.—20th May, 1994.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXIV of 1994

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ACT, 1994**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 20th May, 1994.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing.

West Ben. Act
V of 1963.

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :

Short title

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1994.

THE KOLKATA GAZETTE, EXTRAORDINARY, MAY 20, 1994

(Section 2.)

Amendment of
section 9 of
West Ben.
Act V of 1963.

2. In section 9 of the West Bengal of Secondary Education Act, 1963, for sub-section (2), the following sub-section shall be substituted :

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

By order of the Governor,

S. MAITRA,

*Special Officer & Ex-officio
Jt. Secy. to the Govt. of West Bengal.*

THE KOLKATA GAZETTE



Extraordinary

Published by Authority

MAGHA 1]

MONDAY, JANUARY 21, 2002

[SAKA 1923

PART III—Acts of the West Bengal Legislature

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT**

Legislative

NOTIFICATION

No 121-L.—21st January, 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 XXVIII of 2001

**THE WEST BENGAL BOARD OF SECONDARY
EDUCATION (AMENDMENT) ACT, 2001.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 21st January, 2002.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing; West Ben. Act
V of 1963.

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

Short title

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 2001

THE KOLKATA GAZETTE, EXTRAORDINARY, JANUARY 21, 2002

(Section 2.)

Amendment
of section 9 of
West Ben. Act
V of 1963.

2. To sub-section (2) of section 9 of the West Bengal Board of Secondary Education Act, 1963, the following proviso shall be added :

“Provided that no person who has attained the age of sixty-two years shall be eligible to hold office as President.”

By order of the Governor,

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

THE KOLKATA GAZETTE



Extraordinary

Published by Authority

PAUSA 30]

MONDAY, JANUARY 20, 2003

[SAKA 1924

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 116-L—20th January, 2003.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act XXV of 2002

**THE WEST BENGAL BOARD OF SECONDARY
EDUCATION (AMENDMENT) ACT, 2002.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 20th January, 2003.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing ;

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 com-
mencement.

1.(1) This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 2002.

THE KOLKATA GAZETTE, EXTRAORDINARY, JANUARY 20, 2003

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

Amendment
of section 4
of West Ben.
Act V of
1963.

2. In section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—

(1) after clause (2), the following clause shall be inserted
:

“(2A) the President of the West Bengal Board of Madrasah Education, *ex officio*,”;

(2) clause (13) shall be omitted.

Amendment
section 19 A.

3. In section 19A of the principal Act, after clause (aa), the following clause shall be inserted :

“(aaa) the President of the West Bengal Board of Madrasah Education, *ex officio*,”.

By order of the Governor,

A. K. BHATTACHARYA,

*Principal Secy. to the Govt. of West Bengal
& Secy., Law Department.*

THE KOLKATA GAZETTE



Extraordinary
Published by Authority

PAUSA 10]

WEDNESDAY, DECEMBER 31, 2003

[SAKA 1925

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 2193-L—31st December, 2003.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act XXX of 2003

**THE WEST BENGAL BOARD OF SECONDARY
EDUCATION (SECOND AMENDMENT) ACT, 2003.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 31st December, 2003.]

*An Act to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purpose and in the manner hereinafter appearing ;

West Ben. Act
V of 1963.

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

Short title
and com-
mencement.

1.(1) This Act may be called the West Bengal Board of Secondary Education (Second Amendment) Act, 2003.

THE KOLKATA GAZETTE, EXTRAORDINARY, DECEMBER 31, 2003

(Section 2.)

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

Amendment of section 27 of West Ben. Act V of 1963.

2. In sub-section (2) of section 27 of the West Bengal Board of Secondary Education Act, 1963, after clause (g), the following clause shall be inserted :

“(gg) to make regulations relating to the conduct and discipline in respect of teachers and non-teaching staff of recognised Institutions under the Board;”.

By order of the Governor,

A. K. BHATTACHARYA,

*Principal Secy. to the Govt. of West Bengal
& Secy., Law Department.*

THE KOLKATA GAZETTE



Extraordinary
Published by Authority

PAUSA 18]

THURSDAY, JANUARY 8, 2004

[SAKA 1925

PART I—Orders and Notifications by the Governor of West Bengal,
the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
SCHOOL EDUCATION DEPARTMENT
Secondary Branch

NOTIFICATION

No 49-SE(S)—8th January, 2004—In exercise of the power conferred by sub-section (2) of Section 1 of the West Bengal Board of Secondary Education (Second Amendment) Act, 2003, the Governor is pleased hereby to appoint the 7th January, 2004, as the date on which the said act shall come into force.

By order of the Governor

P. K. GOSWAMI,
Special Secretary to the
Government of West Bengal

THE KOLKATA GAZETTE



Extraordinary
Published by Authority

PHALGUNA 6] WEDNESDAY, FEBRUARY 25, 2004 [SAKA 1925

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 318-L.—25th February, 2004.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

Bill No. 2 of 2004

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) BILL, 2004.**

A

BILL

*to amend the West Bengal Board of Secondary
Education Act, 1963.*

WHEREAS it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, for the purposes and in the manner hereinafter appearing ;

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

- 1.(1) This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 2004.

Shotr title
and com-
mencement.

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

Amendment
of section 4
of West
Ben. Act V
of 1963.

2. In section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—

(1) after clause (2A), the following clause shall be inserted :

“(2B) the President of the West Bengal Board of Primary Education, *ex officio*.”

(2) in clause (14), in the *Explanation* to sub-clause (b), of sec 4 for the words “Darjeeling Gorkha Hill Council”, the words “Darjeeling Gorkha Autonomous Hill Council” shall be substituted.

Amendment
of section
19A.

3. In section 19A of the principal Act, in sub-section (1), after clause (aaa), the following clause shall be inserted :—

“(aaaa) the President of the West Bengal Board of Primary Education, *ex officio*.”

STATEMENT OF OBJECTS AND REASONS.

Section 4 of the West Bengal Board of secondary Education Act, 1963 (hereinafter referred to as the said Act), lays down constitution of the West Bengal Board of Secondary Education (hereinafter referred to as the Board). There is no provision for inclusion of the President of The West Bengal Board of Primary Education in the Board. Similarly in section 19A of the said Act, there is no provision for inclusion of the President of the West Bengal Board of Primary Education in the Executive Committee of the Board.

THE KOLKATA GAZETTE, EXTRAORDINARY, FEBRUARY 25, 2004

2. It is, therefore, considered expedient to amend section 4 and section 19A of the said Act, in order to make provision for inclusion of the President of the West Bengal Board of Primary Education in the Board as well as in the Executive Committee of the Board.
3. In the *Explanation* to sub-clause (b) of clause (14) of section 4, it is proposed to substitute the words “Darjeeling Gorkha Autonomous Hill Council” for the words “Darjeeling Gorkha Hill Council”.
4. The Bill has been framed with the above objects in view.
5. There is no financial implication involved in the Bill.

KOLKATA,
The 18th February, 2004.

KANTI BISWAS
Member-in-charge

By order of the Governor,
MD. HESAMUDDIN,
Jt. Secy. to the Govt. of West Bengal
Law Department.

THE KOLKATA GAZETTE



Extraordinary

Published by Authority

ASADHA 13]

WEDNESDAY, JULY 4, 2001

[SAKA 1923

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL BOARD OF SECONDARY EDUCATION

77/2, Park Street, Kolkata-700 016

No. S/488

Kolkata, the 3rd July, 2001.

NOTIFICATION

In exercise of the power conferred by clause (d) and clause (i) of sub-section (2) and sub-section (3) of section 27 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963), and in supersession of all earlier notifications issued on the subject, the West Bengal Board of Secondary Education, with the previous approval of the State Government, hereby makes the following regulations, to institute Secondary Examination and to award diplomas, certificates, etc. in respect of Secondary Examination instituted by the Board, namely :—

Regulations

1. **Short title and Commencement.**—(1) These regulations may be called the West Bengal Board of Secondary Education (Examination) Regulations, 2001.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Definitions** .— (1) In these regulations, unless there is anything repugnant in the subject or context,—

THE KOLKATA GAZETTE, EXTRAORDINARY, JULY 4, 2001

- (i) "the Act" means the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963)
- (ii) "admit card" means a document issued by the Board allowing a candidate to sit for the examination;
- (iii) "additional subject" means the Subject other than the compulsory subject;
- (iv) "amanuensis" means a person having qualifications ordinarily not higher than class IX standard appointed by the Board to write answers in the examination on behalf of a physically handicapped candidate;
- (v) "Board" means the West Bengal Board of Secondary Education established under the Act;
- (vi) "candidate" means the person to whom permission has been accorded by the Board to sit for the examination on his fulfilment of condition as may be specified by the Board and includes the Compartmental candidate also;
- (vii) "centre" means a centre approved by the Board for holding examination;
- (viii) "centre committee" means a committee constituted by the Board and entrusted with such duties and responsibilities for holding examination at the centre, as the Board may decide from time to time;
- (ix) "centre fee" means the fee collected by a centre from the candidate at the examination at such rates as may be determined by the Board from time to time;
- (x) "centre grant" means the per capita grant released by the Board at the approved rate for theoretical and practical examination;
- (xi) "compartmental candidate" means a regular or continuing candidate who has secured at least 272 marks in the aggregate in compulsory subjects at the Madhyamik pariksha (Secondary Examination) but has failed to secure 34 per cent marks in the group of subjects or 20 per cent marks in individual subject in not more than two groups;

THE KOLKATA GAZETTE, EXTRAORDINARY, JULY 4, 2001

- (xii) “compulsory subject” means the subject or group of subjects, as specified by the Board from time to time;
- (xiii) “confidential paper” means any paper which the Board considers as confidential;
- (xiv) “continuing candidate” means a candidate who was enrolled for any previous examination after pursuing a course of studies in a recognised institution or so permitted and passed the test at the end of class X for admission to Madhyamik Pariksha (Secondary Examination) but declared unsuccessful or did not appear or who may appear within five consecutive years from the year for his enrolment;
- (xv) “custodian of confidential papers” means the person appointed by the Board to have in his custody the confidential papers for any examination in respect of a centre;
- (xvi) “examination” means secondary examination conducted by the Board;
- (xvii) “examination personnel” includes Centre-in-Charge, Custodian, Examiner, Centre Supervisor, Invigilator, Head Examiner, Paper Setter, Moderator, Scrutineer, Special Tabulator.
- (xviii) “Examiner” means a teacher appointed as such by the Board;
- (xix) “Examiner for practical examination” means a bonafide secondary subject teacher appointed by the Board for the purpose of conducting practical examination;
- (xx) “External candidate” means a candidate who, after passing the Madhyamik Test Pariksha or any other equivalent examination recognized by Board, is registered for such examination. This facility is available to those who could not prosecute studies in IX and X or exhausted all chances for appearing at the Madhyamik Pariksha (Secondary Examination)
- (xxi) “fee” means amount of money payable to the Board for the purpose specified by the Board from time to time;

THE KOLKATA GAZETTE, EXTRAORDINARY, JULY 4, 2001

- (xxii) “Head Examiner” means a teacher appointed as such by the Board for all compulsory subjects;
- (xxiii) “physically handicapped” means a candidate who has been certified by the head of the Department of Ophthalmology or Orthopaedic as such to confirm the nature and degree of disability deserving special consideration for the purpose of examination;
- (xxiv) “Regional Council” means a Regional Council constituted under Section 25 of the Act;
- (xxv) “registration” means the process specified by the Board for enlistment of regular and external candidate under the Board;
- (xxvi) “Regular candidate” means any student, who got admitted to pursue course of study in recognised institution upon getting himself registered with the Board, having satisfied the institution with his class attendance and after passing to Madhyamik Test Pariksha conducted by the institution has been duly sent up by his institution for appearing at the examination;
- (xxvii) “remuneration” means such amount of money as may be payable to examination personnel for services rendered by such personnel individually or jointly with others and include other honorarium;
- (xxviii) “roll under” means the number allotted to a candidate for an examination;
- (xxix) “single subject candidate” means a candidate who after passing an examination or equivalent examinations, intends to appear in a subject he had not appeared before;
- (xxx) “teacher” means a person appointed on permanent or temporary basis in a Junior High or High School, with approved procedure by the authority to discharge the functions of teaching, institutional administrative activities, invigilator, supervisor and examination work etc. as will be assigned to him from time to time by the authority;

THE KOLKATA GAZETTE, EXTRAORDINARY, JULY 4, 2001

- (xxxix) “test” means such qualifying examination as is required to be held by an institution at the end of instruction of class X and which a student shall have to pass to qualify for the Madhyamik Pariksha (Secondary Examination);
- (xxxii) “visiting team” means such members of the team appointed by the Board for inspection of centres who are provided with identity card for easy access to the examination room even without prior intimation;
- (xxxiii) “written answer-script” means the answer-script supplied by the Board bearing facsimile of the competent authority and on which the candidate has written his answers in the examination hall.
- (2) Words and expressions used in these regulations and not defined in the Act shall have the meanings respectively assigned to them in the Act.
3. **Refusal and withdraw of permission.**—Where the Board, on the basis of documents placed before it, finds that any candidate intending to appear, or appearing, at the examination—
- (i) was not eligible to be admitted to the secondary course, or
 - (ii) did not fulfil the conditions necessary for the purpose, or
 - (iii) is guilty of suppression of material facts in this regard, or
 - (iv) is considered unfit, for any other valid reason to be recorded in writing, for appearing at the examination, the Board may refuse to grant permission to such candidate to appear at the examination or withdraw, at any time before, during or after such examination, the permission already granted to such candidate.
4. **Misconduct or malpractices or breach of discipline.**—A candidate shall be held guilty of misconduct or malpractice (constituting misconduct) if—
- (i) he is found to be in possession inside the examination hall of any book, or page of any book, or scribbling, or written note, or typed sheet, that may have a bearing on the subject in which he is appearing, irrespective of whether such book or page of any book, or scribbling, or written note, or typed sheet is used or not; or

THE KOLKATA GAZETTE, EXTRAORDINARY, JULY 4, 2001

- (ii) he writes answer on another candidate's answer-script or helps another candidate to write answer on his own answer script or helps him in any other manner in writing answer or tries to obtain from or to render to any other candidate or any other person inside or outside the examination hall, any help in any manner; or
- (iii) any indecorous writing or indecorous drawing are found in his answer-script or in his possession related to examination or if he is found at any stage, whether during examination or there after, to have submitted answer-script or answer not written by him; or
- (iv) he leaves the examination hall without submitting the answer-script or wilfully submits mutilated answer script; or
- (v) he leaves the examination hall before one hour, taking with him answer-script or carries from the examination hall question paper during the hours of examination without submitting the answer-script or gets possession of question papers outside the examination hall during the hours of examination or is not found in possession of complete question paper after its distribution in the examination hall or passes or tries to pass the question paper out of the examination hall or leaves the examination hall taking with him or her blank answer paper or loose sheet; or
- (vi) he allows somebody else to be present in the examination hall and to write answers on his behalf during examination; or
- (vii) he leaves the examination hall without recording his attendance on the attendance roll, or
- (viii) he encloses currency note with an answer-script or offers illegal gratification or inducements to the invigilator or other persons connected with the examination or, in any way, tries to take illegal or unfair advantages; or
- (ix) he distorts his name, roll number or registration number in his answer-script; or

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- (x) he is found to be in possession of any question paper or any other paper containing relevant answer or answer written on it; or
- (xi) he indulges in any kind of misbehaviour, or assaults, or attempts to assault, or intimidates, an invigilator or any other person connected with the conduct of the examination either inside or outside the examination hall, or damages, or attempts to damage, articles or furniture, equipment, stationery or any other property of the venue, or creates disturbances in the venue or refuses to comply with the instruction of the Centre Supervisor or Invigilator regarding seating arrangements or with any other requirements in the examination hall; or
- (xii) any page of the written answer-script of a candidate is found to have been replaced / torn / mutilated or found to contain handwriting different from that of the candidate; or
- (xiii) he attempts to violate any other provisions of these regulations; or
- (xiv) he discloses his identity in any manner other than that provided in the answer-script.

A candidate who has been reported against for the alleged misconduct or malpractice as the case may be, may continue the examination on the following day of the examination subject to the decision of Centre Committee constituted for the purpose for each examination.

5. **Enquiry by the disciplinary board.**— (1) Where a candidate is reported to the Board to be guilty of committing any misconduct or malpractice or breach of discipline in connection with the examination, the President of the Board may, after considering the case, take such action as he thinks fit, or refer the case for enquiry to a disciplinary board consisting of not more than three members as may be constituted by the Board.

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- (2) The disciplinary board referred to in sub-regulation (1) shall be called Board of discipline. The Board of discipline shall enquire into the case so referred to it and after giving the candidate an opportunity of being heard, considering his reply to the charge against him and after taking such evidence as it may deem necessary.
 - (3) On completion of the enquiry under sub-regulation (2), the Board of discipline shall submit its report to the President of the Board containing its findings and the nature of punishment, which may include, *inter alia*, cancellation of the examination at which the candidate appeared or debar the candidate from appearing at any subsequent examination, that may be inflicted on the candidate and any other action that may be taken against the candidate.
 - (4) On receipt of the report referred to under sub-regulation (3) the President of the Board considering the findings and recommendations, may pass such order or orders as he may think fit and proper and shall thereupon place the order before the Examination Committee at its next meeting. The decision of the Examination Committee shall be final and binding on the candidate.
6. **Enrolment of regular candidates.**— (1) The institution shall verify with its records, the required particulars in respect of a registered regular candidate in the prescribed enrolment Form supplied by the Board and forward such Form to the Board with the signature of the candidate under endorsement/certification as to his eligibility and seal of the Head of the institution or, in his absence, the Teacher-in-Charge along with the copy of the challan showing submission of the prescribed examination fees and other related papers within the last date announced by the Board through circular or notification. Fees once paid cannot be refunded or adjusted.

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- (2) The Board shall, on receipt of the Form and other documents as referred to in sub-regulation (1) and after satisfying himself in all respect regarding the eligibility of a candidate seeking enrolment, register the candidate as a regular candidate.
- (3) A registered regular candidate shall be entitled to appear at all the compulsory subject and additional subject, if any, as notified from time to time.
7. **Registration of external candidate.**—A candidate promoted to class IX as Regular candidate or a candidate on completion of prescribed course of studies intending to appear as external one shall have to be registered and obtain registration certificate with a number for enrolment as Test Examinee before appearing at the Madhyamik Pariksha (Secondary Examination).
8. **Last date of submission of application Form.**— A regular, external continuing or compartmental candidate shall not be admitted to the examination unless he submits the application for enrolment within the last date as may be notified by the Board from time to time.
9. **Age limit.**—The Board may enrol a candidate who,—
- (a) has completed the age of 13 (thirteen) years, or
 - (b) shall complete the age of 13 (thirteen) years within ninety days,
from the commencement date of the academic session of class IX in a particular year.
- Explanation*— The age of candidate appearing at the examination as an external candidate shall not be less than the age required for the regular candidate.
10. **Fees.**—(1) The Board shall in concurrence with the State Government in the Department of School Education, by orders, determine the examination fees payable by a candidate.
- (2) The rate of other fees may be determined by the Board from time to time and such rate shall be notified by the Board for the information of the person interested.

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11. **Exemption from payment of fees.**—A candidate, who has been certified by the Head of the Department of Ophthalmology of a Government Hospital as totally sightless shall be exempted from payment of the examination fees and the fees to be paid to the amanuensis if any, appointed by the Board to assist the candidate.
12. **The structure of the examination system.**— The structure of the examination system are specified below :—
- (i) practical answer-scripts shall be assessed by the examiners for practical examination, but such scripts shall be finally assessed by the concerned Head Examiners who shall confirm the marks;
 - (ii) the method of assessment shall be numerical that is to say, in terms of marks, to be awarded by examiners in each subject;
 - (iii) in order to be declared successful in an examination, a candidate must obtain a minimum of 20 marks in a subject and 34 per cent marks in aggregate in each group of the compulsory subjects as prescribed in the curriculum;
 - (iv) if a candidate offers an additional subject and passes in it, the marks obtained by him in excess of 34 in the subject only shall be added for determining his Division. Provided that if a candidate fails to obtain at least 34 per cent marks in each group of compulsory subject, no such marks shall be added as aforesaid :
Provided further that failure/absence in the additional subject shall not affect the result of the candidate;
 - (v) the mark-sheet to be issued by the Board to a candidate shall contain marks obtained by him in each compulsory subject, including additional subject if any, offered by him;
 - (vi) the Board shall issue certificate in such form as may be decided upon by it to a candidate after he passes the examination.

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- (vii) if a candidate obtains 80 per cent marks in a subject, he shall be awarded 'Letter' in the subject and the award shall be indicated in the mark-sheet;
- (viii) if a candidate obtains 75% marks in the aggregate, he shall be declared to have passed with 'Star' which shall be indicated in the mark-sheet;
- (ix) in order to be placed in the First Division, a successful candidate must obtain at least 60 per cent marks in the aggregate;
- (x) in order to be placed in the Second Division a successful candidate must obtain at least 45 per cent marks in the aggregate;
- (xi) in order to be placed in the Third Division a successful candidate must obtain at least 34 per cent marks in the aggregate;
- (xii) final merit list of successful candidates shall be published after publication of the results of post-publication scrutiny. No further appeal shall be entertained in this regard;
- (xiii) the results of the final examination shall be published in such form, and through such mode, as may be determined by the Board from time to time.

13. Provisions for issuing admit card, mark-sheet and other certificates.—

- (1) The Board shall issue to each candidate for any examination—
 - (a) an admit card for the examination at which he is registered and eligible to appear before the commencement of the examination, and
 - (b) a mark-sheet for the examination after publication of results, in prescribed format.
- (2) The Board shall issue a pass certificate to each successful candidate for the examination ordinarily within two years of the publication of its results, in prescribed format.

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- (3) The Board shall issue a duplicate copy of the Registration certificate, admit card and mark-sheet to any candidate on application made in the manner prescribed by the Board, along with documents showing payment of such fees in the prescribed format.
 - (4) The Board shall issue a duplicate copy of the pass certificate to any successful candidate on application made in the manner prescribed by the Board, along with such fees as may be prescribed by it.
 - (5) If a candidate does not appear, or fails, in not more than two groups of subjects, he may appear in the subsequent examination as a compartmental candidate and the marks secured by him in the subsequent examination shall be taken into account along with the marks obtained by him in the other subjects in the previous examination for finalising the result. Such candidate may appear in all the subjects originally offered by him again as a continuing candidate, if he so desires.
 - (6) A compartmental candidate when securing qualifying marks in the subject be eligible for pass mark in Group be declared pass with Division after taking into account the marks in other subjects/groups of previous examination so that mark-sheet and certificate be issued accordingly.
 - (7) If a candidate does not appear, or fails, in more than two compulsory subjects, he may appear at any of the five subsequent examinations in all the subjects as a continuing candidate. Any regular candidate admitted to the examination for the first time and failed to appear or pass in the said examination, shall appear from the same institution as continuing candidate in the same courses and syllabi which he offered in the first chance.
14. **Provisions for re-examination and scrutiny.**— (1) A successful candidate may apply for scrutiny within 30 days from the date of publication of the result through the Head

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of his institution for one or more answer paper (s) of the particular examination on payment of a fee prescribed by the Board expressly stating that the same is being paid for the purpose of scrutiny. The President may extend the date of submission of application for post-publication scrutiny, if necessary

- (2) An unsuccessful candidate may apply for re-examination within 30 days from the date of publication of result through the Head of his institution for one or more answer paper (s) of the particular examination on payment of a fee prescribed by the Board expressly stating that the same is being paid for the purpose of re-examination. The president may extend the date of submission of application for post-publication re-examination, if necessary.
- (3) An incomplete or erroneous application for post-publication scrutiny or re-examination shall be summarily rejected, and no correspondence shall be entertained in that behalf.
- (4) The work of scrutiny shall be confined to checking correctness of the total marks awarded, unmarked portion if any, and correctness of transcription of marks in theoretical papers only. It shall not involve re-examination that is, a fresh valuation of answer. In case of re-examination, the script will be re-assessed. Neither the candidate nor any one on his behalf shall be entitled to be present during scrutiny/re-examination or shall have any right to inspect the answer-script.
- (5) It shall be obligatory on the part of a candidate applying for post-publication scrutiny/re-examination to accept the alternations in marks, if any, after scrutiny.
- (6) Application for post-publication scrutiny/re examination shall not ensure result of such scrutiny before the date fixed for submitting applicatin for next examination, and unsuccessful candidates shall, in their own interest, submit application form for enrolment for the next examination within the date/dates specified.

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- (7) The result of the post-publication scrutiny/re-examination shall be intimated to the candidate concerned through the institution.
15. **Date and time of examination.**— (1) Examination in each language paper and in each theoretical paper of a compulsory or optional subject shall be of three hours' duration, unless otherwise provided for in the syllabus or determined by the Board.
- (2) Period of practical examinations pertaining to a course shall be such as may be determined by the Board in general for an examination or for such subject of an examination.
- (3) The Board shall notify the date or dates of the examination or any other examination and also notify detailed programme or dates and time of examination of different subjects in such form and through such media as the Board may determine from time to time.
16. **Examination personnel.**— The Board may appoint such examination personnel as may be required for the purpose of smooth conduct of the examination and may pay remuneration to such personnel at such rates as may be determined and circulated by the Board from time to time. Names of such examination personnel shall be a matter of strict confidence and shall not be open to disclosure to any candidate, his parents or his institution, private or public. The Board reserves all the rights to cancel or rescind any such appointment at any time in the interest of smooth conduct of examination and publication of results without showing any reason whatsoever.
17. **Eligibility of regular candidates to appear in the examination**— In order to be eligible to appear as a regular candidate in the examination a student is required to fulfil the following conditions, namely :—
- (a) in order to be eligible to appear as regular candidate in the examination, he is required to prosecute regular study of the Secondary Course of two years duration in a recognised Secondary Institution with recorded

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class attendance not less than 70 per cent of the total classes held in class IX and X taken together;

Provided that the Board may condone the deficiency in attendance not exceeding 20 per cent on consideration of illness or other sufficient reasons to the satisfaction of the Board subject to payment of such condonation fee as may be prescribed ;

Provided further that a student, whose attendance falls below 50 per cent shall not be eligible under any circumstances to appear at the examination in that year and shall have to continue in class X and attend classes till he obtains minimum percentage of attendance required for being sent up for the examination in the following year;

- (b) he must be eligible to be admitted in class IX according to the West Bengal Board of Secondary Education;
- (c) he must pass the annual examination at the end of class IX and the test examination at the end of class X,
- (d) he must pay all fees to the Board payable by him,
- (e) he must acquire eligibility to get registration certificate and admit card.

18. Eligibility of compartmental candidate to appear in examination.— (1) A compartmental candidate, who has secured not less than 34 per cent marks in aggregate in the compulsory subjects, but has failed to secure 34 per cent marks in one or two groups shall be eligible to appear in the examination.

- (2) A compartmental candidate may at his option appear in the examination either in individual subject or in the particular group or groups of subject as a whole in which he failed to secure 34 per cent marks, but he must have to appear in subject/s in which he failed to secure 20 per cent marks.
- (3) A compartmental candidate who has exercised the option, indicated in the application form to appear in a subject or

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subjects or in a particular group or groups as whole, shall be final and cannot be altered under any circumstances except special permission of the authority.

19. **Functions of the Officer-in-charge.**— The Officer-in-charge of a centre shall make all preparatory arrangements for holding examinations, including seating arrangements for candidates. He shall conduct the examinations with the help of the Centre Committee according to the instructions given by the Board from time to time in this regard. The ultimate responsibility for the smooth conduct of examinations at a Centre shall devolve upon him. In the absence of the Officer-in-charge, the Secretary to the Centre Committee shall perform the functions of the Officer-in-charge and in the absence of the Secretary as well, the Supervisor shall perform the function of the Officer-in-charge.
20. **Functions of the Custodian of Confidential papers.**—
- (1) The Custodian of confidential papers shall keep in safe custody, question papers on different subjects for the examinations.
- (2) The Custodian of confidential papers shall hand over question papers on relevant subject (s) on each day of the examination to the Officer-in-charge of a Centre or a person duly authorised by him.
21. **Duties of the Supervisor.**— The duties of a Supervisor shall be :—
- (i) to guard against all kinds of malpractice or misconduct in the examination hall, including smuggling of answer-scripts or question papers into and out of the examination hall.
 - (ii) to arrange for obtaining signatures of the candidates in the attendance rolls and their identification;
 - (iii) to arrange for the proper marking of attendance of the candidates on the attendance rolls on all days of examination. Such attendance shall be countersigned by the Supervisor on each day of examination;

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- (iv) to see that the answer-script are properly collected from the candidates at the end of examination in each paper and that no candidate leaves the examination hall without submitting his answer-script;
 - (v) to see that the packets containing written answer-script are prepared strictly according to the Board's instructions;
 - (vi) to arrange daily for the safe despatch of answer-scripts to the main examination Centre, Post Office/ Railway Station /Office of the Regional Council or Headquarters of the Board as directed by the Officer-in-charge; and
 - (vii) to perform such other duties as the Officer-in-charge may assign to him.
22. **Duties of the Invigilators.**— It shall be the duty of the Invigilators to guard against all kinds of malpractice or misconduct on the part of any candidate at a Centre and report such malpractice or his conduct to the Supervisor/ Officer-in-charge and render such assistance to the Officer-in-charge or Supervisor as may be required by him in regard to the conduct of the examination.
23. **Duties of a teacher appointed as Invigilator.**— It shall be the duty of a teacher of a recognised institution to act as Invigilator at a Centre when so appointed by the Officer-in-charge of a Centre.
24. **Conduct of examination .**— (1) It shall be the duty of the Head of an Institution to render all possible assistance to the Regional Council, the Officer-in-charge and the Board in holding of examinations.
- (2) All recognised Institutions shall place at the disposal of the Regional Council their buildings, furniture and equipment and all teaching and non-teaching staff to enable it to hold the examination, when so required, either by the Board or the Regional Council or by the Officer-in-charge of a Centre at which the Institution is located.

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- (3) The admission of a person or persons not connected with the examination to the examination hall shall be strictly forbidden during the hours of examination.
 - (4) The Officer-in-charge of a centre or the Supervisor shall allow free access to members of the Visiting Team of the Board or Regional Council for inspection of the Centre during examination and render all possible help to them in the performance of their duty.
 - (5) A candidate shall sit at a Centre assigned to him and shall abide by the orders of the Officer-in-charge and of the Supervisor of such a centre regarding the seating arrangements made for the candidates allotted to the Centre. His examination shall be liable to cancellation if he sits at a Centre not assigned to him or refuses to abide by the orders of the Officer-in-charge regarding the seating arrangements.
 - (6) No Candidate shall leave the Examination hall before the expiry of an hour from the commencement of the examination, and in this respect not more than one shall be allowed to leave the hall. No candidate shall be admitted normally to the examination hall or given question paper beyond fifteen minutes after the commencement of the examination.
 - (7) A candidate shall be refused admission to the examination hall if he carries with him any book or written notes or scribblings.
 - (8) The Officer-in-charge of a Centre shall report in duplicate, either of his own or on the report of the Supervisor, to the Examinations Committee instances of misconduct or malpractice on the part of a candidate at a Centre, or of an invigilator of the Centre, if found aiding or abetting any candidate in this regard.
25. **Preservation of record.**— All answer-scripts, marks foils in respect of the Examination of a year shall be preserved by the Board for a period of six months from the date of

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publication of the examination results of that year. On the expiry of the said period of 6 months, all answer-scripts, marks foils and other papers (excepting tabulation records) connected with the examination shall be disposed of and on demand for production of the same shall thereafter be entertained.

26. **Submission of application form.**—Last date of submission of different application forms relating to the examination shall be as determined by the Board from time to time and intimated to all concerned through circulars or notifications.
27. **Limitation.**— (1) Any error or discrepancy in the mark-sheet shall be reported through the Head of the institution for correction within 30 days from the date of receipt of the mark-sheet, failing which no such report shall be entertained.
(2) For other kinds of corrections, applications forwarded by Heads of institutions must reach the Board within six months from the date of issue of the mark-sheet failing which the Board shall charge fees as may be prescribed.
28. **Language of Instruction.**— (1) A candidate shall be eligible to write answer at the examination in any of following languages, except as otherwise indicated in the question paper or until any change made by the Board in this behalf namely :—
 - (i) Bengali, or
 - (ii) English, or
 - (iii) Hindi, or
 - (iv) Nepali, or
 - (v) Urdu.
(2) The question papers on any subject, other than language subject, shall be set in Bengali and English/Nepali Versions only.
29. **Bar to use electronic device.**— Use of calculator and other modern electronic devices are not permitted at the examination centre.

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30. **Power of the President.**— All the powers exercisable under these regulations by the Board may be exercised by the President :

Provided that any decision made, and action taken, by the President shall be placed before the concerned authority at the first meeting of the Board held after such decision/action taken for ratification :

Provided further that in any matter not expressly covered by these regulations, the President, may take such action which he deems fit, but the same shall be placed before the Board for ratification in its next meeting.

31. **Interpretation.**—If any question arises relating to the interpretation of any provisions of these regulations, such question shall be referred to the State Government and the decision of the State Government thereon shall be final.

ARUN KIRON CHAKRAVORTY

President

West Bengal Board of Secondary Education.

APPEAL REGULATIONS
MANNER OF HEARING AND DECIDING APPEALS BY
APPEAL COMMITTEE
NOTIFICATION

Dated the 30th January, 1965

Published in the Calcutta Gazette (Extra ordinary)

Dated 18.2.1965

The following regulations made by the West Bengal Board of Secondary Education under sub-section (3) of section 27, read with sub-section (3) of section 22, of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963), which the Governor has been pleased to approve having made therein certain modifications after consultation with the West Bengal Board of Secondary Education under sub-section (4) of section 27 of the said Act, are hereby published as required by sub-section (5) of that section, namely :-

REGULATION

1. These regulations may be called the West Bengal Board of Secondary Education (Manner of Hearing and Deciding Appeals by Appeal Committee) Regulations, 1964.
2. In these regulations, unless there is anything repugnant in the subject or context,—
 - (a) “The Act” means the West Bengal Board of Secondary Education Act, 1963;
 - (b) “Appeal Committee” means the appeal Committee constituted by the Board under section 18 of the Act;
 - (c) “Board” means the West Bengal Board of Secondary Education established under the Act;
 - (d) “Institution” means an Institution as defined in clause © of section 2 of the Act;
 - (e) “Managing Committee” means Managing Committee as defined in clause (d) of section 2 of the Act;
 - (f) “Teacher” means any member of the teaching staff of an Institution;
 - (g) “Other Employee” means any member of the staff other than the teaching staff of an institution.
3. A teacher or any other employee who feels to have been affected adversely by any decision of the Managing Committee of the Institution he serves or has served (hereinafter referred to as the (appellant) may appeal direct to the Appeal Committee against such decision in accordance with the provision of these regulations.
4. (1) The Managing Committee against whose decision an appeal is intended to be preferred shall on demand in writing from the appellant, furnish a copy of the decision in question to the appellant within a week from the date of such demand.

- (2) The appellant shall submit to the Secretary of the Board, by registered post with acknowledgment due, a memorandum of appeal in triplicate in the form appended to these regulations, or in a form substantially similar there to-
 - (a) Within one month from the date on which the appellant receives a copy of the decision referred to in sub-regulation (1), together with a copy of such decision;
or
 - (b) Where the Managing Committee does not comply with the provisions of sub-regulation (1), within one and half months from the date of his demand, without a copy of the decision.
- + (5) (Where an appeal has been preferred, such appeal shall not operate as a stay of the execution of the order appealed against unless the Appeal Committee otherwise directs.)
- * (5) "Where an appeal has been preferred, such appeal shall not operate as a stay of the execution of the order appealed against unless there is an appeal to that effect by the appellant in the memorandum of appeal and the Appeal Committee, after due consideration, allows such appeal and directs stay of the execution of the order."
- (6)
 - (1) On receipt of a memorandum of appeal the Secretary to the Board shall forward a copy thereof, by registered post with acknowledgments due, to the Managing Committee concerned inviting its +(comments) * "statements," if any.
 - (2) The Managing Committee shall forward its +(comments) * statements", in triplicate, by registered post with acknowledgment due, to the Secretary to the Board within three weeks from the date of receipt of the said memorandum of appeal.
 - (3) On receipt of such +(comments) * statements "from the Managing Committee within the time mentioned in sub-regulation (2) the secretary to the Board shall forward a copy thereof, by registered post with acknowledgment due, to the appellant who may within a fortnight from the date of receipt of such copy, forward to the Secretary of the Board, by registered post with acknowledgments due, his +(explanation) * "counter statement" if any, on such +(Comments) * "Statements".
7. (1) The Secretary to the Board shall
 - (a) within a fortnight from the date of expiry of the time mentioned in sub-regulation (2) of regulation 6 in the event of non-receipt of any +(comments) * "statements" from the Managing Committee, or
 - (b) within a fortnight from the date of expiry of the period referred to in sub-regulation (3) of regulation 6, place all records of the case with or without the +(comments) * "statements" of the Managing Committee and the +(explanation) * "counter statements" of the appellant as the case may be, before the Appeal Committee

for a decision whether further enquiry into the case is necessary or not. The decision of the Appeal Committee in this respect shall be final.

- (2) If the Appeal Committee decides to have a further enquiry into the case, the Secretary to the Board shall, within one month from the date of such decision, forward such records of the case as were placed before the Appeal Committee to the +(Director of Public Instruction, Government of West Bengal, who) * “the Director of Secondary Education, Government of West Bengal, or such other agency as may be considered fit and proper by the Appeal Committee, which” shall as soon as possible after holding such enquiry as he considers necessary, send a report containing his views to the Appeal Committee. The Secretary to the Board shall then send a copy of such report to the appellant, by registered post with acknowledgment due, inviting his +(comments) * “statements” thereon within a fortnight from the date of receipt thereof.
 - (3) Where the Appeal Committee decides under sub-regulation (1), that a further enquiry into the case is not necessary and also where the +(comment) * “statements” the appellant referred to in sub-regulation (2) is or is not received within the period mentioned therein, the Secretary to the Board shall place the case before the Appeal committee for decision of the appeal.
8. (1) The Appeal Committee may, at its discretion, hear the appellant or the Secretary to the Managing Committee or its representative personally and for that purpose may issue an order directing the appellant or the Secretary to the Managing Committee or its representative to appear before it with such papers and documents as the Appeal Committee may require.
 - (2) When an order is issued under sub-regulation (1) the party shall appear before the Appeal Committee on the date and time fixed in the said order. In case any of the parties or both the parties fail to appear, the Appeal Committee may proceed with the case without granting further time to the absentee party.
- 9 (1) The Appeal Committee may, on consideration of all the materials before it,—
 - (a) In an appeal against an order of reduction in rank or the withholding of salary or a portion thereof or the withholding of the increment in pay, or against any like order affecting the appellant,—
 - (i) Allow the appeal and grant such relief as it considers appropriate, if it is of the opinion that the order appealed against is based on insufficient or unsatisfactory grounds, or
 - (ii) Dismiss the appeal, if it is of the opinion that there are no grounds for interference with the order appealed against;

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Extraordinary
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THURSDAY, JANUARY 20, 2005

[SAKA 1926

PART IB—Educational Notices

WEST BENGAL BOARD OF SECONDARY EDUCATION NOTIFICATION

No. S/18.—14th January 2005.—In exercise of the power conferred by clause (gg) of sub-section (2), read with sub-section (3), of section 27 of the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act. V of 1963) (hereinafter referred to as the said Act), and in supersession of all earlier notifications, orders or circulars issued on the subject, the West Bengal Board of Secondary Education, with the previous approval of the State Government, hereby makes the following regulations relating to conduct and discipline of teachers and non-teaching staff of recognized Institutions, namely :—

Regulations

1. **Short Title, Application and Commencement.** — (1) These regulations may be called the West Bengal Board of Secondary Education (Conduct and Discipline of Teachers and Non-teaching staff) Regulations, 2004.
 - (2) They shall apply to all teachers and non-teaching staff of recognized Institutions.
 - (3) They shall come into force from the date of their publication in *Official Gazette*.

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[PART IB]

2. Definitions.— (1) In these regulations, unless there is anything repugnant in the subject or context :—

- (a) “the Act” means the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963);
- (b) “appointing authority” means the authority empowered to declare a post of a teacher and non-teaching staff vacant and also to fill-up such under the Acts or rules or regulations framed thereunder;
- (c) “approved” means the post of teacher and non-teaching staff duly sanctioned and approved by the Director or by an officer authorised by him in this behalf, or as the case may be, by the Board;
- (d) “Board” means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act V of 1963);
- (e) “Committee” means the Managing Committee of the Institution as defined in clause (d) of section 2 of the Act;
- (f) “Council” means the West Bengal council of Higher Secondary Education established under West Bengal Council of Higher Secondary Education Act, 1975 (West Ben. Act VIII of 1975);
- (g) “disciplinary authority” means the authority empowered or entrusted under the Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969, to draw up disciplinary proceedings against a teacher or non-teaching staff for misconduct or dereliction of duty and includes the appointing authority;

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[PART IB]

- (h) “dereliction of duty” means proved incompetence or misbehaviour of, or indifference to or wilful negligence of duties by a teacher or non-teaching staff;
 - (i) “Director” means the Director of School Education, West Bengal;
 - (j) “Government” means the Government of West Bengal in the School Education Department;
 - (k) “misconduct” includes dereliction of duty and any act or omission which runs counter to the code of conduct and discipline of teacher and non-teaching staff under these regulations;
 - (l) “non-teaching staff” means approved member of the staff other than teachers of an Institution;
 - (m) “State” means the State of West Bengal;
 - (n) “teacher” means any member of the teaching staff whose appointment has been approved and includes the Head of Institution.
- (2) Words and expressions used and not defined in these regulations, but defined in the Act or any rules framed thereunder, shall have same meaning as respectively assigned to them in the said Act or the rules.
- 3. General.**—Every teacher and non-teaching staff of the recognized Institutions shall, at all times, maintain a very high standard of integrity, impartiality and devotion to duty having full regard to the high position held by them in the society.
- Note 1.*—Devotion to duty implies obedience, faithfulness, carefulness and reasonable competence in the discharge of duties.
- Note 2.*—Integrity implies honesty and uprightness.

- 4. Improper and unbecoming conduct.**—No teacher or non-teaching staff shall behave in a manner, which is improper and unbecoming of a teacher or a non-teaching staff and derogatory to the prestige of the Institution, the State and the Nation.
- 5. Prohibition relating to gambling or consumption of intoxicant.**—Every teacher and non-teaching staff shall :—
- (a) strictly abide by law relating to gambling;
 - (b) strictly abide by law relating to intoxicating drinks or drugs, or smoking during the course of his duty in the premises of the Institution or in any public place;
 - (c) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
 - (d) refrain from consuming any intoxicating drink or drug in a public place;
 - (e) not appear in a public place in a state of intoxication.

Explanation—For the purposes of this regulation, “public place” means any place or premises (including conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

- 6. Case in which teacher or non-teaching staff has personal interest.**—No teacher or non-teaching staff shall, in discharge of his official duties, be guided by his personal interest, if any, affecting discharge of such official duties.
- 7. Private trade or employment.**—(1) Save as otherwise provided under these regulations, no teacher or non-teaching staff shall engage in any business, trade undertaking or money lending agency and undertake any employment other than

his service directly or indirectly, or use his position to help such business, agency or undertaking.

- (2) A teacher or non-teaching staff may, with the permission of his appointing authority, undertake any honorary work of social and charitable nature without hampering his duties towards the Institution.
- (3) A teacher or non-teaching staff may, with the permission of his appointing authority, undertake writing or publication of books by himself or jointly with others and may receive reasonable remuneration for such work of which proper account shall be furnished before the authority to whom he is subordinate :

Provided that such work shall not include publication of key or note or help books, by whatever names these may be called, in respect of textbooks approved by the Board or the Council.

8. **Bar to private tuition.**—No teacher shall engage himself in any sort of private tuition for personal gain within or outside the premises and working hours of the Institution, excepting participation in a coaching or special camp organised by the Institution for further development of students for scholastic and co-scholastic activities.
9. **Employment of official subordinates.**—No teacher shall employ any official subordinate staff on regular domestic work or for his personal service.
10. **Dress code.**—Every teacher and non-teaching staff shall abide by the dress code, if any, of the Institution and should refrain from extravagance and flamboyance in dress, or display of wealth in the Institution and shall be respectful to local sentiment in such matters.

- 11. Collective functioning.**—Every teacher shall practise, promote and encourage collective functioning in the interest of academic and administrative efficiency of the Institution and achievement of national goal.
- 12. Guardian meeting.**—Every teacher shall attend guardians meeting when arranged by the Head of Institution and shall account for any matter raised by guardians.
- 13. Conduct towards guardian and students.**—(1) No teacher shall ask a student to participate in any private programme without permission of his guardian, if the same is held on holidays, and without the permission of the Head of Institution, if the same is held on working days.
 - (2) Provided that if the guardian or the Head of Institution, as the case may be, permits such participation, the concerned teacher shall be responsible for safety, security and well being of the student till the student returns to his guardians.
 - (3) No teacher shall force any student against his desire to participate in any programme in which the Institution is taking part.
- 14. Attendance and faithful discharge of duties etc.**—Every teacher and non-teaching staff shall abide by the orders or circulars issued by the concerned authority as to punctuality, regular attendance, attendance at assembly prayer, taking allotted classes, completion of syllabus and other instructions contained in such orders or circulars.
- 15. Unauthorised absence to be treated as misconduct.**—Absence without leave, overstay after expiry of leave, leaving the Institution without permission from the Head of Institution during working hours, by the teachers and non-teaching staff may be treated as misconduct.

16. Conduct pertaining to Examinations of Institution.—

(1) Every teacher shall, to the best of his abilities, perform his duties as may be assigned to him by the competent authority pertaining to the examinations held by the Institution, including preparation of question papers, evaluation of answer scripts preparation of mark sheets and invigilation.

(2) Every non-teaching staff shall faithfully render his services for holding such examinations of the institution.

(3) Inducement by any teacher or non-teaching staff to any unfair practices by students in any dishonest activity shall be construed as dereliction of duty by such teacher or non-teaching staff, as the case may be.

17. Conduct pertaining to Secondary Examination and Higher Secondary Examination.—

(1) Every teacher and non-teaching staff shall perform such duties as may be entrusted to him by the concerned Officer-in-charge of the Centre Committee pertaining to Secondary Examination and Higher Secondary Examination.

(2) Every teacher shall, if so entrusted by the Board or, as the case may be, by the Council, evaluate answer scripts of the examinations instituted by such Board, or the Council and shall strictly follow the guidelines prescribed by it.

18. Conduct pertaining to other Examination.—(1) A teacher or non-teaching staff shall, with the approval of the Head of Institution, perform such duties for the conduct of public examinations other than the examinations referred to in regulation 16 and regulation 17, as may be entrusted to him by the concerned authority pertaining to such examinations.

- (2) A teacher or non-teaching staff shall be entitled to receive such remuneration as may be provided for conducting the public examination referred to in sub-regulation (1).

19. Disciplinary proceeding for non-participation in conduct of examination.—Non participation of a teacher or non-teaching staff in the conduct of any examination, which may :—

- (a) cause suffering to the students, or
- (b) tarnish sanctity of examination and the education system, or
- (c) cause financial loss or any other loss to the Institution, the Board or the Council, or the Government may tantamount to dereliction of duty by such teacher or non-teaching staff and shall be liable to disciplinary proceedings.

20. Participation in programmes launched by Central or State Government or by Board or Council or Institution.—

- (1) Every teacher or non-teaching staff may, if permitted by his respective Committees, participate in programmes organized by the Government of India or the State Government or the Board or the Council or the Institution for promotion of education or cultural or moral value and may also attend events like workshop or seminar etc. as and when organised by them.
- (2) Every teacher and non-teaching staff shall participate collectively and individually in national programmes or events like Republic Day, Independence Day, and cultural events like drama, sports, and exhibitions

etc., held within the Institutions, and extend his support to the best of his ability in the interest of joyful learning by the students and to generate a congenial atmosphere in the Institution.

21. Inflicting punishments to student.—(1) No teacher or non-teaching staff shall inflict any punishment on a student, which is barred by the Government or by the Head of Institution.

(2) Every teacher and non-teaching staff shall be extremely careful in handling student's behaviour so that mental and physical injury to the student is avoided.

(3) Every teacher shall, if necessary, make endeavour to take correctional approach towards the students with the help of co-teachers, Head of Institution and guardians, so that a student's learning process is not disturbed.

22. Maintenance of respectful environment.—(1) Every teacher and non-teaching staff shall endeavour to attain and maintain a mutually respectful atmosphere in and outside the Institution with respect to one another and also with the members of the Managing Committee.

(2) Every teacher and non-teaching staff shall endeavour to attain and maintain a mutually respectful relation with students.

(3) No teacher and non-teaching staff shall indulge in any activity, which may cause disaffection amongst the teachers, non-teaching staff and students on the basis of religion, caste, gender, community, profession etc.

(4) No teacher and non-teaching staff shall induce or influence any colleague or a student to participate, directly or indirectly, in violent, hateful, secessionist, terrorist or communal activity.

- 23. Appearance before authority and production of records.**—Every teacher and non-teaching staff shall abide by the instructions of any authority, legally authorised to do so, to appear before him and to produce records with permission of the Head of the Institution, if these pertain to matters of the Institution.
- 24. Submission of petitions to higher authorities to express grievances.**—Every teacher and non-teaching staff shall submit any petition to the Head of Institution first and if his request mentioned in such petition is not redressed within a reasonable time, it may be brought to the knowledge of the appointing authority or to the concerned higher authority.
- 25. Submission of applications for appearing at any examination.**—Every teacher or non-teaching staff shall submit an application for appearing in any examination through the appointing authority and with the approval of the Committee.
- 26. Participation in democratic processes.**—(1) Every teacher or non-teaching staff may, subject to the rules, regulations or orders for the time being in force and with approval from Committee, take part in any democratic process, including contesting election to the Parliament, Legislative Assembly, Local government, Statutory body, or voluntary organization.
- (2) Every teacher or non-teaching staff may from association for their academic, professional or service interest.
- 27. Initiation of disciplinary proceeding.**—(1) (a) If a teacher or a non-teaching staff is found responsible for any misconduct, the disciplinary authority may, where the misconduct is not grave or criminal in nature, give

him reasonable opportunity for rectification of such misconduct.

- (b) The teacher or non-teaching staff may, if necessary in the process of rectification, take assistance of the Staff Council of the Institution.
 - (c) In case the misconduct is grave or criminal in nature, the disciplinary authority may draw up disciplinary proceedings in the manner prescribed under the Management of Recognized non-Government Institutions (Aided and Unaided) Rules, 1969.
- (2) Notwithstanding anything contained in these regulations the Board may direct the disciplinary authority of any Institution to initiate disciplinary proceedings against a teacher or a non-teaching staff for dereliction of duty or misconduct committed by him in the course of holding of any examination conducted by the Board and if the disciplinary authority fails to do so, the Board may, of its own motion, take steps for drawing up disciplinary proceedings against him and its decision shall be binding upon the concerned teacher or non-teaching staff as well as on the concerned disciplinary authority.
- (3) The Council may, with suitable evidence, request the Board to proceed against a teacher or non-teaching staff of an Institution for dereliction of duty or misconduct committed by him in the course of holding of any examination by the Council and the Board shall proceed under sub-Regulation (2) of this regulation.

28. Penalties.—The disciplinary authority may inflict any one of the penalties, as mentioned below, upon a teacher or a non-teaching staff after going through the process as prescribed for disciplinary proceedings :—

- (a) Censure; or
- (b) withholding of one or more (not exceeding three) annual increments; or
- (c) Compulsory retirement with appropriate rate of pensionary benefits; or
- (d) dismissal from service.

Note 1.—Penalties should be proportionate to the gravity of misconduct.

Note 2.—Penalties inflicted, excepting censure, with clearance from the Board shall be recorded in the Service Book of a teacher or non-teaching staff held guilty of misconduct.

29. Appeal :—An appeal against any order of penalty inflicted upon a teacher or non-teaching staff shall be made to the Appeal Committee of the Board in the manner prescribed under the West Bengal Board of Secondary Education (Manner of Hearing and Deciding Appeals by Appeal Committee) Regulations, 1964.

30. Prosecution under Prevention of Corruption Act, 1988.—Notwithstanding anything contained in any other provisions of these regulations, if any teacher or non-teaching staff commits any misconduct as laid under the provisions of the Prevention of Corruption Act, 1988 (49 of 1988), he shall be liable to be prosecuted as per the provisions of that Act.

31. Interpretation.—If any question arises relating to the interpretation of any provision of these regulations, such question shall be referred to the Board and the decision of the Board shall be final :

Provided that the Board may, if it considers necessary, seek the opinion of the Government on such question.

- 32. Savings**—Any action taken in relation to the misconduct of any teacher or non-teaching staff under any Act, rules or orders for the time being in force before commencement of these regulations shall be treated as valid and duly enforceable.

DIBYENDU BIKAS HOTA,
President,
West Bengal Board of Secondary Education.

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WEDNESDAY, JUNE 1, 2005

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PART I—Educational Notices

WEST BENGAL BOARD OF SECONDARY EDUCATION

NOTIFICATION

No. S/120.—30th May 2005.—In exercise of the power conferred by clause (gg) of sub-section (2), read with sub-section (3) of section 27 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963) (hereinafter referred to as the said Act), the West Bengal Board of Secondary Education, with the previous approval of the State Government, hereby makes the following amendment in the West Bengal Board of Secondary Education (Conduct and Discipline of teachers and non-teaching staff) Regulations, 2004 published with this Board's Notification No. S/18, dated 14th January, 2005 in the Kolkata Gazette, Extraordinary, dated January 20, 2005.

Amendment

1. In *Clause 3*, the words “and to set a standard of dress, speech and behaviour worthy of example to the students” be inserted after the words “in the society”.
2. In Note 1 of *Clause 3*, the word “faithfulness” be replaced by the word “sincerity”.
3. In *Clause 5*, sub-clauses (d) and (e) be deleted.

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[PART IB]

4. In sub-clause (2) of *Clause 7*, the words “with the permission of his appointing authority” be deleted, and the words “beyond school hours” be inserted after the word “may”.
5. In sub-clause (3) of *Clause 7*, the words “or take part in any performing art or in any work of scientific character” be inserted after the words “publication of books”.
6. The *Clause 10* be deleted.
7. In *Clause 12*, the words “when arranged” be substituted by the words “provided he/she is directed to do so”.
8. In *Clause 13*, the sub-clause (3) be replaced by the sub-clause (2), and in sub-clause (2), the words “is taking part” be substituted by the words “is not taking part”.
9. In *Clause 14*, the word “faithful” be substituted by the words “sincere”.
10. In sub-clause (2) of *Clause 16*, the word “faithfully” be substituted by the word “sincerely”.
11. In sub-clause (2) of *Clause 17*, the words “as the case may be” be placed after the words “by the Council” and the word “instituted” be substituted by the word “conducted”.
12. In *Clause 18*, the words “with the approval of” be substituted by the words “if and when desired by”.
13. In sub-clause (c) of *Clause 19*, the word “may tantamount to proceedings” be treated as a separate line.
14. In *Clause 20*, the words “his respective committees” be substituted by the words “the concerned school authority”.
15. In sub-clause (3) of *Clauses 21*, the word “correctional” be substituted by the word “remedial”.
16. In sub-clause (2) of *Clause 22*, the words “mutually respectful” be replaced by the word “cordial”.

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[PART IB]

7. In *Clause 24*, the word “he” Insert be substituted by the word “the” after the words “and if”.
8. *Clause 25*, be written as follows :
“Every teacher or non-teaching staff shall submit an application for appearing at any examination to the appointing authority and seek prior approval of the concerned District Inspector of Schools (SE), if there is any financial involvement”.
9. In *Clause 26*, the words “and with approval from Committee” be deleted, and the words “without hampering his/her duties towards the institution” be added after the words “voluntary organization”.
20. In *Clause 29*, the words “and in case of sponsored institutions, appeal should be preferred to the Director of School Education” be added after the words “Regulations, 1964”.

DIBYENDU BIKAS HOTA,

President,

West Bengal Board of Secondary Education.

