An Act to consolidate and amend the Law relating to the Indian Museum.

Whereas it is expedient to consolidate and amend the law relating to the Indian Museum; it is hereby enacted as follows—

PRELIMINARY

1. (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 may direct.

INCORPORATION OF THE TRUSTEES

2. (1) The Trustees of the Indian Museum (hereinafter referred to as the Trustees) shall be—

(a) the Governor of West Bengal, ex officio Chairman;

(b) the Secretary to the Government of India in the Ministry concerned with matters relating to the Indian Museum, ex officio;

(c) the Mayor of the Corporation of Calcutta, ex officio;

(d) the Vice-Chancellor of the University of Calcutta, ex officio;

(e) the Accountant General, West Bengal, ex officio;

(f) four persons to be nominated by the Central Government, one of whom shall be a representative of Commerce and Industry chosen in consultation with the Government of West Bengal;

(g) one person to be nominated by the Government of West Bengal;

(h) one person to be nominated by the Council of the Asiatic Society, Calcutta;

Provided that if any of the Trustees referred to in clauses (b), (c), (d) and (e) is unable to attend any meeting of the Trustees, he may, with the previous approval of the Chairman, authorise a person in writing to do so.

(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. (1) The powers of the said body corporate may only be exercised so long and so often as there are six members.

(2) The quorum necessary for the transaction of business at a meeting of the Trustees shall not be less than four.

4. 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 of the offices specified in clauses (a) to (e) of sub-section (1) of section 2, the authority which nominated the Trustees may nominate a new Trustee in his place.

5. (Deleted by the Indian Museum (Amendment) Act 1960) XXII of 1876

6. (1) All the property, whether moveable or immoveable which at the commencement of this Act is held by the Trustees of the Indian Museum constituted by the Indian Museum Act, 1876, 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, vest 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 purpose 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 building 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. 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; and

(d) remove and destroy any article contained in any such collection.

8. (1) The Trustees may from time to time, with the previous sanction of the Central Government make bye-laws consistent with this Act and the rules made thereunder for any purpose necessary for execution of their trust.
(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws 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 Accounts-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, 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. (1) Subject to the provisions of sub-section (2), the Trustees may appoint such officers and servants as they may consider necessary or proper for the care or management of the trust-property, and determine their functions.

(2) The recruitment and the conditions of service of such officers and servants shall be regulated by rules made under this Act.

10. The Trustees shall, by such date in each financial year, as may be specified by the Central Government, submit to that Government for approval, in the form specified by that Government in consultation with the Comptroller and Auditor-General of India, the budget of the next financial year, showing the estimated receipts and expenditure during the next financial year.

10A. (1) The Trustees shall, as soon as possible after the commencement of each financial year, submit—

(a) to the Central Government within such time or date as may be specified by the Central Government, a report giving a true and full account of their activities during the previous year and an account of the activities likely to be undertaken during the current financial year;
(b) to such auditor as the Central Government may appoint 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. (1) The Trustees shall cause every article in the collections in the said Indian Museum formerly belonging to the Asiatic Society of Bengal (now known as the Asiatic Society, Calcutta) 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 & 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, delivered to the predecessors in office of the Trustees when the said collections were deposited in the said Museum.
12. 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

12A. (1) In the discharge of their functions under this Act, the Trustees shall be bound by such directions on questions of policy as the Central Government may give to them from time to time;

Provided that the Trustees shall be given an opportunity to express their views before any direction is given under the sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

13. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

14. 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 rule as it may prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purpose 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. 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.

15A. (1) The Central Government may, in consultation with the Trustees, by notification in the Official Gazette, make rules to carry 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 following matters namely—

(a) the recruitment and the conditions of service of the officers and servants of the Museum;

(b) the form and manner in which the accounts of the Museum may be maintained and the manner in which such accounts may be audited;

(c) the circumstances in which and the conditions subject to which the Trustees may assume the custody and administration of any collections referred to in section 14 and keep and preserve such collections;

(d) the conditions subject to which the Trustees may deliver possession of any property in their possession to any other person.

(3) Every rule made under this section 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 successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule 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 amendment shall be without prejudice to the validity of anything previously done under that rule.

16. 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 Repealing and Amending Act, 1914 (X of 1914), S. 3 and Sch. II.

THE SCHEDULE
(See Section 6 & 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 by the Bengal United Service Club);

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

On the east side by the premises No. 15, Kyd Street and the premises Nos. 4, 3, 2 & 1, Chowringhee Lane, together with all buildings, roads and tanks existing or erected thereon, and all casements appertaining thereto.