

ACT X OF 1910.¹

[18th March, 1910.]

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 ²date as the Governor General in Council, by notification in the Gazette of India, may direct.

Short title
and com-
mencement.

Incorporation of the Trustees.

2. (1) The Trustees of the Indian Museum (hereinafter called the Trustees) shall be—

(a) the ³[seven] persons for the time being performing the duties of the following offices, namely :—

Constitution
and incor-
poration of
the Trustees
of the Indian
Museum.

(i) the Accountant General of Bengal;

(ii) the Principal, Government School of Art, Calcutta;

(iii) the Director, Geological Survey of India;

⁴[(iv) the Director, Zoological Survey of India];

(v) the Director General of Archæology; ⁵*

⁶[(vi) the Superintendent, Archæological Section of the Museum; and]

⁷(vii) the Officer in charge of the Industrial Section of the Museum;

(b) one other person to be nominated by the Governor General in Council;

¹ For Statement of Objects and Reasons, see Gazette of India, 1909, Pt. V, p. 109; for Report of Select Committee, see *ibid.*, 1910, Pt. V, p. 65; and for Proceedings in Council, see *ibid.*, 1909, Pt. VI, p. 162, and *ibid.*, 1910, Pt. VI, pp. 91, 159 and 284, dated 26th February 1910, 19th March 1910 and 9th April 1910, respectively.

² The 1st June, 1910, see Gen. R. and O., Vol. IV, p. 67.

³ This word was substituted for the word "six" by s. 2 of the Indian Museum (Amendment) Act, 1922 (17 of 1922).

⁴ This clause was substituted by *ibid.*

⁵ The word "and" was omitted by *ibid.*

⁶ This clause was inserted by *ibid.*

⁷ Clause (vi) was re-numbered (vii) by *ibid.*

- (c) three other persons to be nominated by ¹[the Governor of Fort William in Bengal];
- (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.

Minimum
number of
Trustees and
quorum.

3. (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 a meeting of the Trustees shall not be less than six.

Power to
appoint new
Trustees.

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 office specified in section 2, clause (a),

the authority which nominated the Trustee may nominate a new Trustee in his place.

¹ These words were substituted for the words "the Lieutenant-Governor of Bengal" by s. 7, Schedule E, of the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), Ben. Code, Vol. I.

XXII of
1876.

5. From the commencement of this Act the term of office of all persons appointed to be Trustees under the Indian Museum Act, 1876, shall cease.

Vacation of
office by
existing
Trustees.

Property and powers of the Trustees.

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 :

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

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. Subject to the provisions of any bye-laws made in this behalf, the Trustees may, from time to time,—

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

- (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 British India; and
- (d) remove and destroy any article contained in any such collection:

Repealed by this Act.

Power to
Trustees
to make
bye-laws;

8. (1) The Trustees may from time to time, with the previous sanction of the Governor General in Council, 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 British 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.

Power to
Trustees to
appoint
officers and
servants.

9. 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—
 - (i) if such officer is, at the date of his appointment, in India, without the approval of the Governor General in Council, or
 - (ii) if such officer is not then in India, without the approval of the Secretary of State for India in Council; and
- (b) no new office shall be created, and no salaries of officers shall be altered, without the previous sanction of the Governor General in Council.

Duties of the Trustees.

10. (1) The Trustees shall furnish on or before the first day of December in each year—

(a) to the Government of India a report of their several proceedings for the previous financial year, and

(b) to such auditor as the Governor General in Council appoints in this behalf, accounts of all moneys expended by the Trustees during the previous financial year, supported by the necessary vouchers.

Trustees to furnish annual reports and accounts.

(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 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.

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

(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. 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.

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

Supplemental Provisions.

13. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code; 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 under the Civil Service Regulations for the time being in force would be applicable if their service was service under Government.

Officers under Act to be public servants and subject to Civil Service Regulations.

Power to Trustees to keep collections not belonging to them.

14. Notwithstanding anything hereinbefore contained, the Trustees may, if they think fit, with the previous sanction of the Governor General in Council and subject in each case to such conditions as he may approve and to such rules as he 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 His Majesty.

Power to Trustees to part with certain property in their possession.

15. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of the whole or any part of the property described in the schedule to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

Property in collections on determination of trust.

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 His Majesty.

17. [*Repeals*] *Rep. Act X of 1914, Sch. 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 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 and 1, Chowringhee Lane, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.