

Bill No. 249 of 2018

THE JALLIANWALA BAGH NATIONAL MEMORIAL
(AMENDMENT) BILL, 2018

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BILL

further to amend the Jallianwala Bagh National Memorial Act, 1951.

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

1. This Act may be called the Jallianwala Bagh National Memorial (Amendment) Act, 2018. Short title.

25 of 1951. 5 **2.** In the Jallianwala Bagh National Memorial Act, 1951 (hereinafter referred to as the principal Act), in section 4, for sub-section (I), the following sub-section shall be substituted, namely:— Amendment of section 4.

“(I) The trustees of the Jallianwala Bagh National Memorial shall be the following, namely:—

10 (a) the Prime Minister—Chairperson;

(b) the Minister in-charge of Culture;

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

(d) the Governor of the State of Punjab; 5

(e) the Chief Minister of the State of Punjab; and

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

Substitution of new section for section 5.

3. For section 5 of the principal Act, the following section shall be substituted, namely:—

Term of office of 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: 10

Provided that the term of office of a Trustee nominated under clause (f) of sub-section (1) of section 4 may be terminated before the expiry of the period of five years by the Central Government without assigning any reason.”.

STATEMENT OF OBJECTS AND REASONS

The Jallianwala Bagh National Memorial Act, 1951 was enacted to provide for the erection and management of a National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, in Jallianwala Bagh, Amritsar. The Act provides for a Trust for the erection and management of the Memorial and also provided for composition of the Trust with certain Trustees for life.

2. Over a period of time, with the passing away of Trustees appointed for life, the situation changed significantly and the Government did not have proper representation on the Trust. Therefore with a view to fill up vacancies caused on account of passing away of the Trustees for life, the Act was amended in the year of 2006, *inter alia*, to change the composition of the Trust, to provide for fixed term of five years for nominated Trustee and for account and audit of the Trust, etc.

3. At present, in the composition of the Trust, certain inconsistencies have been noticed. There is a provision to make a party specific Trustee and for the Leader of Opposition in the Lok Sabha as one of the Trustees. The term of nominated Trustees is five years and there is no provision in the Act to terminate a nominated Trustee before the expiry of his term. In view of the absence of designated Leader of Opposition in the Lok Sabha and a Trustee being a party specific, it has been felt necessary to amend the said Act to make it apolitical and also to provide for termination of nominated Trustees before the expiry of their term.

4. In view of the above, the Jallianwala Bagh National Memorial (Amendment) Bill, 2018, provides for the following, namely:—

(i) to delete “the President of the Indian National Congress” as a Trustee;

(ii) to make “the Leader of Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, then, the Leader of the single largest Opposition Party in that House” a Trustee, in place of “the Leader of Opposition in the Lok Sabha”; and

(iii) to confer power upon the Central Government to terminate the term of a nominated trustee before the expiry of the period of his term without assigning any reason.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 17th December, 2018.

MAHESH SHARMA.

ANNEXURE

EXTRACTS FROM THE JALLIANWALA BAGH NATIONAL MEMORIAL ACT, 1951

(25 OF 1951)

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Trustees of
the Jallianwala
Bagh National
Memorial.

4. (I) The Trustees of the Jallianwala Bagh National Memorial shall be the following, namely:—

- (a) the Prime Minister—Chairperson,
- (b) the President of the Indian National Congress,
- (c) the Minister in-charge of Culture,
- (d) the Leader of Opposition in the Lok Sabha,
- (e) the Governor of the State of Punjab,
- (f) the Chief Minister of the State of Punjab, and
- (g) three eminent persons to be nominated by the Central Government.

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Term of office
of nominated
Trustees.

5. The Trustees nominated under clause (g) of sub-section (I) of section 4 shall be Trustees for a period of five years, and shall be eligible for renomination.

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LOK SABHA

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BILL

further to amend the Jallianwala Bagh National Memorial Act, 1951.

(Shri Mahesh Sharma, Minister of State for Culture; Environment, Forest and Climate Change)