

# Victoria Memorial Hall



Act & Rules

Kolkata

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# ACT NO. X of 1903

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL  
(Received the assent of the governor general on the 20<sup>th</sup> 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 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. (1) This Act may be called the Victoria Memorial Act, 1903; and  
(2) It shall come into force at once.
2. (1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following namely: -
  - (a) the Governor General of India,
  - (b) the Lieutenant Governor of Bengal,
  - (c) the Chief Justice of Bengal,
  - (d) two persons of high rank nominated by the Governor General to represent the Chiefs and Nobles of India.
  - (e) the Secretary to the Government of India in the Foreign Department,
  - (f) the President of the Bengal Chamber of Commerce,
  - (g) the Chairman of the Corporation of Calcutta and,
  - (h) such and so many persons as shall from time to time be nominated by the Trustees with the approval of the Governor General to represent the general body of subscribers.

Short title and commencement

Trustees.

- (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.
- (3) All acts done by a majority of those present and voting at a meeting of the Trustees shall be deemed to be acts of the Trustees.
- (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. All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether moveable 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.

Property  
vested in  
Trustees

4. All officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the Indian Penal Code:

Officers and  
servants to be  
public servants.

XLV of 1860.

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

5. (1) The Governor General in Council may make rules to carry out the purposes of this Act.

Rules

(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.
- (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;
- (e) for the form of accounts to be kept by the Trustees, and for the audit and publication of such accounts; and
- (f) for the application to the officers and servants employed by the Trustees of the rules which apply to the civil servants of the Crown, or to any class of such civil servants.

## **ACT NO. XXV of 1943**

### **An Act further to amend the Victoria Memorial Act, 1903.**

Whereas it is expedient further to amend the Victoria Memorial Act, 1903 (X of 1903), for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short Title – This Act may be called the Victoria Memorial (Amendment) Act, 1943.
2. Amendment of section 2, Act X of 1903 – For sub-section (3) of section 2 of the Victoria Memorial Act, 1903 (X of 1903) (hereinafter referred to as the said Act), the following sub-section shall be substituted and shall be deemed always to have been substituted, namely: -

“(3) All Acts done by a majority of 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”.

3. Amendment of section 5, Act X of 1903 – After clause (b) of sub-section (2) of section 5 of the said Act the following clause shall be inserted, namely: -

“(b) for the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision.”

# **The Repealing and Amending Act, 1960**

NO. 58 OF 1960  
(26<sup>th</sup> December, 1960)

## **An Act to repeal certain enactments and to amend certain other enactments.**

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows: -

1. This Act may be called the Repealing and Amending Act, 1960. Short title
2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments
4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; Savings

and this Act shall not affect the validity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or discharge of or from any debt, penalty obligation, liability, claim or demand, or any indemnity already granted, or the proof or any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, from or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

5. For the removal of doubts, it is hereby declared that where this Act repeals any enactment, by which the text of any other enactment, not being a Central Act, Ordinance of Regulation, was amended by the express commission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act. Effect of repeal of amending enactment

**THE SECOND SCHEDULE**

Year 1	No. 2	Short Title 3	Amendments 4
1903	10	The Victoria Memorial Act, 1903.	<p>In sub-section (1) of Sec. 2,</p> <p>(a) in clause (d), the words ‘of high rank’ and ‘to present the Chief and Nobles of India’ shall be omitted; two persons shall be nominated by the Central Govt.</p> <p>(b) In Clause (e), for the words ‘in the Ministry of States’ the words ‘in the Ministry concerned with matters relating to the Victoria Memorial’ shall be substituted.</p> <p>(c) In clause (g), for the word ‘Chairman’ the word ‘Mayor’ shall be substituted.</p>



## VICTORIA MEMORIAL ACT (ACT NO.X OF 1903)

Passed by the Governor-General of India in Council Receiving the assent of the Governor of General on the 20<sup>th</sup> March 1903 with amendments enacted by Parliament in the Twenty-third year of the Republic of India under the Victoria Memorial (Amendment) Act. 1972.

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, 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. (1) This Act may be called the Victoria Memorial Act, 1903; and Short title and commencement  
(2) It shall come into force at once.
  
2. (1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be Trustees  
the following, namely: –
  - (a) The Minister in charge of the Ministry of the Central Government concerned with matters relating to the Victoria Memorial,
  - (b) Governor of West Bengal,
  - (c) The Chief Justice of West Bengal,
  - (d) Two persons nominated by the Central Government from among persons who, in the opinion of that Government, have expert knowledge of the exhibits in the Victoria Memorial or are Museologists, historians or art historians,
  - (e) The Secretary to the Govt. of India in the Ministry concerned with matters relating to the Victoria Memorial,
  - (f) The President of the Bengal Chamber of Commerce & Industry,
  - (g) The Mayor of the Corporation of Calcutta,

- (h) Such and so many persons as shall from time to time be nominated by the Trustees from among persons, who in the opinion of the Trustees, have expert knowledge of the exhibits in V. Memorial or are Museologists, historians or art historians with the approval of the Central Govt. to represent the general body of subscribers.
- (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 their into contracts, and to do all acts necessary for and consistent with the purposes of this Act.
- (3) All Acts done by a majority of 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.
- (4) No acts 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 persons 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. All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether moveable or immovable, which have been or may hereafter be given, bequeathed or otherwise transferred for the purpose of the said Memorial or acquired for the said purposes by the Trustees shall vest in the Trustees. Property vested in Trustees
4. All officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the Indian Penal Code: Officers & servants to be public servants
- Provided that the section shall not apply to persons in the service of any contractor employed by the Trustees.
5. (1) The Central Government 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 and for the manner in which a majority decision of the Trustees shall be obtained by circulating 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;
- (e) for the form of accounts to be kept by the Trustees, and for the audit and publication of such accounts;

and

- (f) for the application to the officers and servants employed by the Trustees of the rules which apply to the civil servants of the Crown, or to any class of such civil servants.

# **Victoria Memorial (Amendment) Act, 1981**

*Act.*

## **To amend the Victoria Memorial Act, 1903.**

Be it enacted Parliament in the Thirtieth Year of the Republic of India as follows: -

1. This Act may be called the Victoria Memorial (Amendment) Act 1981. Short title
2. In the Victoria Memorial Act, 1903 (hereinafter referred to as the principal Act), in Amendment  
of Section 2.  
Section 2 –
  - (i) for sub-section (1), the following sub-section shall be substituted, namely: -

“(1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following, namely: -

    - (a) the Governor of West Bengal, ex-officio Chairmen;
    - (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 of 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, have expert knowledge of the exhibits in the Victoria

Memorial or are museologists, historians or art historians, with the approval of the Central Government.

(ii) after sub-section (3), the following sub-section shall be inserted, namely; –

“(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 approval of the Chairman, authorise in writing a persons to do so.”

3. In Section 5 of the principal Act, –

Amendment  
of section 5.

(a) in sub-section (1), after the words “Central Government may” the words, “by notification in the official Gazette”, shall be inserted;

(b) in sub-section (2),

(i) after clause (d), the following clause shall be inserted, namely:-

“(da) the fees to be levied for admission to the Victoria Memorial;

(ii) in clause (e), the word “and” occurring at the end shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted namely: -

“(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 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”.

4. After section 5 of the principal Act, the following section shall be inserted namely.

“6. (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 there under, for enabling the body to discharge its functions under this Act.

Insertion of  
new section 6.  
power of  
Trustees make  
regulations.

(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,

House Agree in making any modification in rule or both 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 House 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 however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”

N O . 1 4 3 0  
GOVERNMENT OF INDIA, HOME DEPARTMENT  
PUBLIC  
*Calcutta, the 26<sup>th</sup> March 1903*

**NOTIFICATION**

In exercise of the power conferred by section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Governor General in council is pleased to make the following rules: -

***TRUSTEES: TERM OF OFFICE***

1. A Trustee appointed under the Victoria Memorial Act, 1903, section 2, sub-section (1), clause (d) or clause (h), shall, subject to the provisions of Rues 2 and 3, hold office for five years and shall be capable of re-appointment.
2. If a Trustee appointed as aforesaid leaves India without the intention of returning, he shall thereupon cease to be a Trustee.
3. If a Trustee as aforesaid gives notice in writing to the Trustees that he desires to resign his office, the Trustees shall cause such notice to be recorded in their proceedings, and the person so giving notice shall thereupon cease to be a Trustee.

***MEETINGS***

4. Meetings of the Trustees shall be convened by the Governor General.
5. The quorum necessary for the transaction of business at a meeting of the Trustees shall be five.
6. The Governor General, or in his absence the Lieutenant-Governor of Bengal shall preside at meetings of the Trustees. In the absence of both the Governor General and the Lieutenant-Governor, the Trustees present shall elect one of their member to preside.
7. The President at any meeting of the Trustees shall have a deliberative and also a casting vote.

***COMMITTEES***

8. There shall be a Building Committee consisting of the Lieutenant-Governor of Bengal, the President of the Bengal Chamber of Commerce, the Chairman of the Corporation of Calcutta, and two or more Trustees to be chosen by the Trustees.

9. The Lieutenant-Governor of Bengal, or in his absence a Member of the Building Committee authorized by him, shall convene and preside at meetings of the Building Committee, and the Lieutenant-Governor or the member presiding at any such meeting shall have a deliberative and also a casting vote.
10. The Trustees may, if they think fit, authorize the Building Committee to open a banking account, any may pay to such account such sums of money as they may from time to time think necessary for the purpose of erecting the Victoria Memorial. Cheques drawn on such account by order of the Building Committee shall be signed by two members of the said Committee.
11. On the 31<sup>st</sup> day of December in each year the Building Committee shall present a Report of its proceedings to the Trustees, and the Trustees shall cause the Report or summary thereof to be published for general information.

#### *ACCOUNTS*

12. The Trustees shall keep accounts of all moneys received and expended by them, including any moneys paid to and expended by the Building Committee and shall cause such accounts to be audited annually by a chartered accountant practising in Calcutta, and an abstract of such accounts, together with the auditor's certificate thereon, shall be published for general information.

H. H. RISLEY,  
*Offg. Secy. to the Govt. of India*

Copy forwarded to the Government of Bengal for guidance.

Copy forwarded to the Legislative Department for information.

By Order  
W.S. MARRIS  
*Under Secy. to the Govt. of India*



N O . 3 1 5 0  
HOME DEPARTMENT  
PUBLIC  
*Calcutta, the 11<sup>th</sup> December 1907*

**NOTIFICATION**

In exercise of the power conferred by section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Governor General in Council is pleased to direct that for rules 8 to 11 of the rules published with Home Department Notification No. 1430, dated the 26<sup>th</sup> March 1903, the following shall be substituted, namely: –

8. The Trustees, by resolution passed by a majority of those present and voting at a meeting, may from time to time appoint committees, to consist of any member or members of their body, for carrying out the purposes of the Act, and may delegate any of their powers, either with or without restriction or limitation, to such committees, and may revoke any such appointment or extend, vary modify or annul any delegation made or any restriction or limitation imposed.
9. The Trustees may, from time to time, by resolution passed in the manner mentioned in the last preceding rule, make such regulations and give such directions as to the Trustees may seem expedient regarding –
  - (a) the exercise by any committees appointed by the Trustees in pursuance of these rules of the powers delegated to such committees;
  - (b) the conduct of business entrusted to any such committees;
  - (c) the appointment by such committees of any sub-committee to consist of any member or members of their own body, for the purpose of conducting or facilitating the conduct of business entrusted to such committees;
  - (d) the employment by such committees of professional or other expert persons to advise or assist such committees upon any question arising in connection with the exercise of the powers delegated to such committees and the terms and conditions of such employment;
  - (e) the holding of meetings by any committees appointed by the Trustees in pursuance of these rules;

- (f) the procedure to be observed in the convening and holding of meeting of any committees so appointed;
  - (g) the conduct of business at such meetings;
  - (h) the management, investment or expenditure of funds, and the keeping and rendering of accounts by any committees appointed by the Trustees in pursuance of these rules;
  - (i) the making of reports by any committees so appointed and
  - (j) all matters in respect of which any powers shall be delegated or vested in any such committees.
10. All committees appointed by the Trustees in pursuance of these rules shall in the exercise of the powers delegated and in the conduct of matters entrusted to them and in their proceedings conform to the regulations made and directions given by the Trustees in the manner aforesaid.
11. No delegation made to any committee in pursuance to these rules shall operate to prevent the Trustees from acting in the exercise of any power so delegated.

H. H. RISLEY,  
*Offg. Secy. to the Govt. of India*

N O . 3 2 3 9  
GOVERNMENT OF INDIA, HOME DEPARTMENT  
(PUBLIC)  
*Simla, the 25<sup>th</sup> August 1909*

**NOTIFICATION**

In exercise of the power conferred by section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Governor General in Council is pleased to direct that the following rule shall be added to the rules published in the Home Department Notification No. 1430, dated 26<sup>th</sup> March 1903 and subsequently amended by the Home Department Notification No. 3150, dated the 11<sup>th</sup> December 1907: –

**‘INVESTMENT OF THE VICTORIA MEMORIAL FUND’**

13. “The Trustees are authorised to retain or place on deposit with the Bank of Bengal or any other bank approved by the Governor General in Council all or any part of the funds in their custody for the purposes of the Victoria Memorial Act, 1903, and to make such arrangements as to interest or otherwise as to them shall seem fit in their absolute discretion”

Sd / H. A. STUART,  
*Secretary to the Government of India*

N O . F . 1 1 0 2 - P u b l i c  
G O V E R N M E N T O F I N D I A , H O M E D E P A R T M E N T  
*Simla, the 24<sup>th</sup> October 1922*

**N O T I F I C A T I O N**

In exercise of the powers conferred by Section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Governor-General in Council is pleased to direct that the following rule shall be added to the rules published in the Home Department Notification No. 1430, dated the 26<sup>th</sup> March, 1903: –

14. “(1) The Rules for the time being in force under sub-section (2), sub-section 3, and sub-section 4 of Section 96B of the Government of India Act for regulating the conditions on which leave, pensions, and gratuities may be granted to persons in the Civil Service of the Crown in India shall, in so far as the same may be applicable, apply to the permanent officers and servants of the Trustees, in respect of their service under the Trustees.

Grant of leave, pension or gratuity, etc., to the permanent officers and servants of the Victoria Memorial Trust.

- (2) In the Rules as so applied all references to the Local Government or “Government” shall be construed as referring to the Trustees.”

H. TONKINSON,  
Joint Secretary to the Government of India

N O . F . 3 4 5 / 1 8 / 3 6

HOME DEPARTMENT

PUBLIC

*Simla, the 29<sup>th</sup> April 1937*

## NOTIFICATION

In exercise of the powers conferred by section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Central Government is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Home Department, NO. 1430, dated the 26<sup>th</sup> March 1903, namely: –

- (1) In rule 6 of said Rules, the word “Lieutenant” shall be omitted at both places where it occurs.
- (2) In rule 14 of the said Rules –
  - (a) In sub-rule (1) –
    - (i) the words, figures, brackets and letter “under sub-section (2), sub-section (3), and sub-section (4) of section 96B of the Government of India Act” shall be omitted;
    - (ii) after the words “in India” the words “serving in connection with the affairs of the Province of Bengal” shall be added;
  - (b) in sub-rule (2) for the words “Local Government” the words “Provincial Government” shall be substituted.

J. A. THORNE,  
Joint Secretary to the Government of India

**NO. 65/2/43 – Pub (C)**

*Dated 24<sup>th</sup> May 1945*

### **NOTIFICATION**

In exercise of the powers conferred by Section 5 of the Victoria Memorial Act, 1903 (X of 1903) the Central Government is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Home Department No. 1430 dated the 26<sup>th</sup> March 1903 namely: –

After rule 7 of the said Rules the following heading and rule shall be inserted namely: –

#### **DECISION OF TRUSTEES BY CIRCULATION**

- 7 (A) (1) The Governor General or if he so desires whether generally or in a class of cases the Governor shall decide whether the decision of Trustees on any matter should be obtained by circulation.
- (2) In Pursuance of such decision the Secretary and Curator shall circulate to the Trustees in such order as he may consider appropriate but, always so that it reaches the Governor-General last the matter requiring decision with such papers notes or memoranda as may be necessary to the proper understanding thereof.
- (3) Each Trustee shall record on the memorandum of circulation his views on such matter and shall pass the memorandum on to the next Trustee on the list with the least possible delay.
- (4) The Governor General shall have in the determination of a decision by circulation a deliberative and casting vote.

*SD/- C. G. PANT,  
Deputy Secretary*

NO. F. 12 - 3 / 50 - AI(C)  
GOVERNMENT OF INDIA, MINISTRY OF EDUCATION  
NEW DELHI 3,  
*the 7<sup>th</sup> March 1950*

**NOTIFICATION**

In exercise of the powers conferred by Section 5 of the Victoria Memorial Act, 1903, (X of 1903) the Central Government is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department No. 1430 dated the 26<sup>th</sup> March, 1903, namely: –

In the said Rules, for the words ‘Governor General’ wherever they occur the word ‘President’ shall be substituted.

SD/- P. N. KIRPAL  
*Deputy Secretary*

Copy forwarded to the Secretary and Curator, Victoria Memorial, Calcutta, with reference to his letter No. 840 dated the 31<sup>st</sup> January 1950.

## VICTORIA MEMORIAL, CALCUTTA

Rules framed by the Central Government in exercise of the power conferred by Section 5 of the Victoria Memorial Act (Act. X of 1903) with amendments under Victoria Memorial Amendment Act, 1972 as published in the Gazette of India, Part II, Section 3, Subsection (i) on the 19<sup>th</sup> January 1974 and the 25<sup>th</sup> January 1975 under the head Victoria Memorial (Second Amendment) Rules, 1973 (vide Notification G.S.R. No. 46 and G.S.R. No. 112).

Trustees: Term of office 1. Trustee appointed under the Victoria Memorial Act, 1903, Section 2, Sub-section 1, Clause (d) and (h) shall, subject to the provisions of Rules 2 and 3, hold office for 3 years and shall be capable of re-appointment.

2. If a Trustee appointed as aforesaid leaves India without the intention of returning or being absent from India for a period exceeding twelve consecutive months, he shall thereupon cease to be a Trustee.

3. If a Trustee appointed as aforesaid gives notice in writing to the Trustees that he desires to resign his office, the Trustees shall cause such notice to be recorded in their proceedings, and the person so giving notice shall therefore cease to be a Trustee.

Meetings 4. Meetings of the Trustees shall be convened by the Governor of West Bengal.

5. The quorum necessary for the transaction of business at a meeting of the trustees shall be five.

6. The Governor of West Bengal shall preside at meetings of the Trustees and in his absence the Trustees present shall elect one from among themselves to preside.

7. The Governor of West Bengal or in his absence the Trustee elected to preside under rule 6 shall have a deliberative and casting vote at a meeting of the Trustees.



Decision of Trustees by circulation.

\*7. (1) The Governor of West Bengal shall decide whether the decision of the Trustees on any matter should be obtained by circulation.

(2) In pursuance of such decision the Secretary & Curator shall circulate to the Trustees in such order as he may consider appropriate, but always so that it reaches the Governor of West Bengal last the matter requiring decision with such paper, notes or memorandum as may be necessary to the proper understanding thereof.

(3) Each Trustee shall record on the Memorandum of circulation his views on such matter and shall pass the Memorandum on to the next Trustee on the list with the least possible delay.

(4) The Governor of West Bengal shall have in the determination of a decision by circulation a deliberative and a casting vote.

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\* The rule "refers solely to decisions of the Trustees and not to decisions of the Committee or committees formed by the Trustees in exercise of the powers conferred on them by rule 9 of the existing Victoria Memorial rules". No. 65/3/43-Pub., Govt. of India, Home Deptt., 26<sup>th</sup> June 1944.

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8. The Trustees by resolution passed by a majority of those present and voting at a meeting, may from time to time appoint Committees, to consist of any member or members of their body, for carrying out the purposes of the Act, and may delegate any of their powers, either with or without restriction or limitation, to such Committees, and may revoke any such appointment or extend, vary, modify or annul any delegation made or any restriction or limitation imposed.

9. The Trustees may, from time to time, by resolution passed in the manner mentioned in the last preceding rule, make such regulations and give such directions as to the Trustees may seem expedient regarding –

(a) The exercise by any Committees appointed by the Trustees in pursuance of these rules of the powers delegated to such Committees;

- (b) the conduct of business entrusted to any such Committees;
  - (c) the appointment by such Committees of any sub-committees to consist of any member or members of their own body, for the purpose of conducting or facilitating the conduct of the business entrusted to such Committees;
  - (d) the employment by such Committees of professional or other expert persons to advise or assist such Committees upon any question arising in connection with the exercise of the powers delegated to such Committees and the terms and conditions of such employment;
  - (e) the holding of meetings by and Committees appointed by the Trustees in pursuance of these rules;
  - (f) the procedure to be observed in the convening and holding of meeting of any Committees so appointed;
  - (g) the conduct of business at such meetings;
  - (h) the management, investment or expenditure of funds, and the keeping and handling of accounts by any Committees appointed by the Trustees in pursuance of these rules;
  - (i) the making of reports by any Committees so appointed and
  - (j) all matters in respect of which any powers shall be delegated to or vested in any such Committees.
10. All Committees appointed by the Trustee in pursuance of these rules shall in the exercise of the powers delegated and in the conduct of matters entrusted to them and in their proceedings conform to the regulations made and directions given by the Trustees in manner aforesaid.
11. No delegation made to any committee in pursuance of these rules shall operate to prevent the Trustees from acting in the exercise of any power so delegated.

Accounts

12. The Trustees shall keep accounts of all moneys received and expended by the Executive Committee and shall cause such accounts to be audited annually by a Chartered Accountant practising in Calcutta, and an abstract of such accounts, together with the auditors' certificate thereon, shall be published for general information.
13. The Trustees are authorised to retain or place on deposit with the State Bank of India or other Nationalised Banks or Unit Trust of India and invest in Central Government securities all or any part of the funds in their custody for the purposes of the Victoria Memorial Act, 1903, and to make such arrangements as to interest or otherwise as to them shall seem fit in their absolute discretion.

Explanation: For the purposes of this rule, "Nationalised Bank" means a corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).

14. (1) The Employees of the Trustees shall be entitled to such pension (including family pension), gratuity, children's education allowance, leave and leave travel concession as may be admissible from time to time to the corresponding categories of the employees of the Central Government.

(No. F. 13-10/74-CAI(5))

- (2) In the rules as so applied all references to the Provincial Government and 'Government' shall be constructed "referring to the Trustees".

Maintenance

15. Without prejudice to the right of the Trustees to receive recurring or non-recurring grants from any State Government or other sources for specific purposes, the Trustees shall, out of grants, recurring or non-recurring, received from the Govt. of India, be responsible for –
  - (a) the proper maintenance of the building and its environs through necessary repairs and
  - (b) the sanction and payment of salaries, and all admissible allowances of the employees of the Victoria Memorial.

16. With the previous sanction of the Central Govt. and subject to such conditions as may be imposed by it in this behalf, the Trustees may create such posts as may be necessary for the care or maintenance of the Museum and may fix or alter the scales of pay of such post and re-classify such posts.
- Care and Custody of the Museum objects.
17. (i) The Trustees may receive bequests, donations, subscription and acquire any such objects of interest being paintings, busts, medals, statues, relics, coins, medals, pictures, engravings, documents, maps, plans, models, manuscripts and other property or objects as may have bearing on the Indian history with regard to such period as may be, with the previous approval of the Central Govt. determined by the Trustees, hold the same and lay out such money as it may deem necessary for purposes of the Victoria Memorial in the improvement and enlargement of the collections deposited therein, presented to, or purchased for the Memorial.
- (ii) All Collections referred to in sub rule (i) shall become the property of the Trustees and they shall have the exclusive possession, occupation and control over them for the purposes of the Trust of the said Memorial.
18. (i) The Trustees may, from time to time, order any duplicates of printed books, medals, coins and other curiosities to be exchanged for manuscripts, books, and other objects of interest, or direct any such duplicate to be sold and the proceeds of such duplicates to be sold and the proceeds of such sale shall be expended on the purchase of manuscripts, books, maps, coins, medals, and other objects that may be proper for other objects that may be proper for the Victoria Memorial.
- (ii) Every article in the collection shall be marked and numbered and shall be kept and preserved in the said Memorial with such marks and numbers and inventory of such articles both on display in the galleries and preserved in the stores, shall be prepared and kept in the custody of the Trustees.

- (iii) The Trustees may, as they deem fit, display objects in the collection of the said Memorial.
- (iv) The Trustees shall arrange for the proper preservation of the objects with the aid of properly equipped Conservation Unit set up under their authority.

Access to Victoria Memorial.

19. Admission to the Victoria Memorial shall be subject to purchase of tickets at the rates given below: –

- (a) 30 paise for each adult visitor on all days except Fridays;
- (b) 15 paise for each child visitor aged between 5 and 12 years on all days except Fridays;
- (c) On Fridays, 50 paise for each adult visitor and 25 paise for each child visitor aged between 5 and 12 years;
- (d) School-children escorted by teachers and Jawans in uniforms shall be admitted at the concessional rate of 15 paise per visitor on all days except Fridays at the rate of 25 paise per visitor;
- (e) Children under age of 14 years shall be admitted only when under charge of responsible person and persons.
- (f) Children below the age of 5 years shall be admitted free only when under charge of responsible person or persons.

No. F.12-8/72-CAI (5)

## VICTORIA MEMORIAL, CALCUTTA

Powers delegated to the Executive Committee by Resolutions and Regulations adopted and sanctioned by the Trustees at their meeting held on February 26, 1909 with amendments thereof in pursuance of Resolutions of the 28<sup>th</sup> and 48<sup>th</sup> Meetings of the Trustees held respectively on March, 31, 1913 and March 28, 1930 and Government of India Notification No. F.12-3/50-AI(C) dated 07.03.1950.

### **POWERS**

- (1) The power to act as the executive body of the Trustees conducting, superintending or having charge of all matters and works in or in connection with the erection of the Victoria Memorial, and to do and perform all such acts, matters and things consistent with the Victoria Memorial Act, 1903, as shall be requisite or expedient for the purpose of erecting the Victoria Memorial, and to exercise all such powers of the Trustees as shall be necessary for or auxiliary or incidental to such purpose.
- (2) The power to conduct all correspondence between the Trustees and the Architect of the Victoria Memorial in relation to all such matters and questions as pertain to or arise in connection with the foundations and superstructure of the Victoria Memorial and the plans, specifications and quantities prepared or to be prepared in respect thereof or the revision of such plans, specifications and quantities and to decide upon, settle, adjust and dispose of all such matters and questions.
- (3) The power to consider, settle, adjust and dispose of all matters and questions pending or that may arise between the Trustees and the Architect touching or concerning his duties and remuneration and the rights and obligations of the Trustees and the Architect respectively and from time to time to enter into any agreement or agreements with the Architect in reference to such matters and questions or any of them and to refer to arbitration any dispute or question in any way arising out of or connected with any agreement made or hereafter to be made between the Trustees and the Architect or his representative.
- (4) The power to do and perform all such acts matters and things as shall by this Committee be deemed requisite or expedient in or in connection with or incidental to the completion or strengthening of the foundations of the Victoria Memorial or the rectification of any defects in such foundations, and in or towards the exercise of the power in this behalf to call for tenders in respect of any works and to accept or reject any tenders received for such work or any part thereof to arrange approve and conclude the terms and conditions of any contract or contracts in respect or such works or any part thereof with any

contractor or contractors to affix the seal of the Trustees to any such contract or contracts and to rescind or vary any such contract or contracts.

- (5) The power to issue advertisements or otherwise call for tenders for the work in the erection of the superstructure of the Victoria Memorial and of supplying to the Trustees at Calcutta and working all such marble and other material as may from time to time be required in the erection of the Memorial to accept or reject any tenders made to arrange and conclude the terms of contract with any contractor or contractors for the whole or any part of such works; to affix the seal of the Trustees to any contract or contracts for such works or any part thereof and to rescind or vary any such contract or contracts.
- (6) The power to arrange and conclude the terms of a concession to be obtained from His Highness the Maharajah Bahadur of Jodhpur granting to the Trustees the necessary license an authority to win work and get from premises at or near Makrana all such marble as may be required in the erection of the Memorial to approve the form and provisions of the instrument of concession and to affix the seal of the Trustees to such instrument.
- (7) The power to open a banking account or accounts and to pay to account such sums of money as the Committee from time to time think necessary for the completion of the Victoria Memorial and for the management, upkeep and repair of the Memorial and of the grounds, gardens, and appurtenances of the Memorial, and with power at the discretion of the Committee to close any such banking account and transfer any balance to the Trustees Account and with power to re-open an such banking account. The Committee shall also have power to operate upon the banking account of the Trustees and to draw money direct from the Trustees' Account for all or any of the purposes aforesaid instead of paying such moneys to any separate account.
- (8) The power to apply and expend all such funds or moneys as from time to time it shall become necessary to apply or expend for any purpose or purposes in the exercise of the powers hereby delegated to the Committee.
- (9) The power to employ from time to time any professional or expert person or persons to advise or assist this Committee upon or in relation to any question or matter of necessity or expediency suggested or arising in or in connection with or during the exercise by this Committee of any of the powers delegated and to arrange and conclude the terms and conditions of such employment.
- (10) The power to appoint such officers, agents, clerks and servants as this Committee may from time to time think fit to determine their duties and fix their salaries or emoluments;

and at the discretion of this Committee to suspend or dismiss any person or persons so appointed.

- (11) The power to exercise all or any other powers which the Trustees may hereafter from time to time delegate to this Committee.
- (12) Provided always that this Committee shall not in the exercise of the powers hereby delegated conclude any contract or contracts for any amount or aggregate amount exceeding Rs. 5,00,000.00 (5 lakhs) with any contractor or contractors for the whole or any part of the work in the erection of the Superstructure of the Memorial or the supply of marble to the Trustees without first obtaining the approval and sanction of the Trustees thereof and thereto.
- (13) And this Committee shall in the exercise of the powers hereby delegated at all times conform to such further restrictions and limitations and directions as may from time to time be imposed or given by the Trustees and to such regulations in regard to the holding of meetings by the Committee the procedure to be observed in convening and holding such meetings the conduct of business thereat the making of reports by the Committee to the Trustees and to such other matters as to the Trustees may from time to time seem requisite or expedient.
- (14) That this Committee shall provide for the safe custody of the seal of the Trustees of the Victoria Memorial and the seal shall never be used except by the authority of this Committee previously given and in the presence of two members of this Committee at the least who shall sign every instrument to which the seal is affixed.
- (15) Provided also that no delegation by the Trustees to this Committee or any extension thereof shall operate to prevent the Trustees from acting in the exercise of any of the powers delegated.

### **REGULATIONS**

- (1) Unless and until it shall be otherwise determined by the Executive Committee the Secretary to the Trustees of the Victoria Memorial for the time being shall be ex-officio the Secretary to the Executive Committee.
- (2) Whenever any question or matter shall be specially referred by the President of India or by the Trustees to the Committee for consideration or action the Secretary shall thereupon convene a meeting of the Committee for the consideration of the question or matter so referred and the Committee shall at such meeting consider such question or take action upon such matter and thereafter with all convenient despatch report the result



of their consideration upon such question or their action is such matter to the President of India or the Trustees as the case may be.

- (3) Save in respect of any question or matter as is referred to in Regulation 2 the Committee may meet at any meeting whatsoever and adjourn when and as they think fit and any member of the Committee may at any time convene a meeting of the Committee.
- (4) Save as aforesaid it shall not be obligatory for the Committee to hold formal meetings and a resolution in writing which is signed by all the members of the Committee for the time being present in Calcutta shall have the same effect and be of the same validity as if it had been passed by a quorum of members at a formal meeting.
- (5) The Governor of West Bengal for the time being shall preside as Chairman at every meeting of the Committee. If such Chairman is not present within 15 minutes and after the time appointed for any meeting the members of the Committee present shall choose one of their member to be Chairman of such meeting.
- (6) Three members shall be a quorum for the transaction of business at any meeting of the Committee and a meeting at which a quorum is present shall be competent to exercise all or any of the powers by or under these Regulations conferred upon the Committee.
- (7) Every member of the Committee shall at any meeting have one vote and any question of matter referred to or arising at any meeting of the Committee shall be determined by a majority of votes. In case of an equality of votes at any meeting of the Committee the Chairman shall be entitled to a second or casting vote.
- (8) Minutes of all proceedings held and resolutions passed at meetings of the Committee shall be recorded in a book to be from time to time provided for the purpose and the minutes of a meeting shall be signed by the Chairman of such meeting.
- (9) The Committee shall once in every year present to the Trustees in meeting a report of their proceedings during the preceding twelve months accompanied by copies of the minutes of all meetings of the Committee held and an audited account of all the income and expenditure of the Funds of the Trustees during such period in accordance with Regulation No. 11 below.
- (10) All cheques drawn by or by the direction of the Committee upon any existing or future banking account or accounts opened or to be opened or re-opened under the Powers conferred on the Committee and also all cheques drawn by or by the direction of the Committee upon the Trustees banking account under the Powers aforesaid shall be signed by two members of the Committee.

(11) The Committee shall keep accounts of the funds of the Victoria Memorial and of all receipts and expenditure in every year in connection with the Memorial and the upkeep thereof. In the event of any separate Banking Account being kept or opened by the Committee the Annual account shall give particulars of such separate banking account or if the Auditors so recommend separate accounts shall again be kept in respect of the separate Banking account. It shall not be necessary to show in any Annual accounts the particulars of expenditure in previous years either by the Trustees or by the Committee but the Annual account may contain any such particulars or any summary thereof if the Committee or the Auditors shall consider it desirable. All the accounts shall be audited annually by a Chartered Accountant or a firm of Chartered Accountants or some member of such firm, who shall be appointed by the Committee. Such Annual accounts as modified by this Regulation shall be with the financial year 1930-31.

# The Gazette of India

PUBLISHED BY AUTHORITY

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(Separate paging is given to this Part in order that it may be filled as a separate Compilation)

## [PART III – SECTION 4]

[Miscellaneous Notifications including Notifications, Orders, Advertisement and Notices issued by Statutory Bodies]

MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF CULTURE,  
New Delhi

No. F. 13-8/81-CH.5 G.S.R. – In exercise of the powers conferred by sub-section (1) of Section 6 of the Victoria Memorial Act, 1903 (10 of 1903), the Trustees with the previous approval of the Central Government hereby make the following regulations, namely: –

**1. Short Title and Commencement: –**

- (1) These regulations may be called the Victoria Memorial Service Regulations, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions: – In these regulations, unless the context otherwise requires, –**

- (1) “Act” means the Victoria Memorial Act, 1903 (10 of 1903);
- (2) “Government” means the Central Government;
- (3) “Memorial” means the Victoria Memorial, Calcutta;
- (4) “Trustees” means the Board of Trustees of the Victoria Memorial, Calcutta, constituted under Section 2 of the Act.

**3. Classification of Posts and Scales of Pay: – The Classification of posts under the Memorial and the scale of pay attached thereto shall be as specified below: –**

- (i) Class I: Posts carrying a pay or a scale of pay with a maximum of not less than Rs. 1300/- (pre-revised)
- (ii) Class II: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 1300/- but not less than Rs. 900/- (pre-revised)
- (iii) Class III: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 900/- but not less than Rs. 260/- (pre-revised)
- (iv) Class IV: Posts carrying a pay or a scale of pay with a maximum of less than Rs. 260/- (pre-revised)

**4. Creation of Posts: –**

The Trustees may, with the previous sanction of the Government, and subject to such conditions as it may impose, create such posts as may be necessary for the care or maintenance of the Memorial, fix or alter the scales of pay attached to such posts and re-classify such posts.

**5. Appointment: –**

- (1) Subject to such qualifications and other requirements as may be prescribed by the Trustees of the Memorial, with the approval of the Central Government, recruitment to all posts in the Memorial shall be made by: –
  - (a) direct recruitment by advertisement or through the Employment Exchange or both, or;
  - (b) promotion; or
  - (c) transfer on loan or otherwise from museums under the Central Government or museums aided by the Central Government or statutory bodies carrying out such activities as carried out by the memorials / museums.

Provided that nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, the Scheduled Tribes and other special categories of the persons in accordance with the orders issued by the Central Government from time to time in this regard.

(2) Appointments to all posts shall be made on the recommendation of a Selection Committee consisting of: –

(a) (In the cast of Class 1 posts): –

- (i) Chairman Executive Committee of the Trustees;
- (ii) two members nominated by the Trustees from among themselves;
- (iii) Secretary and Curator, Victoria Memorial;
- (iv) one expert in the branch of knowledge to which the post pertains to be nominated by the Trustees;
- (v) a representative or nominee of the Government of India from Ministry / Department dealing with the matters relating to the Victoria Memorial.

(b) (In the case of Class II and Class III posts): –

- (i) a member nominated by the Trustees from among themselves;
- (ii) an expert in the branch of knowledge to which the post pertains to be nominated by the Trustees;
- (iii) Secretary and Curator, Victoria Memorial; and
- (iv) a representative / nominee of the Government of India in the Department / Ministry dealing with the matters relating to Memorial.

(c) (In case of Class IV posts): –

- (i) Secretary and Curator of the Memorial; and
- (ii) a senior Class I officer of the Memorial.

(3) The Trustees shall be the appointing authority for all Class I posts and the Secretary and Curator of the Memorial shall be the appointing authority for other lower classes of posts.

(4) Recruitment to all posts in the Memorial shall be made subject to the production of a medical certificate of physical fitness as laid down in Appendix I to these regulations and subject to verification of character and antecedents of the persons concerned, except in such cases where the Trustees consider for reasons to be recorded in writing if any relaxation in physical standards of fitness is necessary.

**6. Probation: –**

- (1) Every person appointed to a post in the Memorial after the commencement of these regulations, whether by promotion or by direct recruitment, shall be on probation for a period of one year.

Provided that the appointing authority may, for reasons to be recorded in writing extend the period of probation of an employee upto a period not exceeding two years.

- (2) A probationer who in the opinion of the appointing authority is found fit for holding the post to which he / she is appointed shall be confirmed on completion of the period of probation.
- (3) A probationer who in the opinion of the appointing authority is found unfit for holding the post to which he / she was appointed shall be discharged if he / she is a direct recruit or be reverted to his / her substantive post if he / she is a promotee.

**7. Termination of Service: –**

- (1) The services of a temporary employee may, at any time, be terminated by the appointing authority, without assigning any reason, after giving a notice of not less than one month in writing or one month's pay and allowances in lieu of such notice and where such notice falls short of one month, by giving pay and allowances for the period by which it falls short of one month.
- (2) Without prejudice to the provisions of sub-regulation (1), the services of a temporary employee may be terminated without notice –
- (i) if his / her appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created; or
  - (ii) if his / her appointment is made for a specified period, on the expiry of such period.
- (3) The services of a probationer may be terminated or he / she may be reverted to a lower post by an order as the case may be and no formal proceedings under sub-regulation (5) of regulation 12 shall be necessary.
- (4) The services of a permanent employee may, if the post to which he / she is substantively appointed is abolished, be terminated by the Trustees by giving him or her notice of not less than three months in writing, or three months' pay and

allowances in lieu of such notice, and pay and allowances for such period by which the notice falls short of three months.

- (5) An employee who is given notice of termination of service under sub-regulation (1) or sub-regulations (3), may be granted during the period of notice such earned leave exceeding the period of notice as may be admissible to him / her and where leave is so granted his / her services shall stand terminated on the expiry of the period of notice or of leave whichever is later.
- (6) An employee may offer to resign from the service of the Memorial by giving at least three months notice where he or she is a permanent employee and one month's notice where he or she is a probationer or a temporary employee.

**8. Retirement: –**

- (1) (a) Except as otherwise provided in this regulation, every employee of the Memorial other than a Class IV employee shall retire on the last day of the month he / she attains the age of 58 years.

- (b) With the sanction of the Trustees an employee to whom clause (a) applies may on grounds of public interest to be recorded in writing, be granted extension of service beyond the last day of the month he / she attains the age of 58 years.

Provided that no extension under this clause shall be granted beyond 60 years of age and such an extension shall not be granted for any period exceeding one year at a time.

- (2) Notwithstanding anything contained in sub-regulation (1), the Trustees may, if they are of opinion that it is in the public interest so to do, retire an employee to whom clause (a) of sub-regulation (1) applies after he / she has attained the age of 55 years by giving him / her notice of not less than 3 months in writing or three months pay and allowances in lieu of such notice.

- (3) Any employee to whom clause (a) of sub-regulation (1) applies may by giving notice of not less than three months in writing to the Trustees, retire from service after he / she has attained the age of 55 years.

Provided that it shall be open to the Trustees to withhold such permission to an employee under suspension who seeks to retire under this sub-regulation.

- (4) Every Class IV employee shall retire on the last day of the month he / she attains the age of 60 years.

**9. Re-Employment: –**

Where the Trustees are of the opinion that it is necessary so to do in the public interest, or in the interest of the Memorial, they may, subject to such terms and conditions as they may determine, re-employ a person who has retired under regulation 8.

Provided that no re-employment under this regulation shall be made after a person belonging to Class I, II and III post has attained the age of sixty years and sixty-two years to a person belonging to Class IV post.

**10. Provident Fund: –**

For the benefit of the employees there shall be a General Provident Fund to be governed by the Victoria Memorial Hall such as General Provident Fund Regulations, 1972 as amended from time to time.

**11. Retiring and other benefits: –**

(1) The regulations for the time being in force for regulating the conditions on which Pension including Family Pension, Gratuity, Children's Educational Allowance, Leave Travelling Allowance, Leave Travel Concession and Medical benefits as admissible to the employees of the Central Government, shall apply to the employees of the Memorial from time to time.

Provided that the Medical benefits shall be admissible subject to such conditions and restrictions as may be imposed by the Trustees from time to time.

(2) The following categories of employees shall be provided with such uniform as the Trustees may prescribe from time to time, for use by the employees while they are on duty: –

(a) All Class IV staff.

(b) Driver and Carpenter.

**12. Suspension and Penalties: –**

(1) An employee may be dismissed or removed from service or reduced in rank on the ground of conduct which has led to his / her conviction on a criminal charge.

(2) (a) The appointing authority or any authority to which it is subordinate or disciplinary authority empowered in that behalf by the Board of Trustees may place an employee under suspension: –



- (i) Where a disciplinary proceeding against him / her is contemplated or is pending; or
  - (ii) Where a case against him / her in respect of any criminal offence is under investigation, inquiry or trial.
- (b) An employee shall be deemed to have been placed under suspension by an order of the appointing authority or any authority to which it is subordinate or disciplinary authority empowered in that behalf by the Board of Trustees: –
- (i) With effect from the date of detention if he / she is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours;
  - (ii) With effect from the date of conviction for an offence if he / she is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsorily retired consequent on such conviction.
- (c) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the appointing authority or any other authority to which appointing authority is subordinate.
- (3) An employee placed under suspension shall be entitled to a payment of subsistence allowance at such rate not exceeding one-half of his / her pay on the date of suspension plus usual allowances admissible on the date of suspension.

Provided that such payment shall be subject to deductions subject to a maximum of one half of the total amount of subsistence allowance every month on account of Income-Tax, house rent, charges for electricity etc., recovery of loans and advances, over payment made to him / her by the Memorial and loss caused to the Memorial for which he / she has been held responsible.

- (4) The following penalties may, for good and sufficient reasons and as hereunder provided, be imposed on an employee: –
- (i) Censure;
  - (ii) Withholding of increments or promotion;
  - (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Memorial by negligence or breach of orders or directions of superior authorities;
  - (iv) Reduction to a lower post or a lower time-scale or to a lower stage in the time-scale;

- (v) Compulsory retirement; and
  - (vi) Dismissal or removal from service.
- (5) No order imposing any penalty on any employee shall be passed, except after –
- (a) The employee is informed in writing of the proposal to take action against him / her and the allegations on which such action is proposed to be taken and is given an opportunity to make any representation in writing or in person he / she may wish to make;
  - (b) Such representation, if any, is taken into consideration by an Enquiring Officer; and
  - (c) The report of the Enquiring Officer is taken into consideration by the disciplinary authority.
- (6) (a) Where an order of suspension is made or a disciplinary proceeding is commenced against a borrowed employee the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or, as the case may be, the commencement of the disciplinary proceeding;
- (b) In the light of the findings in the disciplinary proceedings taken against such an employee –
- (i) If the Trustees are of the opinion that any of the penalties specified in clauses (iv) to (vi) of sub-regulation (4) should be imposed on him / her, they shall replace his / her services at the disposal of the lending authority and transmit the proceedings of enquiry for such action as it may deem necessary;
  - (ii) If the Trustees are of the opinion that any other penalty should be imposed on him / her, they may, after consultation with the lending authority, pass such orders on the case as they may deem necessary.
- Provided that in the event of a difference of opinion between the lending authority and the Trustees, the services of the employee shall be replaced at the disposal of the lending authority.
- (7) An employee may appeal against an order of suspension or an order imposing upon him / her any of the penalties specified in sub-regulation (4) to the authority specified in this behalf in the Schedule annexed to these regulations.

- (8) No appeal preferred under these regulations shall be entertained unless such appeal is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

**13. Whole time Employment: –**

Unless in any case it be otherwise distinctly provided, the whole time of an employee of the Memorial shall be at the disposal of the Trustees. An employee may, however, be entitled to overtime allowance for extra work in accordance with the instructions issued by the Government of India from time to time.

**14. Existing Employees Deemed to have been Appointed under these Regulations: –**

Every person holding a post in the Memorial immediately before the commencement of these regulations shall on such commencement, be deemed to have been appointed under the provisions of these regulations to the corresponding post and shall continue to draw the pay drawn by him / her immediately before such commencement.

**15. Service Books and Character Rolls: –**

- (1) The Trustees shall maintain a Service Book and a Character Roll in respect of each employee adopted in such form and setting out such particulars as may be prescribed for corresponding employees of Central Government from time to time.
- (2) The entries in the Service Book of an employee shall be made by the Trustees or caused to be made by the Trustees' officer maintaining accounts of the Memorial.
- (3) The entries in the Character Roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall, be reviewed by the next higher authority with its remarks: –

Provided that, –

- (i) Where the authority to which an employee is immediately subordinate is the Trustees, the entries in the Character Roll shall be made by the Chairman of the Trustees and no counter-signature shall be necessary; and
- (ii) Where such next higher authority is the Trustees, the Character Roll shall be countersigned by the Chairman of the Trustees.

**16. Power to Relax: –**

Notwithstanding, anything contained in these regulations, the Trustees may relax any of the provisions of these regulations if it is satisfied that it is necessary so to do in the interest of the Memorial or in the public interest or in order to relive any employee of the Memorial from any hardship or financial loss arising from the operation of such provision.

**17. Other terms and conditions: –**

- (1) Where a doubt arises as to the interpretation or application of all or any of the provisions of the Rules or regulations made under the Act, the decision of the Central Government thereon shall be final.
- (2) Any matter relating to the conditions of service of officers and other employees of the Trustees for which no provision is made in these regulations, shall be determined by the Trustees, by general or special orders with the approval of the Central Government.

**THE SCHEDULE***(Regulation 7 and 12)*

<b>Designation of post and / or Class</b>	<b>Appointing authority</b>	<b>Disciplinary authority</b>	<b>Appellate authority</b>
Class I	Trustees	Trustees	Central Government
Class II	Secretary and Curator	Secretary and Curator	Trustees
Class III	Secretary and Curator	Secretary and Curator	Trustees
Class IV	Secretary and Curator	Secretary and Curator	Trustees

APPENDIX I

**(SUB-REGULATION (4) OF REGULATION 5)**

“I hereby certify that I have examined \_\_\_\_\_ a candidate for employment in the Victoria Memorial Hall, and cannot discover that \_\_\_\_\_ has any disease (communicable or otherwise), constitutional weakness or bodily infirmity

Victoria Memorial, Calcutta

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except \_\_\_\_\_ I do not consider this a disqualification for employment, in the Victoria Memorial Hall, Calcutta.”

- Note:*
1. Such a certificate shall be signed by a Medical Board in the case of a Class I Officer of the Museum and by a Civil Surgeon or a District Medical Officer of equivalent status in the case of Class II and Class III employees other than Class IV employees of the Museum.
  2. In the case of Class IV employees, Medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification recognised under the Indian Medical Council Act, 1956 (102 of 1956).

Sd/- ILLEGIBLE  
SECRETARY & CURATOR  
VICTORIA MEMORIAL

# EXTRACT FROM THE GOVT. OF INDIA (ADAPTATION OF INDIA LAWS) ORDER 1937

4. (i) Whenever an expression mentioned in the first column of the table hereinafter printed occurs (otherwise than a title or preamble or in a citation or description of an enactment) in a Central or Provincial Act or Regulation mentioned in the Schedules to this Order or not, then, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or to stand unmodified or to be omitted, there shall be substituted therefore the expression set opposite to it in Column two of the said table.

## TABLE OF GENERAL ADAPTATIONS

1	2
Governor-General of India in Council; Governor-General of India; Governor-General in Council; Governor-General; Government of India.	} Central Government
Governor in Council; Governor (except in the expression (Governor's Province); Lieutenant-Governor in Council; Lieutenant-Governor; Chief Commissioner (except in the expression Chief Commissioner's Province); Local Govt.; Local administration.	} Provincial Government
Gazette of India; Local official Gazette; Local Gazette; any other expression denoting a gazette in which official notices of a Government are published, not being the gazette of a district or other sub-division of a Province	} Official Gazette

Any reference to then Governor (or Lieutenant-Governor) of a named Province in Council shall be treated for the purposes of this paragraph as if it were a reference to the Governor (Lieutenant-Governor) in Council of that Province.

(2) A direction in the Schedules to this Order that a specified Indian law or section or portion of an Indian law shall stand unmodified shall be construed merely as a direction that it is not to be modified or adapted in accordance with the foregoing provisions of this paragraph.

*The Victoria Memorial Act, 1903, section 2, clauses (a) and (b) of sub-section (1) shall*