

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 22ND NOVEMBER, 2019

**Bill No. XXXII of 2019**

THE MANGARH DHAM NATIONAL MEMORIAL BILL, 2019

A

BILL

*to provide for the erection and management of a National Memorial to perpetuate the memory of those killed or wounded on the 17th day of November, 1913, in Mangarh Dham in the State of Rajasthan.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mangarh Dham National Memorial Act, 2019.

Short title and  
commencement.

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

Definitions.	<p><b>2. In this Act, unless the context otherwise requires,—</b></p> <p>(a) "Memorial" means the Mangarh Dham National Memorial to perpetuate the memory of those killed or wounded on the 17th day of November, 1913, on the site known as the Mangarh Dham, Banswara, State of Rajasthan;</p> <p>(b) "Trust" means the Trust for the erection and Management of the Memorial. 5</p> <p>(c) "Trustees" means the Trustees of the Mangarh Dham National Memorial.</p>
Objects of the Trust.	<p><b>3. The objects of the Trust shall be —</b></p> <p>(a) to erect and maintain suitable buildings, structures and parks at or near the site of the Mangarh Dham in the city of Banswara, State of Rajasthan to perpetuate the memory of those who were killed or wounded on the 17th day of November, 1913, on the said site; 10</p> <p>(b) to acquire lands, buildings and other properties for the purposes of the Trust; and</p> <p>(c) to raise and receive funds for the purposes of the Memorial.</p>
Trustees of the Memorial.	<p><b>4. (1) The Trustees of the Memorial shall be the following, namely:—</b> 15</p> <p>(a) the Prime Minister—Chairperson,</p> <p>(b) the Union Minister in-charge of Culture,</p> <p>(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; 20</p> <p>(d) the Governor of the State of Rajasthan;</p> <p>(e) the Chief Minister of the State of Rajasthan; and</p> <p>(f) three eminent persons to be nominated by the Central Government.</p> <p>(2) The trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Mangarh Dham National 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</p>
Term of office of nominated Trustees.	<p><b>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 renomination.</b> 30</p>
Property vested in Trustees.	<p><b>6. All the funds and property, whether movable or immovable, which may hereafter be given, be bequeathed or otherwise transferred for the purposes of the Memorial or acquired for the said purposes shall vest in the Trustees.</b></p> <p><b>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 Govt. may think fit, for the purposes of this Act.</b> 35</p>
Power of Trustees to appoint committee of management.	<p><b>8. (1) For the purposes of managing the affairs of the Trust, the Trustees may, resolution passed at a meeting, appoint a committee of management, and entrust to it such powers, duties and functions, under such directions and limitations, as may be defined by such resolution.</b> 40</p> <p>(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.</p>

	<b>9.</b> 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.	Power to approve audited accounts.
	<b>10.</b> 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.	Validity of acts of Trustees not to be questioned by reason of vacancy, etc.
5	<b>11.</b> (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.
10	(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 vouchers and other documents and papers and to inspect the office of the Trust.	
15	(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 House of Parliament.	
20	<b>12.</b> (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—	
25	(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;	
30	(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;	
35	(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 hundred rupees.	
40	<b>13.</b> The Trustees may make regulations consistent with this Act for all or any of the following purpose, namely:—	Power of Trustees to make regulations.
	(a) the manner in which meetings of the Trustees shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;	

(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;

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(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.

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## STATEMENT OF OBJECTS AND REASONS

All of us remember the Jallianwala Bagh massacre. On the day of Baisakhi (13th April, 1919), British soldiers under General Dyer fired at the assembled people who came to celebrate Baisakhi. As per the British official estimate, 379 people died but modern historians believe that more than one thousand innocent men, women and children died on that day at Jallianwala Bagh in Amritsar.

But very few of us know that six years prior to Jallianwala Bagh, British soldiers along with the soldiers of rulers of some smaller states, attacked and killed assembled innocent Bhils at Mangarh on 17th November, 1913. The number of casualties was more than one thousand five hundred. Mangarh is known as Jallianwala Bagh of Rajasthan.

To rely on the oral history of the Bhils, the English army had foiled 1500 supporters of the tribal leader and reformist Govind Guru with gunfire on Mangarh tekri. Govind was a resident of Vedasa village near Dungarpur in Rajasthan, from the Banjara community. He awakened the Bhil community and filled them with a sense of patriotism, and inspired them to fight for freedom. More than 1500 Gurubhakt Bhils sacrificed their lives while fighting against the British army. It is therefore also known as Jallianwala Bagh of Rajasthan.

Historical research also confirms this verbal history of the Bhils. A historian at Gujarat University, points out that Govind Guru had started his movement in the 1890s among the Bhils. The fire god was considered a symbol in the movement. The followers had to stand in front of the sacred fire and do havan (*i.e.* fumigation) along with the worship.

Govind Guru and Mangarh Massacre have become part of the memory of Bhils. Despite this, it was buried in remote areas of Banswara-Panchmahal, situated on the border of Rajasthan and Gujarat, and this historic tragedy could not become more than a footnote in the history of India's freedom fight.

The need is, therefore, to recognise the sacrifice given by the Bhils of Banswara at Mangarh in State of Rajasthan by providing for establishment of a Mangarh Dham National Memorial to perpetuate the memory of those killed or wounded on 17th day of November, 1913 at Mangarh in Banswara, State of Rajasthan.

Hence this Bill.

KIRODI LAL MEENA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Trust to erect and maintain suitable buildings, structures and parks at or near the site of the Mangarh Dham in the city of Banswara; 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. The rules 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

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memory of those killed or wounded on the 17th day of November, 1913,  
in Mangarh Dham in the State of Rajasthan.

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*(Dr. Kirodi Lal Meena M.P.)*