

THE VICTORIA MEMORIAL ACT, 1903

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ARRANGEMENT OF SECTIONS

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SECTIONS

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# THE VICTORIA MEMORIAL ACT, 1903

ACT NO. 10 OF 1903

[20th March, 1903]

An Act to provide for the erection and management of the Victoria Memorial at Calcutta.

WHEREAS it is intended to erect at Calcutta a building as a memorial of the life and Reign of Her late Majesty Victoria of the United Kingdom of Great Britain and Ireland Queen. Empress of India, and for this purpose large sums of money have been subscribed by the princes and people of India;

AND WHEREAS at a meeting of subscribers held in Calcutta certain persons were appointed a Provisional Executive Committee to take the custody of the said moneys;

AND WHEREAS it is expedient to make provision for the erection, maintenance and management of the memorial and for the appointment of a permanent body of Trustees;

It is hereby enacted as follows:—

**1. Short title.**—<sup>1</sup>(1) This Act may be called the Victoria Memorial Act, 1903; <sup>1\*\*\*</sup>

<sup>1\*</sup> \* \* \* \*

**2. Trustees.**—<sup>2</sup>[(1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following, namely:—

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

(b) the Chief Justice of the High Court of West Bengal, *ex officio* ;

(c) three persons to be nominated by the Central Government, one of whom shall be a representative of commerce and industry, chosen in consultation with the State Government of West Bengal and two others chosen from among persons who, in the opinion of the Central Government, have expert knowledge of the exhibits in the Victoria Memorial or are museologists, historians or art historians;

(d) a representative of the Central Government in the Ministry concerned with matters relating to the Victoria Memorial, *ex officio*;

(e) a representative of the Central Government in the Ministry of Finance, Department of Expenditure, concerned with matters relating to the Victoria Memorial, *ex officio*;

(f) the Mayor of the Corporation of Calcutta and where the Corporation of Calcutta is superseded, the Administrator of that Corporation, *ex officio*;

(g) an officer, not below the rank of the Accountant General, nominated by the Comptroller and Auditor General of India, *ex officio*;

(h) the Secretary to the Government of West Bengal in the Department of Education, *ex officio*;

(i) four persons (of whom one at least shall be from the general body of subscribers), to be nominated by the Trustees from among persons, who, in the opinion of the Trustees from among persons, who, in the opinion of the Victoria Memorial or are museologists, historians or art historians, with the approval of the Central Government.]

(2) The Trustees shall be a body corporate, with perpetual succession by the name of “The Trustees of the Victoria Memorial” 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.

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1. The word “and” and sub-section (2) rep. by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and the First Schedule.

2. Subs. by Act 32 of 1981, s. 2, for sub-section (1).

<sup>1</sup>[(3) All acts done by a majority by those present and voting at a meeting of the Trustees, and all acts done in pursuance of a majority decision of the Trustees obtained by circulation to the Trustees of the matter requiring decision, shall be deemed to be acts of the Trustees.]

<sup>2</sup>[(3A) If any of the Trustees referred to in clauses (b), (d), (e), (f), (g) and (h) of sub-section (1) is unable to attend any meeting of the Trustees, he may, with the previous approval of the Chairman, authorise in writing a person to do so.]

(4) No act of the Trustees shall be, deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of the body of the Trustees.

(5) In the case of *ex officio* Trustees the person for the time being performing the duties of any of the offices mentioned in sub-section (1) shall act as a Trustee.

(6) The Trustees may appoint a person to act as their Secretary.

(7) Orders for the payment of money on behalf of the Trustees shall be deemed to be sufficiently authenticated if signed by two Trustees and countersigned by the Secretary.

**3. Property vested in Trustees.**—All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether movable or immovable, which have been or may hereafter be given, bequeathed or otherwise transferred for the purposes of the said Memorial or acquired for the said purposes by the Trustees shall vest in the Trustees.

**4. Officers and servants to be public servants.**—All Officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860):

Provided that this section shall not apply to persons in the service of any contractor employed by the Trustees.

**5. Rules.**—(1) The Central Government <sup>2</sup>[by notification in the Official Gazette,] may 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—

(a) for the manner in which Trustees, other than *ex officio* Trustees, shall be appointed, and for the periods of time for which such Trustees shall hold office;

(b) for the manner in which meetings of the Trustees shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings;

<sup>3</sup>[(bb) for the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision;]

(c) for the appointment of Committees of the Trustees, and the powers of expenditure and control which may be delegated to such Committees;

(d) for the erection, maintenance and management of the Memorial, the care and custody of the objects deposited therein, and the conditions under which the public shall have access thereto;

<sup>4</sup>[(da) for the fees to be levied for admission to the Victoria Memorial;]

(e) for the form of accounts to be kept by the Trustees, and for the audit and publication of such accounts. <sup>5</sup>\*\*\*

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1. Subs. by Act 25 of 1943, s. 2, for sub-section (3) (with retrospective effect).

2. Ins. by Act 32 of 1981, s. 2.

3. Ins. by Act 25 of 1943, s. 3.

4. Ins. by Act 32 of 1981, s. 3.

5. The word 'and' omitted by s. 3 *ibid*.

6. Clause (f) omitted by s. 3 *ibid*.

<sup>1</sup>[(3) Every rule made by the Central Government 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 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 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 annulment shall be without prejudice to the validity of anything previously done under that rule.]

<sup>2</sup>**[6. Power of Trustees to make regulations.]—(1)** The Trustees may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling the body to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions and restrictions subject to which articles and things vested in the Trustees may be given on loan;

(b) the recruitment and conditions of service of the employees of the Victoria Memorial.

(3) Every regulation shall, as soon as may be, after it is made by the Trustees, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid 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 regulation or both Houses agree that the regulation should not be made, the regulation 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 regulation.]

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1. Ins. by Act 32 of 1981, s. 3.

2. Ins. by s. 4, *ibid.*