

**Sri Aurobindo Memorial Act, 1972**

**24 of 1972**

**[12 August 1972]**

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**Sri Aurobindo Memorial Act, 1972**

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**[12 August 1972]**

PREAMBLE

An Act to establish the Sri Aurobindo Bhavan and the Sri Aurobindo Samiti, to perpetuate the memory of Sri Aurobindo.

Whereas it is expedient to establish at 8, Shakespeare Sarani, Calcutta, the place where Sri Aurobindo was born and spent his childhood days, the Sri Aurobindo Bhavan and to constitute a Society for propagating the teachings of Sri Aurobindo amongst the masses so as to help them to raise their mental and moral outlook and to solve their cultural and spiritual problems in the light of such teachings;

It is hereby enacted in the Twenty-third Year of the Republic of

India, by the Legislature of West Bengal, as follows:-

1. For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, Part IV A, of the 2nd August, 1972, page 1592; for proceedings of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on 7th August, 1972.

### **1. Short title and commencement :-**

(1) This Act may be called the Sri Aurobindo Memorial Act, 1972.

(2) It shall come into force<sup>1</sup> on such date as the State Government may, by notification in the Official Gazette, appoint.

1. This Act came into force on 15th August, 1972, vide Public Works Department Notification No. 5385-CS, dated the 14th August, 1972.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

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

(b) "Sri Aurobindo Bhavan" means the house at 8, Shakespeare Sarani, Calcutta, more fully described in the First Schedule to this Act;

(c) "Society" means the Sri Aurobindo Samiti of West Bengal, constituted under section 3 of this Act;

(d) "trustees of Sri Aurobindo Ashram" means the trustees of Sri Aurobindo Ashram at Pondicherry appointed by the Indenture, dated 1st May, 1955, registered as No. 1824 of 1955, in Book No. 1, volume 486, pages 340 to 347 at the sub-registry office, Vanur, Cuddalore registration district, Madras, being supplemental to the Deed of Declaration of Trust, dated 1st May, 1955, registered as No. 1823 of 1955, in Book No. 1, volume 402, pages 273 to 287 at the sub-registry office Vanur, Cuddalore registration district, Madras;

(e) "working committee" means the working committee constituted under section 11 of this Act.

### **3. Constitution of the Society :-**

(1) The State Government shall, as soon as may be, constitute, by notification in the Official Gazette, a Society to be called the Sri Aurobindo Samiti of West Bengal.

(2) The Sri Aurobindo Samiti of West Bengal shall, by the said name, be a body corporate with perpetual succession and a

common seal, with power to acquire, hold and dispose of property, both movable and immovable, to sue and be sued, to enter into contract and to do all things necessary for the purposes of this Act.

#### **4. Composition of the Society :-**

(1) The Society shall consist of the following members, namely:-

- (a) the Governor of West Bengal, ex-officio,
- (b) the Chief Minister of West Bengal, ex-officio,
- (c) <sup>1</sup>[seven persons] to be nominated by the Government of West Bengal,
- (d) seven persons to be nominated by the trustees of Sri Aurobindo Ashram.

(2) The Governor of West Bengal shall be the Chairman of the Society.

1. Words within the square brackets were substituted for the words "six persons" by Section 2 of the Sri Aurobindo Memorial (Amendment) Act, 1973 (West Ben. Act III of 1973).

#### **5. Term of office :-**

(1) A member of the Society shall hold office,-

- (a) if he is an ex-officio member, until he ceases to hold the office by virtue of which he becomes a member;
- (b) if he is a nominated member, until he dies or resigns or is replaced by the State Government or by the trustees of Sri Aurobindo Ashram, as the case may be, whichever is earlier.

(2) A nominated member may resign his office by writing under his hand addressed to the Chairman.

(3) A casual vacancy in the office of a member shall be filled by fresh nomination under clause (c) or clause (d) of sub-section (1) of section 4, as the case may be.

#### **6. Act of the Society :-**

(1) All acts done by a majority decision of the members shall be deemed to be acts of the Society.

(2) The Society may appoint a person to act as its Secretary and may also appoint such other persons as it thinks fit as its staff.

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

#### **7. Property of the Society :-**

The Sri Aurobindo Bhavan owned and possessed by the State Government shall, with effect from the day on which this Act comes into force, stand transferred to, and vest absolutely in, the Society and the Society shall hold the said property in trust with a view to discharging the functions laid down in section 8 and fulfilling the objects set out in the Second Schedule to this Act.

#### **8. Functions of the Society :-**

The functions of the Society shall, subject to the other provisions of this Act, be to administer the property referred to in section 7, in accordance with such scheme as may be prescribed consistently with the objects set out in the Second Schedule to this Act.

#### **9. The Society fund :-**

(1) The Society shall have a fund to be called the Sri Aurobindo Samiti Fund, to which shall be credited-

(a) all sums of money paid or granted by the State Government, either as contributions for the maintenance of the property of the Society referred to in section 7 or for discharging the functions of the Society referred to in section 8,

(b) all other sums of money received by the Society, and

(c) all income derived from any property owned or managed by the Society.

(2) The Fund shall become vested in the Society and shall be under the control, and be held in trust for the purposes, of the Society.

#### **10. Maintenance of accounts by the Society :-**

The accounts of the Society shall be kept, audited and published in accordance with such rules as may be made by the State Government.

#### **11. The working committee :-**

(1) The Society may constitute a working committee consisting of such number of its own members not exceeding five, as the Society thinks fit.

(2) A member of the working committee shall hold office for the period for which he remains a member of the Society or until he resigns or is replaced by the Society, whichever is earlier.

(3) A casual vacancy in the working committee shall be filled by the

Society by fresh nomination of another member of the Society.

(4) The Society may delegate, subject to such conditions and limitations as the Society may think fit to impose, all or any of its functions under this Act in favour of the working committee.

## **12. Validation :-**

No act done or proceedings taken under this Act shall be invalid merely by reason of--

(a) the existence of any vacancy or any defect in the constitution of the Society or the working committee,

(b) any person having ceased to be a member of the Society or the working committee, or

(c) any omission, defect or irregularity not affecting the merits of the case.

## **13. Rules :-**

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) scheme for administration of the property, referred to in section 8,

(b) manner in which the accounts of the Society shall be kept, audited and published referred to in section 10, and

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

## **14. Regulations :-**

The Society may make regulations to provide for all or any of the following matters, namely:-

(a) meetings of the Society and of the working committee, the manner in which such meetings shall be convened, the quorum necessary for transaction of business and the procedure at such meetings,

(b) the powers and duties of the Secretary of the Society,

(c) the appointment, remuneration and all other conditions of service of the Secretary and other members of the staff employed by the Society,

(d) any other matter which the Society thinks necessary for the due discharge of its functions under this Act.

## **SCHEDULE 1**

### **FIRST SCHEDULE**

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**[See section 2(b)]**

(a) Premises No. 8, Shakespeare Sarani, being all that piece or parcel or plot of rent-free land measuring 0.61 hectare, more or less, situate in the town of Calcutta bounded in the following manner, that is to say, on the north by Shakespeare Sarani, on the south by 16 and 17, Lord Sinha Road, on the east by 10, Shakespeare Sarani, and on the west by 6, Shakespeare Sarani,

(b) together with all buildings, structures and erections standing or being on the said land, which said premises and buildings are commonly known as 8, Shakespeare Sarani, Calcutta, and

(c) together with all rights, easements and appurtenances whatsoever belonging or attached or appurtenant to the said land, buildings, structures and erections or held or enjoyed therewith.

## **SCHEDULE 2**

### **SECOND SCHEDULE**

#### **SECOND SCHEDULE**

**[See sections 7 and 8]**

The property of the Society may, inter alia, be used for the following objects, that is to say:-

(1) for holding public meetings and lectures for propagating the teachings of Sri Aurobindo amongst the masses,

(2) for holding such lectures, seminars and discourses as may be beneficial to the mental and moral outlook of the people generally and as may help them to solve their cultural and spiritual problems in the light of the teachings of Sri Aurobindo,

(3) to provide a reading room which may offer to the public an opportunity to be acquainted with the thoughts of Sri Aurobindo,

(4) to provide a suitable place for preservation of the sacred relics of Sri Aurobindo where members of the public may pay homage to his memory,

(5) to provide opportunities for enabling research students to carry on research on the life and teachings of Sri Aurobindo, and

(6) to provide a permanent exhibition with models depicting the life and times of Sri Aurobindo as well as events of India leading up to the freedom struggle of BanglaDesh.