

The Rajghat Samadhi Act, 1951

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Act 41 of 1951

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/1390The object of this Bill is to ensure the proper maintenance, preservation and administration of the Rajdhani Samadhi, the Shrine built in memory of the Father of Nation. The memory proposed in this Bill to ensure this end is the establishment with certain powers of a Committee consisting of seven members, of whom four members will be non-officials. The Chairman of the Committee will be nominated by the Central Government. The Committee shall do all things reasonable and necessary to ensure that the Rajghat Samadhi is properly maintained, controlled and administered. It shall make proper arrangements for the watch and ward of the Samadhi; it shall organise and regulate periodical functions at the Samadhi, such as Sarvodaya Day, Friday prayers, Gandhi Jayanti; and it shall control access to the Samadhi. It is felt that without legislative enactment it will not be possible to enforce authority adequate for the purposes of maintenance and regulation of the Shrine. Ad hoc Committees depend too much upon personal factors and in a crisis the responsibility devolves upon the magistracy and the police. A statutory Committee is, therefore, being set up." - Gazette of India, 21-4-1951 Pt II, Section 2, page 286. Amending Act 37 of 1958.- With a view to ensuring proper maintenance, preservation and administration of the Rajghat Samadhi, built in the memory of Mahatma Gandhi, the Rajghat Samadhi Act, 1951 (41 of 1951) was passed by Parliament, and a Committee, consisting of three officials, three non-officials, two members of Parliament, and the President, New Delhi Municipal Committee as an ex-officio member, was constituted under this Act. Section 4(1)(d) of the Act provides that there shall be on the Committee two members, of Parliament to be nominated by the Speaker. It is desirable that the representatives of Parliament, instead of being nominated, should be elected by the two Houses. In order to conform to the existing convention of parliamentary representation on statutory committees is the ratio of 2:1 for the House of the People and the Council of States, the number of representatives of Parliament on the Committee is proposed to be increased from two to three. As this would raise the strength of the Committee to an even number (ten.) it is proposed to increase the non-official

representation also by one. The existing Act contains no provision for determining the tenure of members of Parliament serving on the Committee. It is, therefore, proposed to specify that the members of Parliament, elected on this Committee, shall serve on the Committee only so long as they continue to be members of Parliament. Upon the establishment of the Corporation of Delhi, the Samadhi has been transferred from the jurisdiction of the New Delhi Municipal Committee to that of the Corporation. It is, therefore, proposed that the ex-officio member of the Committee shall be the Mayor of the Corporation instead of the President of the New Delhi Municipal Committee, as at present. It is proposed to amend section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951) accordingly. - S.O.R. - Gazette of India, 11-8-1958, Pt. II, Section 2. Ext., p. 736. Amending Act 30 of 1988 :- The Rajghat Samadhi Committee constituted under the provisions of the Rajghat Samadhi Act, 1951, includes, among others, two members of Parliament from the Lok Sabha and one from the Rajya Sabha to be elected by each House from amongst its members. The Parliamentary Joint Committee on Offices of Profit had observed that since the "Samadhi" and the Samadhi funds, the members of Parliament on the Committee were liable to be disqualified under Article 11(2)(a) of the Constitution. Accordingly, it is necessary to obviate such a situation and give protection to the members of Parliament on the Committee from disqualification by making a suitable provision in the Act. Opportunity has also been taken to provide that the rules and bye-laws framed under the Rajghat Samadhi Act shall be published in the Official Gazette and laid before the Houses of Parliament in terms of the recommendations of the Committee on Subordinate Legislation of both Houses and Parliament. The Bill seeks to achieve the above objectives. Gazette of India 16-3-1988. Pt. II, Section 2. Ext., p. 3 (No. 10). [29th June, 1951] An Act to provide for the administration and control of the Rajghat Samadhi in Delhi. BE it enacted by Parliament as follows:-

1. Short title and commencement.

This Act may be called the Rajghat Samadhi Act, 1951. (2) It shall come into force on such [date] [7th June, 1952, see Notification No. S.R.O. 1018, dated 3rd June, 1952, Gazette of India, 1952, Pt. 11, Section 3, p. 894.] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

In this Act, - (a) "Committee" means the Rajghat Samadhi Committee constituted under this Act; (b) "Samadhi" means the structure built in token of reverence for Mahatma Gandhi at Rajghat on the Western bank of the Jamuna in Delhi, and includes the premises described in the Schedule with all buildings contained therein, together with all additions thereto or alterations thereof which may be made after the commencement of this Act.

3. The Rajghat Samadhi Committee.

The administration and control of the Samadhi shall be vested in a Committee constituted in the manner hereinafter provided. (2) The Committee shall by the name of "the Rajghat Samadhi Committee", be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through its Chairman.

4. Composition of the Committee.

The Committee shall consist of the following members, namely:-(a)[the Mayor of the Municipal Corporation of Delhi, ex-fficio;] [Substituted by Act 37 of 1958, Section 2, for the original clauses (a) (w.e.f. 9-3-1959)](b)three officials nominated by the Central Government;(c)[four non-officials nominated by the Central Government; [Substituted by Act 37 of 1958, Section 2, for the original clauses (c) and (d) (w.e.f. 9-3-1959).](d)three members of Parliament of whom two shall be elected from among themselves by members of the House of the People and one from among themselves by members of the Council of States.](2)The Central Government may appoint any person referred to in sub-section (1) or any other person to be the Chairman of the Committee, and if any other person is so appointed, he shall be deemed to be a member of the Committee within the meaning of sub-section (1).(3)All persons nominated by the Central Government to be members of the Committee shall hold office during the pleasure of the Central Government.(4)[The term of office of a member elected under clause (d) of sub-section (1) shall come to an end as soon as he ceases to be a member of the House from which he was elected.] [Inserted by Act 37 of 1958, Section 2 (w.e.f. 9-3-1959).](5)[It is hereby declared that the office of member of the Committee shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.] [Inserted by Act 30 of 1988, s.2.]

5. Powers and duties of the Committee.

Subject to such rules as may be made under this Act, the powers and duties of the Committee shall be--(a)to administer the affairs of the Samadhi and to keep the Samadhi in proper order and in a state of good repair;(b)to organise and regulate periodical functions at the Samadhi;(c)to do such other things as may be incidental or conducive to the efficient administration of the affairs of the Samadhi.

6. Power of Central Government to make rules.

The Central Government may, by notification in the Official Gazette, make [rules] [For Rajghat Samadhi Rules, 1952, see Gazette of India, 1952, Pt.II, Section 3, p.948.] to carry out the objects of this Act, and to regulate access to the Samadhi or to any portion thereof.

7. Power of Committee to make bye-laws.

The Committee may [,by notification in the Official Gazette,] [Inserted by Act 30 of 1988, s.3] make byelaws consistent with this Act and the rules made thereunder for all or any of the following purposes, namely:-(a)the manner in which meetings of the Committee shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings ;(b)the appointment of such persons as may be necessary to assist the Committee in the efficient performance of its duties and the terms and conditions of service of such employees ;(c)the duties and powers of the employees of the Committee;(d)the submission of accounts, returns and reports to the Committee by any of its employees.(The Schedule.) (2) All bye-laws made under this section

shall be subject to the condition of previous publication and shall not have effect until they are approved by the Central Government.

7A. [Rule and bye-laws to be laid before Parliament. [Inserted by Act 30 of 1988, s.4.]

Every rule and every bye-law made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.]

8. Validity of acts of Committee not to be questioned by reason of vacancy, etc.

No act or proceeding of the Committee shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the Committee.

THE SCHEDULE[See section 2(b)]

The Samadhi premises, admeasuring 44-35 acres, boundedThe Samadhi premises, admeasuring 44.35 acres, bounded on the north by a vacant piece of land belonging to the Delhi Improvement Trust; on the south by Power House Road; on the east by the Power House; and on the west by Bela Road.