

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT**

Legislative

West Bengal Act IV of 1996

**THE WEST BENGAL PRIMARY EDUCATION
(AMENDMENT) ACT, 1996.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta
Gazette, Extraordinary, of the 27th March, 1996.]

[27th March, 1996.]

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 Forty-seventh 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, 1996.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 1st day of February, 1996.

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

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

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

‘(xvii) “primary education” means such elementary education as is imparted through a primary school;’;

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

‘(xviii) “primary school” means a school, or a department of a school, set up under this Act for imparting such primary education as the State Government may prescribe, and includes a primary school, or a junior basic school, recognised under this Act and in existence on the date of coming into force of the West Bengal Primary Education (Amendment) Act, 1996;’;

(3) in clause (xx), after the words “rules made”, the words “or notifications or orders issued, as the case may be,” shall be inserted.

(Sections 3-5.)

Amendment
of section 60.

3. In sub-section (1) of section 60 of the principal Act,—

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

“(1) (i) to withdraw recognition of any primary school on such ground, and following such procedure, as the State Government may prescribe, and

(ii) to grant financial aid to a recognised primary school, or to withdraw financial aid to a recognised primary school on such ground, and in such manner, as the State Government may prescribe;”;

(2) for clause (11), the following clause shall be substituted:—

“(11) to amalgamate two or more primary schools into one primary school, to split a primary school into two or more primary schools, and to shift a primary school from one site to another;”.

Amendment
of section
105.

4. In sub-section (3) of section 105 of the principal Act, for the words “shall be deemed to have been recognised”, the words “shall continue to be recognised” shall be substituted.

Amendment
of section
106.

5. For sub-section (2) of section 106 of the principal Act, the following sub-section shall be substituted:—

“(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

(a) the manner of election of the members of the Board referred to in clauses (c), (d), (e), (f), (g), (h) and (i) of section 4;

(b) the allowances, and the rates of allowances, referred to in section 18;

(c) the form of the budget estimate of the Board referred to in sub-section (1) of section 30;

(d) the manner of keeping an account of the Board referred to in section 34, and the manner of examination and audit of accounts of the Board referred to in sub-section (1) of section 35;

(e) the manner of election of the members of the District Primary School Council referred to in clauses (d), (e), (f), (g) and (h) of sub-section (2) of section 37 and clauses (c), (d), (g), (gg) and (ggg) of sub-section (2) of section 38;

(f) the form of the budget estimate of the Primary School Council referred to in sub-section (1) of section 69;

III of 1996.]

(Sections 6, 7.)

- (g) the manner of reappropriation to be sanctioned under section 71, the manner of keeping an account of a Primary School Council referred to in section 73 and the manner of examination and audit of accounts of a Primary School Council referred to in section 74;
- (h) the manner in which the tax referred to in section 77 shall be levied and collected;
- (i) the form of the scheme referred to in, and the particulars referred to in clause (g) of, section 80;
- (j) the time of filing an appeal or referring a dispute, and the procedure to be followed by the Tribunal, referred to in sub-section (1) of section 92;
- (k) any other matter which may be, or is required to be, prescribed.”.

6. After section 106 of the principal Act, the following section shall be inserted:—

Insertion
of new
section 107.

“Power of State Government to issue notification or order in place of making rules.

107. Notwithstanding anything contained in section 106 or elsewhere in this Act, the State Government may—

- (a) issue any notification or order for carrying out any of the purposes of this Act for which that Government does not consider it necessary to make rules, or
- (b) issue any notification or order, not inconsistent with the provisions of this Act, in place of making rules under this Act if that Government considers it necessary so to do.”.

West Ben.
Ord. II of
1996.

7. (1) The West Bengal Primary Education (Amendment) Ordinance, 1996, is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.