

The Jallianwala Bagh National Memorial Act, 1951

UNION OF INDIA

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The Jallianwala Bagh National Memorial Act, 1951

Act 25 of 1951

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1. [Amended by THE JALLIANWALA BAGH NATIONAL MEMORIAL (AMENDMENT) ACT, 2006 (Act 51 of 2006) on 21 December 2006]

The Jallianwala Bagh National Memorial Act, 1951 (Act No. 25 of 1951) Last Updated 6th December, 2019 [27/1398] On the 27th December, 1919, the Indian National Congress passed a resolution at Amritsar that the Jallianwala Bagh be acquired with a view to raising a memorial therein and perpetuating the memory of those who were killed or wounded in that place on the 13th April, 1919. In pursuance of this resolution the Jallianwala Bagh Memorial Fund was started in 1919 and, out of the major portion of the subscriptions collected the site of the Jallianwala Bagh was acquired. Trustees were appointed in whom the property so acquired and the fund so collected were vested. Shri Jawaharlal Nehru and Sardar Vallabhbhai Patel are the present Trustees. The object of this Bill is to place the Trust on a permanent statutory basis, established a body corporate to be known as the Trustees of the Jallianwala Bagh National Memorial transfer to that body all the property and funds now vesting in the present Trustees and confer upon that body all necessary powers for carrying out the objects of the Trust". - Gazette of India, 9-12-1950, Pt. II, Section 2, p. 397. [1st May, 1951] An Act 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. BE it enacted by Parliament as follows:-

1. Short title.

This Act may be called the Jallianwala Bagh National Memorial Act, 1951.

2. Definitions.

In this Act, unless the context otherwise requires, -(a) "Memorial" means the Jallianwala Bagh National Memorial to perpetuate the memory of those killed or wounded on the 13th day of April, 1919, on the site known as the Jallianwala Bagh, Amritsar; (b) "Trust" means the Trust for the

erection and management of the Memorial;(c)"Trustees" means the Trustees of the Jallianwala Bagh National Memorial.

3. Objects of the Trust.

The objects of the Trust shall be-(a)to erect and maintain suitable buildings, structures and parks at or near the site of the Jallianwala Bagh in the city of Amritsar, to perpetuate the memory of those who were killed or wounded on the 13th day of April, 1919, 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.

4. [Trustee of the Jallianwala Bagh National Memorial. [Substituted by Jallianwala Bagh National Memorial (Amendment) Act, 2006(51 of 2006).]

(1)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.(2)The Trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Jallianwala Bagh 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.

Prior to substitution section 4 read as -4. Trustees of the Jallianwala Bagh National Memorial.(1) The Trustees of the Jallianwala Bagh National Memorial shall be the following, namely:-(a) Shri Jawaharlal Nehru,(b) Dr. Saifuddin Kitchlew,(c) Maulana Abul Kalam Azad,(d) the President of the Indian National Congress,(e) the Governor of the State of Punjab,(f) the Chief Minister of the State of Punjab, and(g) three persons nominated by the Central Government.

5. [Term of office of nominated Trustees. [Substituted by Jallianwala Bagh National Memorial (Amendment) Act, 2006(51 of 2006)]

- The Trustees nominated under clause (g) of sub-section (1) of section 4 shall be Trustees for a period of five years, and shall be eligible for renomination.][Provided that the term of office of a Trustee nominated under clause (g) of sub-section (1) of section 4 may be terminated before the expiry of the period of five years by the Central Government.] [Inserted by Act No. 39 of 2019, dated 5.12.2019.]

Prior to substitution section 5 read as-5. Term of office of Trustees.(1) The three Trustees mentioned in clauses (a), (b) and (c) of sub-section (1) of section 4 shall be Trustees for life.(2) Every Trustee nominated under clause (g) of the said sub-section shall be a Trustee for a period of five years, and shall be eligible for renomination.

6. Property vested in Trustees.

All the property and funds set out in the Schedule to this Act and all other property, whether movable or immovable, which may hereafter be given, bequeathed or otherwise transferred for this purposes of the Memorial or acquired for the said purposes shall vest in the Trustees.

7. Power of Trustees to appoint committee of management.

(1)For the purposes of managing the affairs of the Trust, the Trustees may, by 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.(2)The Trustees may appoint any persons as members of the committee of management, whether such persons are Trustees or not, and may, from time to time, vary or rescind any resolution passed by it under this section.[7A. Power to approve audited accounts. - 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.][New Section 7A insert by Jallianwala Bagh National Memorial (Amendment) Act, 2006(51 of 2006)]

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

No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the body of Trustees.[8A. Accounts and audit. - (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.(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.(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.][New Section 8A inserted by Jallianwala Bagh National Memorial (Amendment) Act, 2006(51 of 2006)]

9. Power to make rules.

(1)The Central Government may, by notification in the Official Gazette, make [rules] [For the Jallianwala Bagh National Memorial Rules, 1952, see Gazette of India, 1952, Pt. II, Section 3, p. 1484.] to carry out the objects of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-(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;(d)the laying out, erection, improvement, maintenance and management of the Memorial and the care and custody of the properties thereof;(e)the conditions 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 ;(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.

10. Power of Trustees to make regulations.

The Trustees may make regulations consistent with this Act for all or any of the following purposes, namely: -(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 ;(d)the appointment of such officers and servants as may be necessary for the purposes of the Trust, and their terms and conditions of service.[10A. Rules and regulations to be laid before Parliament. - 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.][New Section 10A inserted by Jallianwala Bagh National Memorial (Amendment) Act, 2006(51 of 2006)]The Schedule(See section 6)[Properties vested in Trustees at commencement of Act]

Part I

Immovable Properties

1. The piece of land known as the Jallianwala Bagh, Amritsar, measuring 49 kanals 17 marlas, that is to say, 6 37/160 acres or thereabouts.

2. Two pieces of land, one measuring 49 1/2 by 31 feet or thereabouts, and the other 35 by 9 1/4 yards on the east and by 8 yards on the west or thereabouts, and conveyed to the then Trustees of the Memorial by a deed of

sale, registered on the 20th September, 1920 as No. 5960, Bahi No. 1, Volume No. 1572, pages 19 to 46 of the office of the Registrar, Amritsar.

3. All the buildings and other structures standing on the lands referred to in items 1 and 2 above.

Part II – Movable Properties

Item No.	Description of investments	Amount Rs. A. P.
1	Government of Madras, 3 loan, 1952, No. D. H. 000034.	25,000 0 0
2	Government of Madras, 3 loan, 1952, No. D.H. 000035.	25,000 0 0
3	Fixed Deposit in the Central Bank of India, Ltd., Amritsar	1,10,000 0 0
4	Interest accrued on Item 3 up to 14th November 1950.	2,750 0 0
5	In current account in the Central Bank of India, Ltd., Amritsar	6,586 1 1
6	Government of Uttar Pradesh loan, 1960, purchased through the Punjab National Bank, Amritsar.	49,675 1 4
7	Amount placed in sundries in the Punjab National Bank, Amritsar	4,700 12 8
8	Fixed Deposit in the Bank of Nagpur, Ltd., Wardah, under receipt No.00518.	1,13,270 5 6
9	Interest on Item 8 above	3,681 4 0
10	Fixed Deposit in the Bank of Nagpur, Ltd., Wardah, underreceipt No.00519.	40,336 13 0
11	Interest on Item 10 above	1,310 14 0
12	In current account with Messrs. Bachharaj and Co., Ltd., Bombay.	9,573 6 0
13	Cash in hand on 24th November 1950	1,872 9 9
14	Moneys due from Government by way of refund of excess income-tax.	Amount notknown.