

The Bengal Natural History Society (Acquisition Of The Natural History Museum) Act, 1993

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Act 24 of 1993

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The Bengal Natural History Society (Acquisition Of The Natural History Museum) Act, 1993 West Bengal Act 24 of 1993 [20th October, 1994.] Assent of the President first published in the Calcutta Gazette. Extraordinary, dated the 20th October, 1994. An Act to provide for the acquisition, in the public interest, of the Natural History Museum of the Bengal Natural History Society, and for matters connected therewith or incidental thereto. Whereas it is expedient to provide for the acquisition, in the public interest, of the Natural History Museum of the Bengal Natural History Society at Darjeeling, and for matters connected therewith or incidental thereto; It is hereby enacted as follows:-

1. Short title and commencement. -

(1) This Act may be called the Bengal Natural History Society (Acquisition of the Natural History Museum) Act, 1993. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions. -

In this Act, unless the context otherwise requires, - (a) "appointed day" means the date on which this Act comes into force; (b) "former date" means the 14th day of May, 1976, being the date of taking over by the State Government of the management of the Museum on the basis of the resolution in this behalf adopted by the Society at its meeting held on the 22nd day of December, 1975; (c) "Museum" means the Natural History Museum of the Society together with all property, movable and immovable, including specimens of rare species of birds, mammals, fishes, snakes, butterflies, moths and other insects, furniture and fixtures, all lands and buildings, libraries, scores, film equipments (including projectors), slides, utensils, taxidermist instruments and other articles held

or used in connection with, or as accessories to, or as adjuncts of, the Museum, and all books of account, registers and all other documents of whatever nature relating thereto;(d)"Notification" means a notification published in the Official Gazette',(e)"Society" means the Bengal Natural History Society at Darjeeling.

3. Acquisition of the Museum. -

On and from the appointed day, the Museum shall, by virtue of this Act, stand transferred to, and vest absolutely in, the State Government.

4. General effect of vesting. -

(1)The Museum which has vested in the State Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it, and any attachment, injunction or decree or order of any court, tribunal or other authority restricting the use of the whole or any part of the Museum in any manner shall be deemed to have been withdrawn.(2)The Museum shall be run by the State Government as a State institution.(3)Any contract, whether express or implied, or other arrangement, whether made under any statute or otherwise, in relation to the affairs of the Museum and in force immediately before the appointed day shall be deemed to have terminated on the appointed day.(4)Where any licence or other instrument in relation to the Museum had been granted at any time before the appointed day to the Museum by the Central Government or the State Government or any other authority, the State Government shall, on and from the appointed day, be deemed to be substituted in such licence or other instrument in place of the Museum referred to therein as if such licence or other instrument had been granted to it.(5)Any liability incurred by the Museum (including the liability, if any, arising in respect of any loans or amounts advanced by the State Government to the Museum together with interest thereon) on or after the former date, shall, on and from the appointed day, be the liability of the State Government.(6)If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter in respect of the Museum, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the Museum or of anything contained in this Act, and the suit, appeal or other proceeding may be continued, proceeded with and enforced by or against the State Government.(7)Any person in possession or custody or control of the whole or any part of the Museum on the date immediately before the appointed day shall, on the appointed day, deliver the possession of the Museum or part thereof to the State Government or to such person as may be specified by the State Government in this behalf.(8)The State Government may take, or cause to be taken, such steps as it considers necessary for securing the possession of the Museum which has vested in the State Government under section 3.

5. Acquisition without compensation. -

For the removal of doubts, it is hereby declared that there shall not be paid any compensation for the acquisition of the Museum by authority of this Act under article 300A of the Constitution of India.

6. Penalty. -

(1) Any person who, - (a) having in his possession, custody or control any property forming part of the Museum, wrongfully withheld such property from the State Government or any person authorised by that Government in this behalf, or (b) wrongfully obtains possession of, or retains, any property forming part of the Museum or wilfully withholds or fails to furnish to the State Government or any person authorised by that Government any document relating to the Museum which may be in his possession, custody or control or fails to deliver to the State Government or any person authorised by that Government any property forming part of the Museum or books of account, registers or other documents in his custody relating to the Museum, or (c) wrongfully removes or destroys any property forming part of the Museum or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate, 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 : Provided that the court trying any offence punishable under this Act shall, at the time of convicting the accused person, order him to deliver or refund within such time as may be fixed by the court such property or any part thereof wrongfully withheld or wrongfully obtained or retained or such document wilfully withheld or not furnished or such property, books of account, registers or other documents not delivered. (2) No court shall take cognizance of any offence punishable under this Act except with the previous sanction of the State Government or of an officer authorised by that Government in this behalf.

7.

(1) Every person (not being a part-time or over-aged employee) who has been an employee of the Museum immediately before the appointed day shall, on and from the appointed day, become an employee of the State Government and, subject to the first proviso to this sub-section, shall hold office or service under the State Government on the same terms and conditions as would have been admissible to him if there had been no vesting of the Museum in the State Government and shall continue to do so unless and until his employment under the State Government is duly terminated or until within six months from the appointed day his remuneration and other conditions of service are duly altered by the State Government: Provided that every person (not being a part-time or over-aged employee) who had been an employee of the Museum on the former date or on any date subsequent to the former date shall, in respect of the service rendered as such employee for any period commencing from such date till the date immediately before the appointed day, be entitled to such pay and allowances and pension (including gratuity) as the State Government may determine : Provided further that any employee who is unwilling to continue in service in terms of the provisions of this sub-section may give three months notice to the State Government to that effect and thereupon his service shall stand terminated with effect from the date immediately after the expiration of three months from the date of such notice. (2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee of the Museum to the State Government shall not entitle him to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

8. Protection of action taken in good faith. -

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of that Government or any officer or other person authorised by that Government for anything which is in good faith done or intended to be done under this Act.

9. Act to have overriding effect. -

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any judgement, decree or order of any court, tribunal or other authority.

10. Power to make rules. -

(1)The State Government may, by notification, make rules for carrying out the purposes 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 matters which may be, or are required to be, prescribed by rules under this Act.

11. Power to remove difficulties. -

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:Provided that no such order shall be made after the expiry of a period of two years from the appointed day.