

The Sikh Gurdwaras Act, 1925

Punjab Act No. 8 of 1925

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104. Resignation of president and members of committee. - (1) A member of a committee other than the president may resign his office by giving notice to the president and a president may resign his office by giving notice to the committee [and by informing the Board of his resignation.]

(2) The resignation shall take effect in the case of a member from the date of its acceptance by the president, and in the case of a president from the date of its acceptance by the committee.

²(3) If the resignation of a member is accepted by the President he shall immediately inform the Board about such acceptance to enable the Board to fill the vacancy caused thereby.

(4) As soon as may be after the constitution of the Committee or the office of the President falling vacant, the Board shall call a meeting of the committee to elect the office-bearers or to fill the vacancy of the President as the case may be.]

³**104-A. Servants of the Committee, their appointment and punishment.** - The Committee may appoint such servants as it may deem necessary for the due performance of its duties, and may, from time to time determine the number, designations, grades and scale of salary, or other emoluments of such servants, and may at any time for good cause fine, reduce, suspend or remove any servant.]

⁴**105. Exclusion of Board acting as committee from operation of this chapter.** - The Committee constituted under the provisions of section 85 shall not be affected by any other provision of this Chapter.]

Chapter IX

Finances

106. Object on which the funds of a gurdwara may be spent. - (1) Subject to the provisions of this Act, all properties and income of a Notified Sikh Gurdwara shall be used, in the first place, for the maintenance or improvement of the gurdwara; for the maintenance of religious worship and the performance and conduct of religious and charitable duties, ceremonies and

observances connected therewith; for the payment of allowances or salaries of dependents, officers and servants thereof; for the fulfilment of the objects of the endowments thereof; for the maintenance of the *langar*; for such religious, charitable or educational purposes as the committee may consider necessary in connection therewith or for the discharge of any obligations legally incurred.

(2) When after providing for the purposes specified in sub-section (1) there remains or appears likely to remain any surplus sum or any income not required for any such purposes, the committee may, by resolution passed by not less than two-third of its members propose to allocate a part of the whole of such surplus sum or income to a particular religious, educational or charitable purpose [or any purpose which promotes social welfare] and may, if the Board in writing sanctions such proposal, act in accordance therewith, provided that any proposal so sanctioned to devote to such purpose income accruing during a period of more than three years at any time not sooner than three years after the proposal was sanctioned be rescinded or varied by a subsequent resolution of the committee passed in like manner.

⁵(3) Notwithstanding anything contained in sub-section (2) when it appears to be Board that after providing for the purposes specified in sub-section (1) there remains or is likely to remain any surplus sum or income not required for any such purposes, and the committee is not willing to devote such surplus sum or income to other purposes, the Board may apply to the Commission for an order allowing the Board to devote the whole or part of such surplus sum or income to a particular and specified religious, educational or other charitable purpose [or any purpose which promotes social welfare.]

(4) When application has been made in accordance with the provision of sub-section (3) the Commission may, after hearing the objection, if any, of the committee or of any person having interest in the gurdwara concerned if it is satisfied that the application is reasonable, determine what portion if any of such surplus sum or income shall be retained as a reserve fund for the gurdwara concerned and direct the remainder of the surplus sum or income to be devoted to any such religious, educational and charitable purpose as it may deem proper, and the Commission may, from time to time, on the application of the Board or of the committee or of a person having interest in the gurdwara concerned, rescind or vary any order passed under the provisions of this sub-section.

(5) A Committee or the Board if it is aggrieved by an order passed under sub-section (4) may, not later than ninety days after the passing of the order, appeal to the High Court and the High Court may confirm the order or pass any such

¹ Added by Punjab Act I of 1959, Section 11(a)

² Added by Punjab Act I of 1959, Section 11(b)

³ Added by Punjab Act VI of 1961, Section 18

⁴ Substituted by Punjab Act VI of 1961, Section 19

¹ Inserted by Punjab Act No. 1 of 1959, Section 14

² Inserted by Punjab Act No. 1 of 1959, Section 14

ship to and audit. It also provides for the appointment of a judicial commission, consisting of three Sikhs, by which certain disputes relating to the administration of places of worship dedicated or held by the tribunal to be Sikh Gurdwaras or Shrires are to be settled.¹

It was held by the Division Bench of the High Court that the purpose of the Act was to settle not only pending disputes but all likely disputes in future and to have it determined which of the Gurdwaras concerned or some other possible claimant was owner of the right claimed on behalf of the Gurdwara. *Amrit Singh v. Sarwanam Gurdwara Parbandhak Committee, AIR 1936 Lahore 939, 39 PLR 425.*

Statement of Object and Reasons - Act 25 of 1953. - After the partition of the Punjab, the **Shromani Gurudwara Parbandhak Committee**, constituted in the Joint Punjab was reconstituted under the **India (Separation of Existing Indian Laws) Order, 1947**. Subsequently, the seats on the **Shromani Gurudwara Parbandhak Committee** were categorized into elected, nominated and co-opted seats, as vacancies on the Shromani Gurudwara Parbandhak Committee shall be filled by election, nomination or co-optation in the same manner as they had been filled in Punjab (Pre-partition) which shall be left unaltered. This was done by means of a notification issued on the 22nd March, 1949. Since the **Shromani Gurudwara Parbandhak Committee** after partition was constituted under the provisions of the **India (Adjustment of Existing Indian Laws) Order, 1947**, it is necessary that Government should assume powers by and through legislation in order to be able to fill vacancies on the **Shromani Gurudwara Parbandhak Committee** in the manner described above. The Bill accordingly designed to achieve that object.²

Statement of Object and Reasons - Act 26 of 1953. - The Act provides for the election of the Executive Committee of the Board every year but it does not provide for any remedy against the Executive Committee if it ceases at any time to enjoy the confidence of the Board in general. It is considered undemocratic to allow the Executive Committee to continue even when a resolution of no confidence has been passed against it. The proposed amendment is designed to remedy this defect in the Act.³

Statement of Object and Reasons - Act 27 of 1953. - Under section 113 of the Sikh Gurdwara Act, 1925, every sum received by the Board in connection with any fund is to be placed to the credit of the fund or a fund as the Board may in a general meeting direct. This does not leave any discretion with the Board to keep the money in any other manner. It is proposed to empower the Board to make investment of such sums received by them in Government Securities or National Savings Certificates. The investments thus made will not only be safe but will also yield better income by way of interest.

Funds belonging to certain notified Sikh Gurdwaras held in this category (1) in fact, the Board. These were deposited with it either as the managing body, of the Gurdwara, as mentioned in section 41 of the Sikh Gurdwara Act or as the general controlling body of all the notified Gurdwaras or vice versa, were received and realised under the powers given under section 121. A draft of the Act There is, however, no provision in the Act as to how the same can be spent or used. Section 127-B is proposed to be added with a view to authorising the Board to use and allocate these funds in accordance with the provisions of that section.

Statement of Object and Reasons - Act 42 of 1953. - It is considered that questions regarding disqualification of members of committees and of the Board constituted under the Punjab

1. Punjab (State) Elections, dated 27th April, 1957.

2. Published vide Punjab (State) Elections, dated 28.1.1953, P. 130.

3. Published vide Punjab (State) Elections, dated 18.1.1953, P. 401, 411.

4. Published vide Punjab (State) Elections, dated 28.1.1953, P. 166, 411.

The Sikh Gurdwaras Act, 1925, Section 1

Sikh Gurdwaras Act should be decided by an independent authority. This Bill seeks to achieve this purpose by vesting powers, in this respect, in the Judicial Commission.

Statement of Object and Reasons - Act 41 of 1953. - As a result of the partition, out of 120 constituencies of the Shromani Gurudwara Parbandhak Committee, 43 constituencies were left in the Punjab (Pakistan) and the number of elected members was consequently reduced to 84, including 7 seats reserved for Sikh belonging to Mazhabi, Ramdasia and Kshatriya castes. Since the entire Sikh population on the other side of the border has moved to India and the majority of them have settled in the Punjab (India), it is necessary to determine afresh the number of elected members on the Shromani Gurudwara Parbandhak Committee and the number of seats which should be reserved for Sikhs belonging to the Scheduled Castes. Recognised as such under the Constitution Act. Besides, in view of the constitutional changes by which the erstwhile Punjab States have ceased to have independent identity and have merged into the Punjab Union, and in view of the present day democratic set up in the country, it is desirable to give up the nomination of members on the Shromani Gurudwara Parbandhak Committee by the Rajpramukh of the new Punjab Union provided in the Act. The amendment of sections 43 and 44 of the Act is designed to achieve these objects.

The amendments to other sections proposed in the Bill are of consequential nature.²

Statement of Object and Reasons - Act 53 of 1953. - Section 85 of the Sikh Gurdwara Act, 1925, was amended in 1949 by which the Local Committees of Management for certain big Gurdwaras mentioned therein were abolished and the control of those Gurdwaras was vested in the Shromani Gurudwara Parbandhak Committee which was declared to be the Committee of Management for such Gurdwaras. As a consequence of the amendment, several sections of the act, which contain a mention of those Local Committees, have to be amended. It is also considered necessary to amend certain provisions of the Act in order to remedy some printing errors and to meet certain administrative difficulties which have been experienced in the working of the Act from time to time. This Bill is designed to achieve that object.³

Statement of Object and Reasons - Act 5 of 1954. - As a result of partition, out of 120 constituencies of the Shromani Gurudwara Parbandhak Committee, 43 constituencies were left in Punjab (Pakistan) and 77 constituencies, including 7 reserved constituencies, came over to Punjab (India). The number of elected members on that body after partition was consequently reduced to 84, including 7 the entire Sikh population to Mazhabi, Ramdasia or Kshatriya castes. As the entire Sikh population had migrated to India and the majority of them had settled in Punjab (India), Sections 43 and 44 of the Sikh Gurdwara Act, 1925, were amended in 1953 by which the number of elected members on the Shromani Gurudwara Parbandhak Committee was increased to 132, including 18 seats reserved for Scheduled Castes of the Scheduled Castes notified as such under Article 341 of the Constitution of India. In order to elect new members on the Shromani Gurudwara Parbandhak Committee, it is necessary to delimit afresh the constituencies of that body, and to substitute the existing Schedule VI appended to the Sikh Gurdwara Act, 1925, by a new Schedule.

According to the existing law, the Gurdwara electoral rolls are to be prepared continuously. Since it is proposed to hold fresh Gurdwara elections in July next and the new electoral rolls are to be published immediately, it is necessary to enhance the new constituencies (which retrospective date earlier than the date of publication of the rolls).

Statement of Object and Reasons - Act 11 of 1954. - Under the existing provisions of section 83 of the Sikh Gurdwara Act, 1925, the State Government may at any time, when there

1. Published vide Punjab (State) Elections, dated 27.2.1953.

2. Published vide Punjab (State) Elections, dated 11.4.1953, P. 504.

3. Published vide Punjab (State) Elections, dated 10.9.1953, P. 194.

4. Published vide Punjab (State) Elections, dated 26.2.1954, P. 100.

27	Amended by Punjab Act No. 22 of 1957.
28	Amended by Punjab Act No. 1 of 1959.
29	Amended by Punjab Act No. 10 of 1959.
30	Amended by Punjab Act No. 10 of 1961.

An Act to provide for the better administration of certain Sikh Gurdwaras and the inquiries into matter connected therewith.

Preamble. - Whereas it is expedient to provide for the better administration of certain Sikh Gurdwaras and for inquiries into matters and settlement of disputes connected therewith, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows :-

Part 1

Chapter 1

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Sikh Gurdwaras Act, 1925.

[(2) It extends to the territories which, immediately before the 1st November, 1956, were comprised in the States of Punjab and Patiala and East Punjab States Union]

(3) It shall come into force on such² date as the³ [State] Government may, by notification appoint in this behalf⁴ and, in the extended territories, on the commencement of the Sikh Gurdwaras (Amendment) Act, 1959 (hereinafter referred to as the Amending Act.)]

(4) The Sikh Gurdwaras and Shrires, Act, 1922 [4 of 1922], is hereby repealed.

¹ Substituted for the words "to provide" by Punjab Act No. 1 of 1959 section 3(1)

² This Act came into force on the 1st day of November, 1975, see notification no. 4288 N, dated 1/10/75.

³ Deleted in the Punjab (Amendment) Act, 1975, Part I, page 212

⁴ Added by Punjab Act No. 1 of 1975, Section 2(2)

✓ COMMENTARY

Statement objects and reasons. - "The present Sikh Gurdwaras and Shrires Bill is an effort to provide a legal procedure by which such gurdwaras and shrires as are, owing to their origin and habitual use, regarded by Sikhs as essentially places of Sikh worship, may be brought effectively and permanently under Sikh control and their administration reformed so as to make it consistent with the religious views of that community. The Sikh Gurdwaras and Shrires Act, 1922, which is to be repealed by the present Bill, failed to satisfy the aspirations of the Sikhs for various reasons. One, for instance, was that it did not establish permanent committees of management for Sikh Gurdwaras and Shrires. Nor did it provide for the speedy confirmation by judicial sanction of changes already introduced by the reforming party in the management of places of worship over which it had obtained effective control.

2. The present Bill provides a scheme of purely Sikh management, secured by statutory and legal sanction, for places of worship which are decided either by the legislature or by an independent tribunal set up for the purpose, or by an ordinary Court of law, to be in reality places of Sikh worship which should be managed by Sikhs.

3. The procedure by which a gurdwara or shrine can be placed under such management is provided in Parts I and II of the Act. Part III describes and regulates the manner of management.

4. There are three ways in which, under the Bill, the provisions of part III may be made applicable to a particular gurdwara or shrine.

(1) Certain places of worship about which no substantial doubt exists are placed forthwith in Schedule I. For the application of Part III to one of these, all that is necessary is the speedy assertion of a claim on behalf of the shrine to the property alleged to belong to it. This assertion will be by petition to the local Government.

(2) Whether any place not included in Schedule I should or should not be placed for management under the provisions of part III will be determined, upon petition duly made by fifty worshippers within a prescribed period by a special independent tribunal, subject to an appeal to the High Court. The principles to be applied or not are laid down in the Bill, and upon a finding of certain facts the application of Part III will necessarily follow.

(3) The tribunal is to be appointed by the Local Government and its President will be a Judge of the High Court. It will not be permanent, and if recourse is not had to it within local Government within the period prescribed, the only way in which the provisions of Part II can be applied to a place of worship will be by a suit of a special nature, similar to a suit under section 92 the Code of Civil Procedure, instituted in an ordinary Court of law. For such suits provision is made in Part II.

5. Besides prescribing the procedure required for the application of Part III to a place of worship, Part I includes provisions for compensating hereditary office-holders who have been removed from office after the 1st of January, 1920, or who may prefer to resign in consequence of the application of Part III to the gurdwaras or shrires with which they are connected.

6. Once a gurdwara or shrine has been placed for management under Part III the jurisdiction of the Courts in respect of matters relating to it will be curtailed in several directions so as to give the Central Board and Committees of management, set up under the provisions of that Part, a satisfactory measure of independent control. At the same time, the ordinary Courts are also provided pending judicial sanction by the tribunal of matter over which it is given jurisdiction. Where such matters are in dispute in pending suits, they are to be referred to the tribunal for settlement.

7. The scheme of management provided under Part III contemplates the constitution of a Central (Sikh) Board of Control consisting of persons of elected members, and the formation of committees of management, discharge their functions, invest them with special powers, lays down certain principles by which they are to be bound and provides for financial responsi-