

Bill No. 269 of 2022

THE PATHARUGHAT NATIONAL FARMERS
MEMORIAL BILL, 2022

By

SHRI DILIP SAIKIA, M.P.

A

BILL

*to provide for the construction and management of a National Memorial to
perpetuate the memory of the farmers who died or were wounded on
28 January 1894 at Patharughat in the State of Assam.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India
as follows:—

1. (1) This Act may be called the Patharughat National Farmers Memorial
Act, 2022.

Short title
and
commencement.

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

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) “Memorial” means the National Memorial to perpetuate the memory of the farmers who died or were injured on 28 January 1894 at Patharughat in Darrang District of the State of Assam;</p> <p>(b) “Trust” means the Trust for the construction and management of the Memorial; and</p> <p>(c) “Trustee” means the Trustee of the Martyr Farmers National Memorial, Patharughat.</p>	
Objects of the Trust.	<p>3. The objects of the Trust shall be—</p> <p>(a) to construct and maintain suitable buildings, structures and parks at the site or in the surrounding area in order to perpetuate the memory of the farmers who died or were injured on the 28th day of January, 1894, at Patharughat in the State of Assam;</p> <p>(b) to acquire land, buildings and other properties for the trust; and</p> <p>(c) to raise and receive funds for the purposes of the Memorial.</p>	<p>10</p> <p>15</p>
Trustees of the Memorial.	<p>4. (1) The trustees of the memorial shall be following, namely:—</p> <p>(a) the Prime Minister—Chairperson,</p> <p>(b) the Union Minister-in-charge of Culture;</p> <p>(c) the Leader recognized as leader of opposition in the House of the People or where there is no leader of opposition, then leader of the largest party in opposition in the House;</p> <p>(d) the Governor of the State of Assam;</p> <p>(e) the Chief Minister of the State of Assam; and</p> <p>(f) three eminent persons nominated by the Central Government.</p> <p>(2) The trustees shall be body corporate by the name of “Trustee of the Martyr Farmers National Memorial Patharughat” for the purposes of this Act shall have perpetual succession and a common seal and shall by the said name sue and be sued and shall be entitled to contract for the acquisition and holding of property.</p>	<p>20</p> <p>25</p>
Term of office of nominated trustees.	<p>5. The trustees nominated under clause (f) of sub-section (1) of section 4 shall continue to be trustees for a period of five years and shall be eligible for re-nomination.</p>	30
Property vested with the trustees.	<p>6. All funds and property, whether movable or immovable, which may go to it, bequeathed or otherwise be transferred for the purpose of the Memorial or shall be acquired for the said purpose, shall vest with the Trust.</p>	
Central Government to provide funds.	<p>7. The Central Government may, after appropriation made by Parliament by law in this behalf, grant to the Trust such sums of money as the Central Government may think fit for the purposes of this Act.</p>	35
Power of trustees to appoint management committee.	<p>8. (1) For the purposes of managing the affairs of the Trust, the Trustees may, by a resolution passed in the meeting, appoint a Management Committee and assign to it such powers, duties and functions subject to such directions and limitations as may be defined in such resolution.</p> <p>(2) The trustees may appoint any persons, whether such persons are trustees or not, as members of the management committee and may, from time to time, vary or rescind any resolution passed by it under this section.</p>	<p>40</p>
Power to approve audited accounts.	<p>9. The Trust shall meet at least once in a year for approving the audited accounts of the Trust and shall transact such other business as may be deemed necessary.</p>	45

10. No act of the trustees shall be deemed to be invalid by reason of any vacancy in the body of the trustees or any defect in its constitution.

Validity of the acts of trustees not to be questioned due to vacancy etc.

11. (1) The accounts of the trust shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and the expenses in connection with such audit shall be payable by the trust to the Comptroller and Auditor-General of India.

Accounts and Audit.

(2) The Comptroller and Auditor-General and any person appointed by him under this act in connection with the audit of the accounts of the Trust shall have generally the usual rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General has in case of audit of the Government accounts and shall have rights in particular for demanding the presentation of books, accounts, related vouchers and other documents and to inspect any of the offices of the trust.

(3) The audit report and account report of the trust as certified by the Comptroller and Auditor-General or by any other person appointed by him in this matter shall be forwarded to Central Government every year and the Central Government shall lay the reports as soon as possible on the table of both houses of the Parliament.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall have power to make rules for—

(a) the manner in which the funds of the Memorial shall be kept, deposited or invested;

(b) the manner of authentication of orders for the payment of money by the Trustees;

(c) the form in which accounts shall be maintained by the trustees and the audit of such accounts and their publication;

(d) the layout, construction, improvement, preservation and management of the monument;

(e) the conditions on which the public shall have access to the monument or particular parts thereof and the regulation of the conduct of persons entering the monument; and

(f) the preservation of any property vested in the Trustee, and the prevention of damage to, or interference with, that property and restriction of persons trespassing on any particular part of the monument.

(3) A rule made under this section may provide that a breach of any rule made under clauses (e) and (f) of sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

13. The Trustees may make such regulations as may be relevant to this Act for all or any of the following purposes:

Power to trustees to make regulations.

(a) the manner in which meetings of the Trustees shall be called, the quorum for the transaction of business at such meetings and the procedure to be followed at such meetings;

(b) the manner in which the decision of the majority of the Trustees, the matter in respect of which the decision shall be obtained by circulation to the required Trustees, the power of the Trustees to make regulations;

(c) the term of office of the members of the management committee, their powers and duties and the circumstances in which, and the conditions subject to which, such powers and duties may be exercised; and 5

(d) the appointment of such officers and servants as may be deemed necessary for the purposes of the trust, and the terms and conditions of their service.

Laying of rules
and regulations
before
Parliament.

14. Every rule made by the Central Government 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 the Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. 10 15

STATEMENT OF OBJECTS AND REASONS

The pages of the history of independent India are full of incidents that unfold stories of bravery, sacrifice and patriotism. In India's freedom struggle against the British hegemony, countless people from different parts of India fought for the freedom of their motherland against the British rule and sacrificed their lives. The people of Assam had bravely participated in the freedom movement against the exploitation, discrimination and tyranny of the British. One such incident is the historical revolt of the Patharughat farmers of Darrang district of Assam against the increasing rate of land tax by the British. Patharughat is a small village in Darrang district of Assam, situated approximately 60 kilometers north-east of Guwahati.

25 years before the Jallianwala Bagh massacre, on January 28, 1894, more than 100 farmers were shot dead by the British. This incident took place in Patharughat, Assam. After the occupation of Assam by the British in 1826, the survey of the vast land of this state started. On the basis of such surveys, the British started levying land tax, due to which the discontent spread among the farmers. In 1893, the British Government decided to increase the agricultural land tax to 80 percent. On this day the farmers were protesting against the British. British soldiers were ordered to shoot these farmers, due to which more than 100 farmers had to lose their lives.

This incident gave a new direction to India's freedom movement. The deaths of many innocent farmers further strengthened the freedom struggle against the British. The martyrs of Patharughat are always remembered in the golden pages of history for their bravery and sacrifice for their motherland.

Therefore, there is a need that a museum should be declared as a national memorial to perpetuate the memory of farmers who died or were injured on January 28, 1894, at Patharughat in the State of Assam.

Hence this Bill.

NEW DELHI;
21 November, 2022.

DILIP SAIKIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the construction and maintenance of suitable buildings, structures and gardens around the National Memorial Patharughat by the trust and acquisition of land, buildings and other properties for the purpose of the trust and raising and receiving funds for the purpose of the memorial. Clause 7 provides for grants to be given to the Trust by the Central Government after due appropriation done by parliament by law in this behalf for the purposes of the Act.

Therefore, on enactment of this Bill, both recurring and non-recurring expenditure are likely to be incurred from the Consolidated Fund of India. However, it is difficult to estimate the amount required for this purpose as it will depend on the decisions of the Trust.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 13 provides for power of trustees to make such regulations as may be relevant to this Act. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

LOK SABHA

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(Shri Dilip Saikia, M.P.)