

SIKKIM



GOVERNMENT

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GOVERNMENT OF SIKKIM
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No. 18/LD/17

Dated: 6/10/2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 8th day of September, 2017 is hereby published for general information :-

TASHI NAMGYAL ACADEMY BOARD (AMENDMENT) ACT, 2017 (ACT NO. 18 OF 2017)

AN

ACT

to amend the Tashi Namgyal Academy Board Act, 1983

BE it enacted by the Legislature of Sikkim in the Sixty-eight Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Tashi Namgyal Academy Board (Amendment) Act, 2017.
- (2) It shall come into force on the date of its publication in the Official Gazette.

Substitution of reference to certain expression by certain other expression

2. In the Tashi Namgyal Academy Board Act, 1983, (hereinafter referred to as "the Principal Act"), throughout the Principal Act, unless otherwise expressly provided, for the words "Executive Committee" wherever they occur, the words "School Management Committee" shall be substituted.

Amendment of section 2

3. In the principal Act, in section 2,-
- (i) for clause (f), the following clause shall be substituted namely:-
“(f) “School Management Committee” means the School Management Committee constituted under section 13”;
 - (ii) for clause (j), the following clause shall be substituted, namely:-
“(j) “President” means the President of the School Management Committee.”

Amendment of section 4

4. In the principal Act, in section 4,-
- (i) for sub-section (1), the following sub-section shall be substituted, namely:-
“(1) The Board shall consists of the following members, namely:-
 - (a) Minister for HRDD, Government of Sikkim - Chairman;
 - (b) Secretary-in-Charge, HRDD - Member;
 - (c) Secretary-in-Charge, FRED - Member;
 - (d) The Principal of any Residential Public School of good standing located in Sikkim - Member;
 - (e) 2 (two) members representing the Parents - Members;
 - (f) Representative of TNA Staff - Member;
 - (g) Representative of TNA Alumni - Member;
 - (h) The Principal of the School - Member Secretary;”
 - (ii) in sub-section(3).-
 - (a) for the words and brackets “clause (i) and (j)”, the words and bracket “clause (e)” shall be substituted;
 - (b) for the word “five”, the word “two” shall be substituted;
 - (iii) after sub-section (3), the following sub-section shall be inserted, namely:-
“(4) The members specified in clause (f) shall be nominated by the Chairman in accordance with such procedure as may be prescribed and shall hold office for a term of 2 (two) years.”

Amendment of section 7

5. In the principal Act, in section 7, for sub -section (2), the following sub-section shall be substituted, namely:-
“(2) The Chairman shall be the appointing authority of the Principal and the Principal shall be the appointing authority for all the employees of the school. The Board’s prior sanction shall be obtained (in an Annual Meeting or Special Meeting) by the School Management Committee before any immovable properties are acquired by outright purchase or disposed off by way of sale or otherwise, and such acquisitions and disposals shall be made in the name of the Board.”

- Amendment of section 8**
6. In the principal Act, in section 8,-
- (i) for the marginal heading "Transfer of School property and other properties", the marginal heading "Ownership of School Property" shall be substituted;
- (ii) for sub-section(1), the following sub-section shall be substituted, namely;-
- "(1) The land ,buildings furniture and equipment or any other assets, in which the school is housed or owned by the school or owned by the Government, shall continue to be vested in the Board."
- Amendment of section 13**
7. In the principal Act, in section 13,-
- (i) for sub-section(3), the following sub-section shall be substituted, namely:-
- "(3) Subject to sub-section (4), the School Management Committee shall consist of six members, one of whom shall be named as its President, who shall be the Principal and the remaining members shall consist of two nominated members of the staff, three nominated parent's representatives";
- (ii) sub-section (5), (6) and (7) shall be omitted.
- Omission of section 14**
8. In the principal Act, section 14 shall be omitted;
- Amendment of section 17**
9. In the principal Act, in section 17.-
- (i) for clause (b), the following clause shall be substituted, namely;-
- "(b) Every appointment, termination of service, dismissal, retirement, extension of service or re-employment of any of the employees of the school other than its Principal, and every case of disciplinary action against any such employee where, according to the relevant service rules, the maximum punishment involves dismissal or compulsory retirement, shall be considered by the School Management Committee and will make recommendations to the Chairman for confirmation."
- (ii) in clause (i), for the words "delegated by the Executive Committee to the Principal", the words "available with the Principal", shall be substituted.
- Amendment of section 18**
10. In the principal Act, in section 18, for sub-section (1), the following sub-section shall be substituted, namely;-
- "(1) Principal shall be the ex-officio Secretary of the Board and the President of the School Management Committee."

Jagat B. Rai (SSJS)
LR-cum-Secretary,
Law Department.