

LIST OF AMENDING ACTS

1. The Rajghat Samadhi (Amendment) Act, 1958 (37 of 1958).
2. The Rajghat Samadhi (Amendment) Act, 1988 (30 of 1988).

LIST OF ABBREVIATIONS USED

Cl.,cls.	.	.	.	.	.	<i>for</i>	Clause, clauses.
Ins.	.	.	.	.	.	„	Inserted.
Notifn.	.	.	.	.	.	„	Notification.
S., ss.	.	.	.	.	.	„	Section, sections.
Sch.	.	.	.	.	.	„	Schedule.
Subs.	.	.	.	.	.	„	Substituted.
w.e.f.	.	.	.	.	.	„	with effect from.

THE RAJGHAT SAMADHI ACT, 1951

ARRANGEMENT OF SECTIONS _____

SECTIONS

1. Short title and commencement.
2. Definitions.
3. The Rajghat Samadhi Committee.
4. Composition of the Committee.
5. Powers and duties of the Committee.
6. Power of Central Government to make rules.
7. Power of Committee to make bye-laws.
- 7A. Rules and bye-laws to be laid before Parliament.
8. Validity of acts of Committee not to be questioned by reason of vacancy, etc.

THE SCHEDULE.

THE RAJGHAT SAMADHI ACT, 1951

ACT NO. 41 OF 1951

[29th June, 1951.]

An Act to provide for the administration and control of the Rajghat Samadhi in Delhi.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Rajghat Samadhi Act, 1951.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act,—

(a) “Committee” means the Rajghat Samadhi Committee constituted under this Act;

(b) “Samadhi” means the structure built in token of reverence for Mahatama Gandhi at Rajghat on the Western bank of the Jamuna in Delhi, and includes the premises described in the Schedule with all buildings contained therein, together with all additions thereto or alterations thereof which may be made after the commencement of this Act.

3. The Rajghat Samadhi Committee.—(1) The administration and control of the Samadhi shall be vested in a Committee constituted in the manner hereinafter provided.

(2) The Committee shall by the name of “The Rajghat Samadhi Committee”, be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through its Chairman.

4. Composition of the Committee.—(1) The Committee shall consist of the following members, namely:—

²[(a) the Mayor of the Municipal Corporation of Delhi, *ex-officio*;

(b) three officials nominated by the Central Government;

³[(c) four non-officials nominated by the Central Government;

(d) three members of Parliament of whom shall be elected from among themselves by members of the House of the People and one from among themselves by members of the Council of States.]

(2) The Central Government may appoint any person referred to in sub-section (1) or any other person to be the Chairman of the Committee, and if any other person is so appointed, he shall be deemed to be a member of the Committee within the meaning of sub-section (1).

(3) All persons nominated by the Central Government to be members of the Committee shall hold office during the pleasure of the Central Government.

⁴[(4) The term of office of a member elected under clause (d) of sub-section (1) shall come to an end as soon as he ceases to be a member of the House from which he was elected.]

⁵[(5) It is hereby declared that the office of member of the Committee shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.]

5. Powers and duties of the Committee.—Subject to such rules as may be made under this Act, the powers and duties of the Committee shall be—

(a) to administer the affairs of the Samadhi and to keep the Samadhi in proper order and in a state of good repair;

(b) to organise and regulate periodical functions at the Samadhi;

1. 7th June, 1952, *vide* notification No. S.R.O. 1018, dated 7th June, 1952, *see* Gazette of India, Extraordinary, Part II, s. 3. 2. Subs. by Act 37 of 1958, s. 2, for clause (a) (w.e.f. 9-3-1959.)

3. Subs. by s. 2, *ibid.*, for clauses (c) and (d) (w.e.f. 9-3-1959).
4. Ins. by s. 2, *ibid.* (w.e.f. 9-3-1959).
5. Ins. by Act 30 of 1988, s. 2 (w.e.f. 18-5-1988).

(c) to do such other things as may be incidental or conducive to the efficient administration of the affairs of the Samadhi.

6. **Power of Central Government to make rules.**—The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act, and to regulate access to the Samadhi or to any portion thereof.

7. **Power of Committee to make bye-laws.**—(1) The Committee may ¹[by notification in the Official Gazette] make bye-laws consistent with this Act and the rules made thereunder for all or any of the following purposes, namely:—

- (a) the manner in which meetings of the Committee shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;
- (b) the appointment of such persons as may be necessary to assist the Committee in the efficient performance of its duties and the terms and conditions of service of such employees;
- (c) the duties and powers of the employees of the Committee;
- (d) the submission of accounts, returns and reports to the Committee by any of its employees.

(2) All bye-laws made under this section shall be subject to the condition of previous publication and shall not have effect until they are approved by the Central Government.

²[**7A. Rules and bye-laws to be laid before Parliament.**—Every rule and every bye-law made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law 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 or bye-law.]

8. **Validity of acts of Committee not to be questioned by reason of vacancy, etc.**—No act or proceeding of the Committee shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the Committee.

-
1. Ins. by Act 30 of 1988, s. 3 (w.e.f 18-5-1988).
 2. Ins. by s. 4, *ibid.* (w.e.f. 18-5-1988).

THE SCHEDULE

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

Samadhi premises, admeasuring 44.35 acres, bounded
on the north by a vacant piece of land belonging to the Delhi Improvement Trust;
on the south by Power House Road; on the east by the Power House; and on the
west by Bela Road.

STATMENET OF OBJECTION AND REASONS

The object of this bill is to ensure the proper maintenance, preservation and administration of the Rajghat Samadhi, the Shrine built in memory of the Father of the Nation.

The means proposed in this Bill to ensure this end its establishment with certain powers Samadhi is properly maintained, controlled and administered. It shall make proper arrangement for the watch and ward of the Samadhi; it shall organize and regulate periodical functions at the Samadhi, such as Sarvodaya Day, Friday prayers, Gandhi Jayanti; and it shall control access to the samadhi.

It is felt that without legislative enactment it will not be possible to enforce authority adequate for the purposes of maintenance and regulation of the Shrine. Ad hoc Committees depend too much upon personal factor and in a crisis the responsibility devolves upon the magistracy and the police. A statutory Committee is, therefore, being set up.

NEW DELHI;
The 26th March, 1951.

N.V. GADGIL.