

West Bengal Act VIII of 1977¹

THE WEST BENGAL NATIONALISED TEXT-BOOKS ACT, 1977.

AMENDED - .

. . West Ben. Ac[XXVIII of 1983.

[25th April, 1977.]

An Act to provide for the prevention of unauthorised sale of Nationalised Text-Books and unauthorised production and publication of keys of such Nationalised Text-Books.

WHEREAS it is inexpedient to provide for the prevention of unauthorised sale of Nationalised Text-Books and unauthorised production and publication of keys of such Nationalised Text-Books, and for matters connected therewith or incidental thereto;

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

1. (1) This Act may be called the West Bengal Nationalised Text-Books Act, 1977.

and extends to the whole of West Bengal.

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

2. In this Act, unless there is anything repugnant in the subject Definitions, or context,—

- (a) "Director" means the Director of Public Instruction, Government of West Bengal and includes the Director of Primary Education, Government of West Bengal and also any other officer not below the rank of an Inspector of Schools, as may be appointed by the State Government, by notification published in the *Official Gazette*, for discharging any of the functions of the Director under this Act;
- (b) "key" includes any help book, notebook, meaning book, solution, made-easy, suggestion, hint, comment, answer or annotation of a Nationalised Text-Book;
- (c) "Nationalised Text-Book" means any book prescribed [for studies in schools] which is published under the authority of the State Government and declared as such by notification issued by the State Government.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette*, Extraordinary, Part V, of the 23rd March, 1977, page 453; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the Assembly held on the 5th April, 1977.

The words within the square brackets were substituted for the words and figures "for studies in schools" by s. 1 of the West Bengal Nationalised Text-Books

Act, 1977. ■ • VifiriTi r I,™.*

Unauthorised
sale of
Nationalised
Text-Book.

[West Ben. Act

(Sections 3-7.)

Unauthorised
possession
of Nationalised
Text-Books.

3. No person shall sell any Nationalised Text-Book except under and in accordance with an authority issued by the Director or a person higher than that fixed by the State Government and no person shall sell any such Nationalised Text-Book as is meant for free distribution.

Unauthorised
printing or
publication of
a
Nationalised
Text-Book.

3A. No person shall possess any Nationalised Text-Book except under and in accordance with an authority issued by the Director.

4. No person shall print or publish any Nationalised Text-Book except under and in accordance with an authority issued by the Director.

Unauthorised
printing,
publication,
production
or sale of a
key.

5. No person shall print, publish, produce or sell any key of a Nationalised Text-Book without the prior approval in writing of the State Government,

Penalty.

(1) Whoever contravenes any of the provisions of section 3, 3A, 4 or 5 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

(2) A court taking cognizance of any offence punishable under this section may order confiscation of any stock of books in respect of which the offence has been committed.

(3) An offence punishable under this section shall be cognizable.

7. (i) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Section 3A was inserted by s. 3 of the West Bengal Nationalised Text-Books (Amendment) Act, 1983 (West Ben. Act XXV of 1983).

VIII of 1977.]

(Sections 5-10.)

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

8. No suit, prosecution or other legal proceeding shall lie against the Director for anything which is in good faith done or intended to be done under this Act.

9. The State Government may, by notification in the *Official Gazette*, Power to make rules for carrying out the purposes of this Act, make rules,

West Ben.

10. (1) The West Bengal Nationalised Text-Books Ordinance, 1976, and is hereby repealed. TM'

(2) Anything done or any action taken under the West Bengal Nationalised Text-Books Ordinance, 1976, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 30th day of December, 1976.

