



The Maharashtra Phule Vastu Sangrahalaya, Poona Act, 1968

Act 18 of 1968

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THE MAHATMA PHULE VASTU SANGRAHALAYA, POONA,
ACT, 1968

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MAHARASHTRA ACT No. XVIII OF 1968¹

(THE MAHATMA PHULE VASTU SANGRAHALAYA, POONA, ACT, 1968)

Amended by Mah. 63 of 1977.

[11th June 1968]

An Act to extend the activities of the Museum at Poona under the name of the Mahatma Phule Vastu Sangrahalaya, Poona, and to make better provision for the management and maintenance thereof.

WHEREAS, it is expedient to extend the activities of the Museum now known as the Lord Reay Maharashtra Industrial Museum at Poona, and to rename it as the Mahatma Phule Vastu Sangrahalaya, Poona, and to make better provision for the management and maintenance thereof and to provide for matters connected with the purposes aforesaid; It is hereby enacted in the Nineteenth Year of the Republic of India as follows :—

Preliminary

1. (1) This Act may be called the Mahatma Phule Vastu Sangrahalaya, Poona, Act, 1968.

Short title
and com-
mencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Board of Trustees constituted or deemed to be constituted under this Act;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Museum" means the Mahatma Phule Vastu Sangrahalaya, Poona.

Objects and Membership

3. (1) The aims and objects of the Museum shall be—

Aims and
objects.

(a) to serve as an educative institution for the general public, with a view to illustrating—

(i) the various branches of science, and in particular their application to industry, agriculture and commerce;

(ii) the history, the arts, the culture, and the social and economic development of Maharashtra, and the relation thereof to the rest of India and to other countries;

(b) to show, by means of exhibits, machines, models, pictures and charts, the origin, development and modern practice of each branch of science and its application to industry, agriculture and commerce;

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1968, Part V, Extra, page 91.

²15th August 1968, vide G. N., E. & S. W. D., No. MSM. 1665-Q, dated 19th July 1968.

(c) to show, by means of exhibits, ancient monuments and relics, figures of deities, coins, instruments of war, instruments of music, vessels and utensils used in religious or social ceremonies, implements of local art and manufacture and such other related exhibits, the history, the arts, the culture, the standards and modes of living, the natural resources, industries, agriculture and social, economic and cultural developments of Maharashtra, supplemented with such other collections as are conducive to the understanding and interpretation of the material in the collections and, wherever necessary, by exhibits showing their relations to similar objects and articles from other parts of India;

(d) to maintain a library including cinematographic films, lantern slides and photographs;

(e) to arrange, hold and undertake lectures, demonstrations and tours, with a view to promoting interest in industrial development and in history, arts, culture and social and economic development of Maharashtra;

(f) to organise and help in organising industrial and other exhibitions in respect of the matters enumerated in clauses (a) to (c) above;

(g) to organise and help in organising a commercial emporium;

(h) to popularise the products of industries and handicrafts of Maharashtra in particular and of India in general;

(i) to undertake and do all such works and to do all such things as may be necessary for, or conducive to, the attainment of any of the aforesaid aims and objects.

(2) The Museum shall have a separate Industrial Section, which shall be called "the Lord Reay Industrial Section".

Members of
the Museum.

4. (I) The members of the Museum shall consist of the following classes :—

(i) Benefactors, that is to say, those who pay or have already paid to the Board Rs. 1,00,000 or more, in cash or otherwise;

(ii) Associate Members, that is to say, those who pay or have already paid Rs. 25,000 or more but less than Rs. 1,00,000, in cash or otherwise;

(iii) Patrons, that is to say, those who pay or have already paid Rs. 5,000 or more but less than Rs. 25,000, in cash or otherwise;

(iv) Life Members, that is to say, those who pay or have already paid Rs. 500 or more but less than Rs. 5,000, in a lump sum.

(v) Donors, that is to say, those who pay or have already paid Rs. 100 or more but less than Rs. 500, in a lump sum;

(vi) Ordinary members, that is to say, those who pay Rs. 10, annually;

Provided that, in the case of a person desiring to become a Benefactor, Associate Member or Patron, if the required amount is proposed to be paid in cash, it shall be payable to the Board in a lump sum or in not more than five instalments spread over a period not exceeding two years from the date of payment of the first instalment, and if the donation is proposed to be made otherwise than in cash, the Board shall have a right to accept or reject the exhibits or materials proposed to be donated, without assigning any reason, and to determine the value thereof and to allot a suitable class of membership to the donor, provided all exhibits and materials are handed over to the Board within a period of two years from the date on which the offer is accepted by the Board.

(2) No person shall be debarred from becoming a member of the Museum by reason of his religion, race, caste, sex or place of birth.

5. A meeting of the general body of the members of the Museum shall be called by the Board every year, at such time and place as may be prescribed.

Meeting of
general
body of
members
of the
Museum.

Board of Trustees

6. (1) There shall be constituted for the maintenance and management of the Museum, and for carrying into effect the other purposes of this Act, a Board of Trustees. The Board shall be a body corporate by the name of "The Trustees of the Mahatma Phule Vastu Sangrahalaya, Poona" and shall have perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts; and may by the said name sue and be sued.

Constitution
of the Board.

(2) The Board shall consist of—

A. The following members, *ex-officio*,—

(i) the Revenue Commissioner, Pune Division, who shall be the President of the Board;

(ii) the Director of Art;

¹[(iii) the Director of Archaeology and Museum;]

(iv) the Director of Education, and if he is unable to attend his nominee not below the rank of Deputy Director of Education;

(v) the Director of Agriculture, and if he is unable to attend his nominee not below the rank of Deputy Director of Agriculture;

(vi) the Chief Conservator of Forests, and if he is unable to attend his nominee not below the rank of Conservator of Forests;

(vii) the Industries Commissioner, and if he is unable to attend his nominee not below the rank of Deputy Director of Industries;

(viii) the Superintendent of Archaeological Survey of the South-Western Circle.

¹Clause (iii) was substituted for the original by Mah. 63 of 1977, s. 2

B. (i) One member elected by the Maharashtra Legislative Council, from amongst its members residing in the Poona District;

(ii) One member elected by the Maharashtra Legislative Assembly, from amongst its members residing in the Poona District;

C. The following four representatives of the Municipal Corporation of the City of Poona—*ex-officio* :—

(i) the Mayor, who shall be the Chairman of the Board;

(ii) the Municipal Commissioner;

(iii) the Chairman, Standing Committee;

(iv) the Chairman, Municipal School Board.

D. Such number, as may be prescribed, of representatives of local bodies (other than the Municipal Corporation of the City of Poona) nominated by the local bodies, provided such local bodies agree to make a contribution of such amount, each, as may be prescribed, to the funds of the Museum.

E. The representatives of the members of the Museum as follows :—

(i) all persons who belong to the class of Benefactors;

(ii) one representative of the Associate Members elected in the prescribed manner;

(iii) four representatives from the remaining classes of members elected in the prescribed manner:

Provided that, no ordinary member of the Museum shall be eligible to be elected a representative, unless he has been such a member for not less than 3 years.

F. Two representatives of local commercial and industrial interests, one to be nominated by the Deccan Agricultural Association, Poona, and the other by the Mahratta Chamber of Commerce and Industries, Poona:

Provided that, no representative under this clause shall be nominated until the institute concerned has paid to the funds of the Museum an affiliation fee of Rs. 300, nor shall continue to be a member of the Board unless the institute pays to the said funds within the prescribed period an annual subscription of Rs. 100.

G. (i) The Director, Prince of Wales Museum of Western India, Bombay;

(ii) The Professor-in-charge of the Department of Ancient Indian Culture of the University of Poona.

H. One non-official representative nominated by the State Government, being in the opinion of the Government an expert or having special knowledge in history, art, archaeology, anthropology or other subjects relating to the collections in the Museum.

(3) The Board may co-opt not more than three members, each, for such period not exceeding three years, as it may determine.

7. (1) The members of the Board representing the Maharashtra Legislative Council and Assembly shall hold office, so long as they are members of the said Council or Assembly, as the case may be. The benefactors shall hold office for life. Save as otherwise provided, the other members (excluding the *ex-officio* members) shall hold office for a period of three years. Term of office.

(2) If an elected or nominated member—

- (a) dies or becomes insolvent, or
- (b) is absent from more than six consecutive meetings of the Board, or
- (c) leaves the State of Maharashtra with the intention of being absent therefrom for more than six consecutive months, or
- (d) desires to be discharged, or
- (e) refuses to act or becomes incapable of acting,

a new member shall be elected or nominated, as the case may be, in the same manner as was the member in whose place he is to be elected or nominated, and he shall hold office for so long only as such member would have held it if the vacancy had not occurred.

8. (1) When any meeting of the Board is held, the Commissioner, Poona Division, and in his absence, the Chairman of the Board, and in the absence of both, a member who is a Government officer and is elected by the members present at the meeting, shall preside. Quorum.

(2) The quorum necessary for the transaction of business at a meeting of the Board shall be seven.

9. No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of the Board. Acts of Board not invalid by reason of vacancy, etc.

10. Subject to the provisions of any rules made in this behalf, the Board may, from time to time, by resolution passed at a meeting— Power to appoint committees.

(a) appoint committees of its members for the performance of such functions as may be specified in the resolution ;

(b) appoint advisory committees consisting partly of its members and partly of other persons, on such terms and for the purpose of advising it on such matters as may be specified in the resolution.

11. All the property, whether movable or immovable, which at the commencement of this Act is held by the Board constituted under the Lord Reay Maharashtra Industrial Museum Act, 1947, on trust for the purposes of that Museum shall, together with any such property which may hereafter be given, bequeathed, transferred or acquired for the said purposes, including contributions, fees and subscriptions, and property accruing as a result of the exercise of any of the Board's powers, shall, by virtue of this section and without further assurance, vest in the Board on trust for the purposes of the Museum. Property vested in Board on trust.

Power of Board to lend, exchange, sell, present or destroy articles in collections.

12. Subject to the provisions of any rules or by-laws made in this behalf, the Board may, from time to time,—

- (a) deliver by way of loan to any person the whole or any portion of, or any article contained in, any collection vested in it under this Act;
- (b) exchange or sell articles contained in any such collection and take or purchase, in the place of such articles, such other articles as may in its opinion be worthy of preservation in the Museum;
- (c) present articles contained in any such collection to other museums in India or elsewhere;
- (d) remove and destroy any article contained in any such collection :

Provided that, nothing herein contained shall authorise the Board to lend, exchange, sell, present, remove or destroy any article when such lending, exchange, sale, presentation, removal or destruction, as the case may be, is precluded by the terms on which the Board may have received any such article.

Further power of Board

13. The Board may, if it thinks fit for the purposes of its trust under this Act,—

- (a) assume the custody and administration of collections which are not the property of the Board and keep and preserve such collections either in the Museum or elsewhere;
- (b) subject to any rules made in this behalf, organise courses of instruction in all or any of the subjects relating to the collections in the Museum and afford facilities for the sale or exhibition of products of Indian industries and handicrafts.

Power of Board to borrow.

14. The Board may, from time to time, borrow or re-borrow and take up at interest from the Central Government or the State Government or, with the previous sanction of the State Government, from any person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by it to carry out the purposes of this Act, or for the purposes of repaying either in whole or in part any sums hereafter borrowed or owing by the Board.

Power of Board to make by-laws.

15. (1) The Board may, from time to time, with the previous sanction of the State Government, make by-laws, not inconsistent with the provisions of this Act or rules made thereunder, for any purpose necessary for the execution of its trust.

(2) In particular, and without prejudice to the generality of the foregoing power, such by-laws may provide for—

- (a) the summoning, holding and adjournment of meetings of the Board and procedure at such meetings;
- (b) the securing of attendance of trustees at such meetings;
- (c) the keeping of minutes book and accounts books;
- (d) the limits up to which the Chairman and the Secretary may sanction expenditure under section 19;
- (e) the compiling of catalogues and guide books and other publications;
- (f) the lending of articles contained in the collections vested in the Board;
- (g) the exchange, sale or presentation to other museums of duplicates of articles contained in such collections;
- (h) the removal and destruction of articles contained in such collections;
- (i) the fees to be levied for purposes other than admission to the Museum;
- (j) the general management of the Museum.

(3) All by-laws, when sanctioned, shall be published in the *Official Gazette* by the State Government.

Secretary and Staff

16. There shall be a Director of the Museum, who shall also be the Secretary to the Board. The Board may employ such other officers and servants as it shall deem necessary for the efficient execution of its duties under this Act. Subject to any rules made in this behalf, the Board shall determine the terms and conditions of service of the Director and other staff as it may employ.

XLV 17. All officers and servants employed by the Board shall be deemed to be public of servants within the meaning of section 21 of the Indian Penal Code.

1860.

Officers and
servants of
Board to
be public
servants.

Miscellaneous

Bom. 18. Notwithstanding anything contained in the Bombay Provincial Municipal LIX Corporations Act, 1949, the Municipal Corporation of the City of Poona shall make of an annual grant of not less than Rs. 7,500 to the funds of the Museum.

1949.

Contribution
by Municipal
Corporation
of City of
Poona.

19. (1) All expenditure shall be sanctioned by the Board. The Board may, from time to time, authorise the Chairman and the Secretary to sanction expenditure every month up to such limits as may be determined in its by-laws. All cases of sanction by the Chairman or the Secretary shall be duly placed before the subsequent meeting of the Board for ratification.

Expenditure.

(2) Every order for the payment of money shall be authenticated by the signature of the Secretary and counter-signature of the Chairman.

20. (1) There shall be an annual audit of the accounts of the Museum carried out by an auditor appointed in this behalf by [the Chief Auditor, Local Fund Accounts].

Audit.

(2) The Secretary shall furnish to the auditor an annual statement of accounts supported by the necessary vouchers and generally assist the auditor in his work.

(3) The auditor's report shall be placed before the Board.

21. The State Government shall have the right to cause inspection to be made by such person or persons as it may appoint of the Museum and its buildings, library, books, furniture and other equipment and, upon any recommendation made by such person or persons, to direct the Board to take such action as it may think fit. The Board shall comply with such directions.

Inspection
of Museum.

22. (1) The State Government may, after consultation with the Board, by notification in the *Official Gazette*, 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 for all or any of the following matters :—

(a) the time of the year and place at which a meeting of the general body of the members of the Museum shall be called under section 5 ;

(b) the number of representatives of local bodies other than the Municipal Corporation of the City of Poona, the amount of contribution to be made by them under clause D, the manner of election of representatives of members under clause E and the period within which the annual subscription shall be paid under the proviso to clause F of sub-section (2) of section 6 ;

¹ These words were substituted for the words "the Accountant-General, Maharashtra" by Mah. 63 of 1977, s. 3.

(c) the appointment of committees of the Board under section 10 and the functions which may be entrusted or the matters which may be referred to such committees ;

(d) the erection of Museum buildings, the transfer of the Museum to any new site, the maintenance and management of the Museum, the exercise of the Board's powers under section 12 and clause (b) of section 13, the care and custody of the objects deposited in the Museum and the conditions under which the public shall have access to the Museum ;

(e) the maintenance, management and disposal of any property vested in the Board and the investment and reinvestment in public securities or otherwise and the safe custody of the funds of the Museum ;

(f) the form of accounts to be kept by the Board and the publication of such accounts ;

(g) the application to the officers and servants employed by the Board of the rules which apply to the civil servants of the State Government or to any class of such civil servants ;

(h) the payment of contributions at such rates and subject to such conditions as may from time to time be determined by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it ;

(i) the management of the library and reading room ;

(j) the fees to be levied for admission to the Museum ;

(k) any other matter which is to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the *Official Gazette*, of such decision, 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 or omitted to be done under that rule.

Repeal and Transitional Provisions

Repeal and saving. 23. (1) On the date of commencement of this Act, the Lord Reay Maharashtra Industrial Museum Act, 1947, shall stand repealed.

Bom.
XXXII
of
1947.

(2) Notwithstanding the repeal of the Lord Reay Maharashtra Industrial Museum Act, 1947, by sub-section (1) and notwithstanding anything contained in section 6, the Board constituted under the repealed Act shall be deemed to be the Board constituted under this Act on the date of commencement of this Act, and the members thereof in office immediately before the said date shall continue to hold office until the successor Board is duly constituted in accordance with the provisions of section 6 and the first meeting of such successor Board is held. Immediately before such first meeting is held, the existing members shall be deemed to be discharged, but such discharge shall not absolve any of them from any liability accruing before their discharge.

Bom.
XXXII
of
1947.

(3) The rules and by-laws made under the repealed Act and in force immediately before the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under the relevant provisions of this Act, and be in force accordingly, until superseded by rules or by-laws made under this Act.

(4) With effect from the date of commencement of this Act,—

(a) the Curator and other officers and servants appointed under the repealed Act and holding office on the day immediately preceding such date shall be deemed to be appointed as the Director and other officers and servants under this Act, on the same terms and conditions as were applicable to them immediately before that date, until the said terms and conditions are varied by a competent authority under this Act ;

(b) all persons who were members of the Museum on the day immediately preceding such date shall be deemed to have become members of the Museum under this Act under the corresponding class ;

(c) all rights of the Board constituted under the repealed Act shall vest in the Board under this Act ;

(d) all debts, liabilities and obligations incurred by or on behalf of the Board constituted under the repealed Act and subsisting immediately before the date of commencement of this Act shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly ;

(e) any reference in any law or in any instrument to the Board constituted under the repealed Act shall be construed as a reference to the Board, and such law or instrument shall apply to the Board.