

The Indian Museum Act, 1910

UNION OF INDIA

India

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Act 10 of 1910

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The Indian Museum Act, 1910 Act No. 10 of 1910 [As on 1956]

1875.

An Act to consolidate and amend the law relating to the Indian Museum.[18th March, 1910.]WHEREAS it is expedient to consolidate and amend the law relating to the Indian Museum; It is hereby enacted as follows -Preliminary

1. Short title and Commencement.

(1)This Act may be called the Indian Museum Act, 1910.(2)It shall come into force on such [date as the Central Government, by notification in the Official Gazette] [1st June, 1910, see Gazette of India, 1910, Pt, I, page 411,], may direct.Incorporation Of The Trustees

2. Constitution and incorporation of the Trustees of the Indian Museum.

(1)The Trustees of the Indian Museum (hereinafter called the Trustees) shall be-(a)the [seven] [Substituted by Act 17 of 1922, Section 2, for "six".] persons for the time being performing duties of the following offices, namely :-(i)the Accountant General of [West Bengal] [Substituted by the A.O. 1948 for "Bengal".];(ii)the Principal, Government School of Art, Calcutta;(iii)the Director, Geological Survey of India;(iv)[the Director, Zoological Survey of India] [Substituted by Act 17 of 1922, Section 2, for the original sub-clause.];(v)the Director General of Archaeology; [***] [The word "and" rep, by Section 2, for the original sub-clause.](vi)[the Superintendent, Archæological Section of the Museum; and] [Inserted by Act 17 of 1922, Section 2, for the original sub-clause](vii)[[The original sub-clause (vi) was renumbered (vii) by Section 2, for the original sub-clause.] the Officer in charge of the Industrial Section of the Museum;(b)[four other persons to be nominated by the Central Government;] [Substituted by the A, O, 1937 for the former clauses (b) and (c).](d)one other person to be nominated by the Council of the Asiatic Society of Bengal;(e)one other person to

be nominated by the Bengal Chamber of Commerce;(f)one other person to be nominated by the British Indian Association, Calcutta;(g)one other person to be nominated by the Syndicate of the Calcutta University; and(h)three other persons to be nominated by the Trustees.(2)The Trustees shall be a body corporate, by the name of "The Trustees of the Indian Museum", with perpetual succession and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act.(3)The nominated Trustees shall, save as herein otherwise provided, hold office for a period of three years:Provided that the authority nominating a Trustee may extend his term of office for one or more like periods.

3. Minimum number of Trustee and quorum.

(1)The powers of the said body corporate may only be exercised so long and so often as there are nine members thereof.(2)The quorum necessary for the transaction of business at meeting of the Trustees shall not be less than six.

4. Power to appoint new Trustees.

- If a nominated Trustee-(a)dies, or(b)is absent from the meetings of the Trustees for more than twelve consecutive months, or(c)desires to be discharged, or(d)refuses or becomes incapable to act, or(e)is appointed to perform the duties of any office specified in section 2, clause (a),the authority which nominated the Trustee may nominate a new Trustee in his place.

5. Vocation of office by existing Trustees.

- From the commencement of this Act the term of office of all persons appointed to be Trustees under the [Indian Museum Act, 1876] [Rep. by this Act, Section 17.], shall cease.

6. Property vested in or placed under the control of the Trustees.

(1)All the property, whether movable or immovable, which at the commencement of this Act is held by the Trustees of the Indian Museum constituted by the [Indian Museum Act, 1876, (22 of 1876)] [Rep. by this Act, Section 17.], on trust for the purposes of the said Museum shall, together with any such property which may hereinafter be given bequeathed, transferred or acquired for the said purposes, in the Trustees of the Indian Museum constituted by this Act on trust for the purposes of the said Museum :Provided that the Trustees may expend the capital of any portion of such property which may consist of money on the maintenance; improvement and enlargement of the collections deposited in, presented to or purchased for, the said Museum or otherwise for the purposes of the same as they may think fit(2)The Trustees shall have the exclusive possession, occupation and control, for the purposes of such trust, of the land specified in the schedule including any buildings which may have been, or may hereafter be, erected thereon, other than those portions thereof which have been set apart by the Trustees for the records and offices of the Geological Survey of India.

7. Power to Trustees to exchange, sell and destroy articles in collections.

- Subject to the provisions of any bye-laws made in this behalf, the Trustees may, from time to time, -(a) deliver, by way of loan, to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act; (b) exchange or sell duplicates of articles contained in any such collection and take or purchase, in the place of such duplicates, such articles as may in their opinion be worthy of preservation in the Museum; (c) present duplicates of articles contained in any such collection to other Museums in [India] [Substituted by the A.O. 1950 for "the Provinces".]; and (d) remove and destroy any article contained in any such collection.

8. Power to Trustees to make bye-laws.

(1) The Trustees may from time to time, with the previous sanction of the Central Government, make bye-laws consistent with this Act for any purpose necessary for the execution of their trust. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -(a) the summoning, holding and adjournment of general and special meetings of the Trustees; (b) the securing of the attendance of Trustees at such meetings; (c) the provision and keeping of minute-books and account books; (d) the compiling of catalogues; (e) the lending of articles contained in the collections vested in the Trustees; (f) the exchange and sale, and the presentation to other Museums in [India] [Substituted by the A.O. 1950 for "the Provinces "], of duplicates of articles contained in such collections; (g) the removal and destruction of articles contained in such collections; and (h) the general management of the Museum.

9. Power Trustees to appoint officers and servants.

- Subject to such regulations and conditions as may be prescribed by them in this behalf, the Trustees shall appoint such officers and servants as may be necessary or proper for the care or management of the trust-property, and may assign to such officers and servants such pay as they may think fit: Provided that -(a) [no officer shall be appointed without the approval of the Central Government; and [Substituted by the A.O. 1937 for the original clause.] (b) no new office shall be created, and no salaries of officers shall be altered, without the previous sanction of the Central Government.] Duties Of The Trustees

10. Trustees to furnish annual reports and accounts.

(1) The Trustees shall furnish on or before the first day of December in each year -(a) to the [Central Government] [Substituted by the A.O. 1937 for "G.of I."] a report of their several proceedings for the previous financial year, and (b) to such auditor as the Central Government appoints in this behalf, accounts of all moneys expended by the Trustees during the previous financial year, supported by the necessary vouchers. (2) The Trustees shall cause such report and accounts to be published annually for general information.

11. Collections of Asiatic Society to be kept distinguished in the Museum.

(1)The Trustees shall cause every article in the collections in the said Indian Museum formerly belonging to the Asiatic Society of Bengal and all additions that may hereafter be made thereto otherwise than by purchase under section 6, to be marked and numbered and (subject to the provisions contained in sections 7 and 16) to be kept and preserved in the said Museum with such marks and numbers.(2)An inventory of such additions shall be made by the said Society, one copy whereof shall be signed by the Trustees and delivered to the said Society, and another copy shall be signed by the Council of the said Society and delivered to the Trustees, and shall be kept by them along with the inventory delivered to the predecessors in office of the Trustees when the said collections were deposited in the said Museum.

12. Articles received in exchange or purchased and moneys realised from sale to be held on trust.

- All objects taken in exchange and articles purchased under section 7 and all moneys realised from sales made in accordance with the terms of the same section shall be held on trust and subject to powers and declarations corresponding as nearly as may be with the, trusts, powers and declarations by this Act limited and declared.Supplemental Provisions

13. [Officers under Act to be public servants and subject to Civil Service Regulations. [The words under the "Civil Service Regulations for the time being in force" rep. by the A.O. 1937.]

- All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860); and, so far as regards their salaries, allowances and pensions, and their leave of absence from duty, they shall be subject to the rules which would be applicable if their service was service under [the Central Government]].

14. Power to Trustees to keep collections not belonging to them.

- Notwithstanding anything hereinbefore contained, the Trustees may, if they think fit, with the previous sanction of the Central Government and subject in each case to such conditions as it may approve and to such rules as it may prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trust under this Act, and keep and preserve such collections either in the Indian Museum or elsewhere:Provided that if the trust constituted by this Act is at any time determined, any such collections shall not by reason of their then being in the Indian Museum become the property of Government.

15. [Power to Trustees to part with certain property in their possession. [Substituted by the A.O. 1937 for the original section.]

- Subject to such conditions as the Central Government may approve, the Trustees may deliver possession of the whole or any part of the property described in the schedule to such person as that Government may appoint.]

16. Property in collections on determination of trust.

- If the trust constituted by this Act is at any time determined, -(a) the collections and additions mentioned in section 11 shall become the property of the said Asiatic Society or their assigns, and (b) all the other collections then in the said Indian Museum shall, save as otherwise provided by section 14, become the property of Government.

17. [Repeals.]

- Rep. by the Amending Act, 1914 (10 of 1914), Section 3 and Schedule II. THE SCHEDULE (See sections 6 and 15) Land bounded-

on the north side by the premises No. 2, Sudder Street, and by Sudder Street;

on the west side by Chowringhee Road and by the premises No. 29, Chowringhee Road (occupied United Service Club); by the Bengal

on the south side by the premises No. 29, Chowringhee Road, by Kyd Street, and by the premises Chowringhee Lane, and No. 4,

on the east side by the premises No. 15, Kyd Street, and the premises Nos. 4, 3, 2 and 1, Chowringhee Lane,