

Bill No. XXXII of 2022

THE BENGAL FREEDOM FIGHTERS MEMORIAL BILL, 2022

A

BILL

to provide for the erection and management of a national memorial to perpetuate the memory of those from Bengal, who have fought and struggled for the freedom of India, from the oppressive British Raj, belonging to the territorial jurisdiction of Bengal Presidency (1765—1947), presidency of the British Indian Empire.

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 Bengal Freedom Fighters Memorial Act, 2022.

Short title and
commencement.

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

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

Definitions.

(a) "Memorial" means the Bengal Freedom Fighters Memorial to perpetuate
the memory of those from Bengal, in the territorial jurisdiction of Bengal Presidency
(1765—1947), Presidency of the British Indian Empire who laid down their lives or who
10 have made notable contribution to the independence movement of India;

(b) "Trust" means the trust for the erection and management of the Memorial;

(c) "trustees" means the trustees of the Bengal Freedom Fighters Memorial.

Objects of the Trust.

3. The objects of the Trust shall be—

(a) to erect and maintain suitable buildings, structures and parks adjacent to the side of the Victorial Memorial in the city of Kolkata, State of West Bengal to perpetuate the memory of those from Bengal, in the territorial jurisdiction of Bengal Presidency (1765—1947), Presidency of the British Indian Empire who laid down their lives or who have made notable contribution to the freedom of India, on the said site;

(b) to acquire lands, buildings and other properties for the purposes of the trust; and

(c) to raise and receive funds for the purposes of the Memorial.

Trustees of the Memorial.

4. (1) The trustees of the Memorial shall be the following, namely:—

(a) the Prime Minister—Chairperson;

(b) the Union Minister in-charge of the Ministry of Culture; 15

(c) the Leader of Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, the Leader of the single largest opposition party in that House;

(d) the Governor of the State of West Bengal;

(e) the Chief Minister of the State of West Bengal; 20

(f) three eminent persons to be nominated by the Central Government.

(2) The trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Bengal Freedom Fighters 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. 25

Term of office of nominated Trustees.

5. The trustees nominated under clause (f) of sub-section (1) of section 4 shall be trustees for a period of five years, and shall be eligible for re-nomination.

Property vested in Trustees.

6. All the funds and property, whether movable or immovable, which may hereafter be given, bequeathed or otherwise transferred for the purposes of the Memorial or acquired for the said purposes shall vest in the trustees. 30

Grants of money by the Central Government.

7. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the trusts, grants of such sums of money as the Central Government may think fit, for the purposes of this Act.

Power of Trustees to appoint committee of management.

8. (1) For the purposes of managing the affairs of the trust, the trustees may, pass resolution at a meeting, appoint a committee of management, and to entrust it such powers, duties and functions, under such directions and limitations, as may be defined by such resolution. 35

(2) The trustees may appoint any person as members of the committee of management, whether such person are trustees or not, and may, from time to time, vary or rescind any resolution passed by it under this section. 40

Power to approve audited accounts.

9. The Trust shall meet at least once in a year to approve the audited accounts of the trust and shall transact such other business as may be considered necessary.

Validity of acts of Trustees not to be questioned by reason of vacancy, etc.

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

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 any expenditure incurred in connection with such audit shall be payable by the trust to the Comptroller and Auditor-General.

Accounts and audit.

5 (2) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the trust under this Act, shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected
10 vouchers and other documents and papers and to inspect the office of the trust.

(3) The accounts of the trust as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the trust and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each
15 House of Parliament.

12. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the objects of this Act.

Power to make rules.

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

20 (a) the manner in which funds belonging to the Memorial shall be kept deposited or invested;

(b) the mode of authentication of orders for payment of money by the trustees;

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

25 (d) the laying out, erection, improvement, maintenance and management of the memorial and the care and custody of the properties thereof;

(e) the condition under which the public shall have access to the Memorial or particular parts thereof and the regulation of the conduct of persons entering the precincts of the Memorial; and

30 (f) the preservation of, and the prevention of injury to or interference with, any property vested in the trustees and the prevention of persons from trespassing into any particular part of the Memorial.

(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
35 hundred rupees.

13. The Trust may make regulations consistent with the provisions of this Act for all or any of the following purpose, namely:—

Power of Trust to make regulations.

(a) the manner in which meetings of the trustees shall be convened, the quorum for the transaction of any business and the procedure at such meetings;

40 (b) the manner in which a majority decision of the trustees shall be obtained by circulation to the trustees of the matter requiring decision;

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

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

Rules and regulations to be laid before Parliament.

14. Every rule or regulation 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 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. 5

STATEMENT OF OBJECTS AND REASONS

The Great Indian struggle for freedom from the oppressive British Raj started with the fall of the Nizam of Bengal in the decisive battle of Plassey on 23rd June, 1757. Between 1765—1947 in the territorial jurisdiction of Bengal Presidency, hundreds and thousands have laid down their lives and many more thousands and lakh of Indians stood against the tyranny of the British Raj.

The very concept of the great Memorial conceived under this Bill is to give space to mention their story and contribution so that every sung and unsung heroes who made notable contribution is remembered forever and our future generation will get an opportunity to learn from the true history of our ancestors and to uphold their ideals and be proud of our great race.

By the creation of this Memorial we shall honour and glorify our brave sons of Bengal. That everyone who laid down his or her life and contributed to the epic freedom struggle spanning over to centuries shall not go down as unsung heroes. The Memorial shall give space to each and every freedom Fighter with their photographs and their contribution to the freedom struggle.

The Memorial to be erected adjacent to the Victoria Memorial will bring forth its truest meaning.—the oppressor verses the oppressed, that such dark history of oppression should not be repeated in future to our holy mother India.

The need is, therefore, to recognize the sacrifice made by the people of Bengal Presidency (1765—1947) who contributed for our freedom movement from the area constituting Bengal Presidency by providing for establishment of the Bengal Freedom Fighters Memorial to perpetuate the memory of both known heroes and unsung heroes.

The Memorial will bring forth the fact that India won its independence through collective zeal of many.

Hence, this Bill.

SHANTA CHHETRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the trust to erect and maintain suitable buildings, structures and parks adjacent to the site of the Victoria Memorial in the city of Kolkata; to acquire lands, buildings and other properties for the purposes of the trust; and to raise and receive funds for the purposes of the Memorial. Clause 7 provides for making grants to the trustees by the Central Government after the appropriation by Parliament by law for the purpose of the Act.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, it is difficult to estimate the amount required for the purpose, as it would depend upon 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 empowers the Trust to make regulations for the prescribed purposes. The rules and regulations will relate to matters of details only, and as such, the delegation of legislative power is of a normal character.

RAJYA SABHA

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BILL

to provide for the erection and management of a national memorial to perpetuate the memory of those from Bengal, who have fought and struggled for the freedom of India, from the oppressive British Raj, belonging to the territorial jurisdiction of Bengal Presidency (1765—1947), presidency of the British Indian Empire.

(Smt. Shanta Chhetri, M.P.)