

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act X of 1999

THE WEST BENGAL PRIMARY EDUCATION (AMENDMENT) ACT, 1999.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 1st September, 1999.]

[1st September, 1999.]

An Act to amend the West Bengal Primary Education Act, 1973.

West Ben.
Act XLIII of
1973.

WHEREAS it is expedient to amend the West Bengal Primary Education Act, 1973, for the purposes and in the manner hereinafter appearing;

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

1. (1) This Act may be called the West Bengal Primary Education (Amendment) Act, 1999.

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

2. In section 2 of the West Bengal Primary Education Act, 1973 (hereinafter referred to as the principal Act),—

(1) in clause (via), the words ‘and shall also mean and include part of a District declared by the State Government as an “educational District” by notification published in the *Official Gazette*’ shall be omitted;

(2) in clause (ix), for the word “nurture” in the two places where it occurs, the word “nurturing” shall be substituted;

(3) for clause (xix), the following clause shall be substituted:—
“(xix) “Primary School Council” means a District Primary School Council established under section 37, and includes the Siliguri Primary School Council referred to in sub-section (2A) of that section and the Calcutta Primary School Council referred to in section 38;”

(4) in clause (xxia), for the words “either wholly or in part”, the word “wholly” shall be substituted.

Short title
and
commence-
ment.

Amendment
of section 2
of West Ben.
Act XLIII of
1973.

(Sections 3-6.)

Amendment
of section 4.

3. In section 4 of the principal Act, in clause (h), after the words "Zilla Parishads", the words "and the Mahakuma Parishad" shall be inserted.

Amendment
of section 13.

4. In section 13 of the principal Act,—

- (1) in the marginal note, for the word "members.", the words "members, other than President." shall be substituted;
- (2) in sub-section (1), after the words "A member of the Board", the words ", other than the President," shall be inserted;
- (3) in sub-section (2), after the words "remove any member", the words ", other than President," shall be inserted.

Substitution
of new
section for
section 18A.

5. For section 18A of the principal Act, the following section shall be substituted:—

"Ad hoc Committee. 18A. (1) The State Government may, by notification, appoint an Ad hoc Committee consisting of—

- (a) a President, and
- (b) such number of other members, not exceeding nineteen, as the State Government may think fit,

for such period, not exceeding one year at a time, as may be specified in the notification.

(2) The President of the Ad hoc Committee shall exercise all the powers, and shall perform all the functions, of the President of the Board, and the Ad hoc Committee shall exercise all the powers, and shall perform all the functions, of the Board and the Committees constituted by the Board under this Act."

Amendment
of section 19.

6. In sub-section (1) of section 19 of the principal Act,—

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

"(b) to provide by regulations, after considering the recommendations, if any, of the Curriculum Committee, the syllabus and the courses of studies to be followed in the primary schools;"

- (2) after clause (b), the following clauses shall be inserted:—

"(bb) to prepare, and to provide, books to be studied in the primary schools;

(bbb) to provide by regulations, after considering the recommendations, if any, of the Curriculum Committee, the curriculum, the syllabus and the courses of studies to be followed in the Primary Teachers' Training Institute;"

(Sections 7-11.)

- (3) clause (c) shall be omitted;
- (4) clause (e) shall be omitted;
- (5) in clause (1), for the words "to make regulations determining", the words "to determine" shall be substituted;
- (6) in clause (n), for the word "Director,", the words "State Government," shall be substituted.

7. In clause (a) of sub-section (3) of section 23 of the principal Act, for the words "in primary schools", the words "in the Primary Teachers' Training Institute and the primary schools" shall be substituted.

Amendment
of section 23.

8. In section 37 of the principal Act,—

Amendment
of section 37.

(1) in sub-section (2),—

(a) before clause (a), the following clause shall be inserted:—

"(1a) the Chairman, who shall be appointed by the State Government;"

(b) the proviso to clause (e) shall be omitted;

(c) to clause (h), the following proviso shall be added:—

"Provided that the number shall in no case be less than six;"

(2) in sub-section (2A),—

(a) before clause (a), the following clause shall be inserted:—

"(1a) the Chairman, who shall be appointed by the State Government;"

(b) in sub-clause (iii) of clause (k), for the words "linguistic minority," the words "linguistic minority community," shall be substituted.

9. In sub-section (2) of section 38 of the principal Act,—

Amendment
of section 38.

(a) before clause (a), the following clause shall be inserted:—

"(1a) the Chairman, who shall be appointed by the State Government;"

(b) clause (i) shall be omitted.

10. In section 44 of the principal Act, sub-section (1) shall be omitted.

Amendment
of section 44.

11. In section 52 of the principal Act,—

Amendment
of section 52.

(a) for the words "remove the Chairman or a member", the words "remove a member" shall be substituted;

(b) in clause (a), for the words "as Chairman or member", the words "as a member" shall be substituted;

(c) in the proviso, for the words "the Chairman or the member", the words "the member" shall be substituted.

(Sections 12-16.)

Amendment
of section 56.

12. In sub-section (3) of section 56 of the principal Act, the proviso shall be omitted.

Insertion of
new section
56A.

13. In the principal Act, after section 56, the following section shall be inserted:—

"Award of
punishment.

56A. Subject to the prescribed conditions, a Primary School Council may award any punishment, including the punishment of dismissal or removal from service, on a teacher, or a member of the non-teaching staff, if any, of a primary school under the control of that Primary School Council:

Provided that no punishment, other than censure, shall be awarded except on the recommendation of the Discipline Committee."

Amendment
of section 60.

14. In section 60 of the principal Act,—

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

"(qq) to constitute, if the State Government so directs, a Vidyalaya Unnayan Committee for each primary school;";

(b) after sub-section (1), the following sub-section shall be inserted:—

"(1A) A Vidyalaya Unnayan Committee shall consist of—

(a) a Chairman, and

(b) such number of other members, not exceeding fourteen, as the State Government may determine,

to be nominated by the Primary School Council within whose jurisdiction the Vidyalaya Unnayan Committee is constituted, and shall perform such functions as the State Government may by notification specify in this behalf."

Amendment
of section 67.

15. In section 67 of the principal Act,—

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

"Other Committees.";

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

"(e) the Academic Committee;"

Amendment
of section 85.

16. In sub-section (1) of section 85 of the principal Act, for the words "for each primary school.", the words, figures and brackets "for each primary school in an area in respect of which a scheme, referred to in section 79, has been prepared, and such scheme has been sanctioned by the State Government under sub-section (1) of section 81." shall be substituted.

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(Section 17.)

17. In Chapter XII of the principal Act,—

Amendment
of Chapter
XII.

(a) for the the heading “Tribunal”, the heading “Appeal Committee” shall be substituted;

(b) for section 91, the following section shall be substituted:—

“Appeal Committee. 91. (1) The Board shall constitute an Appeal Committee.

(2) The Appeal Cpmmittee shall consist of the following members:—

(a) one person who is or has been a member of the West Bengal Higher Judicial Service, to be nominated by the State Government;

(b) two teachers to be nominated by the Board from amongst the teachers elected to the Board under clause (d) of section 4;

(c) the Director of School Education, Government of West Bengal; and

(d) a member of a Primary School Council, who is also an employee of that Primary School Council, to be nominated by the Board.

(3) The person nominated under clause (a) of sub-section (2) shall be the Chairman of the Appeal Committee.

(4) The Secretary of the Board referred to in sub-section (1) of section 17 shall be the Secretary of the Appeal Committee.

(5) It shall be the duty of the Appeal Committee to hear and decide every appeal by—

(a) a teacher, or a member of the non-teaching staff, of a primary school under the control of a Primary School Council, or a member of the staff, other than the Secretary and the Finance Officer, of a Primary School Council, against any decision of such Primary School Council adversely affecting such teacher or member of the non-teaching staff of such primary school or such member of the staff of such Primary School Council, and

(b) a member of the staff, other than the Secretary and the Finance Officer, of the Board, against any decision of the Board adversely affecting such member of the staff of the Board,

in accordance with such regulations as may be made by the Board in this behalf.

(Sections 18, 19.)

(6) The decision of the Appeal Committee under sub-section (5) shall be final and no suit or proceeding shall lie in any court in respect of any matter which has been, or may be, referred to, or has been decided by, the Appeal Committee.

(7) The honorarium or remuneration, if any, of the Chairman of the Appeal Committee shall be such as may be determined by the State Government.”.

Omission of section 92.

18. Section 92 of the principal Act shall be omitted.

Insertion of new sections 100A, 100B and 100C.

19. In the principal Act, after section 100, the following sections shall be inserted:—

“Bar to simultaneous membership.

100A. (1) Notwithstanding anything contained in section 4, or sub-section (2), or sub-section (2A), of section 37, or sub-section (2) of section 38, where a person is elected as a member of the Board or a Primary School Council, as the case may be, from more than one constituency, he shall retain his membership from one constituency and shall, within thirty days from the date of publication of his name in the *Official Gazette* under section 6 or section 41, as the case may be, resign his membership from the other constituency or constituencies, as the case may be.

(2) If the person referred to in sub-section (1) does not resign his membership from the other constituency or constituencies, as the case may be, his membership from all the constituencies shall stand cancelled on the expiry of thirty days from the date of publication of his name in the *Official Gazette* under section 6 or section 41, as the case may be.

(3) The vacancy or vacancies caused under sub-section (2) shall be deemed to be casual vacancy or casual vacancies, as the case may be, and shall be filled up in accordance with the provisions of section 8 or section 43, as the case may be.

Certain disputes to be decided by the Director.

100B. Any dispute relating to —

- (a) the eligibility of any person for election as a member of the Board or a Primary School Council, or any Committee thereof, or
- (b) the manner in which an election of any person as a member of the Board or a Primary School Council, or any Committee thereof, was held, or
- (c) the qualification of any person for continuing as a member of the Board or a Primary School Council, or any Committee thereof,

shall be decided by the Director.

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(Section 20.)

Quorum for
transaction
of business.

100C. The quorum necessary for transaction of business at a meeting of the Board or a Primary School Council, or any Committee thereof, shall be one-fifth of the total number of members of the Board or the Primary School Council, or the Committee thereof, as the case may be.”.

Amendment
of section
106.

20. In sub-section (2) of section 106 of the principal Act,—

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

“(aa) the conditions subject to which punishment may be awarded—

- (i) by the Board on the members of its staff, other than the Secretary and the Finance Officer, under sub-section (8) of section 17,
- (ii) by a Primary School Council on the members of its staff, other than the Secretary and the Finance Officer, under sub-section (3) of section 56,
- (iii) by a Primary School Council on a teacher, or a member of the non-teaching staff, of a primary school under the control of that Primary School Council;”;

(2) after clause (b), the following clauses shall be inserted:—

- “(bb) the manner of election of the members of the Curriculum Committee referred to in clauses (d), (e), (f) and (h) of sub-section (1) of section 23;
- (bbb) the manner of election of the members of the Evaluation Committee referred to in clauses (e), (g), (h) and (j) of sub-section (1) of section 24;
- (bbbb) the manner of election of the members of the Development Committee referred to in clauses (e), (g) and (h) of sub-section (1) of section 25;”;

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

“(e) the manner of election of the members of—

- (i) a District Primary School Council referred to in clauses (d), (e), (f), (g), (h), (i) and (ii) of sub-section (2) of section 37,
- (ii) the Siliguri Primary School Council referred to in clauses (d), (e), (f), (g), (h), (i) and (j) of sub-section (2A) of section 37, and
- (iii) the Calcutta Primary School Council referred to in clauses (c), (d), (g), (gg) and (ggg) of sub-section (2) of section 38;”;

(4) clause (j) shall be omitted.