

HARYANA VIDHAN SABHA

Bill No. 19— HLA of 2024

**THE HARYANA SIKH GURDWARAS (MANAGEMENT) AMENDMENT
BILL, 2024**

A

BILL

further to amend the Haryana Sikh Gurdwaras (Management) Act, 2014.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Haryana Sikh Gurdwaras (Management) Amendment Act, 2024. Short title and commencement.
(2) It shall be deemed to have come into force with effect from the 14th October, 2024.
2. In sub-section (1) of section 46 of the Haryana Sikh Gurdwaras (Management) Act, 2014,- Amendment of section 46 of Haryana Act 22 of 2014.
 - (I) for clause (i), the following clause shall be substituted, namely:-
“(i) is or at the time of his retirement or resignation was a Judge of the High Court or a District Judge not having less than ten years standing on his superannuation;”;
 - (II) for clause (iv), the following clause shall be substituted, namely:-
“(iv) the Chairman shall be a Judge of High Court, if so appointed, and if a Judge of the High Court is not appointed, then the District Judge if so appointed and if the District Judge is also not appointed, then one of the three selected members of the Commission shall be the Chairman in the order of their seniority either in service or at Bar, as the case may be, and the term of the Chairman or the Member shall be five years from the date he assumes charge.”.
3. (1) The Haryana Sikh Gurdwaras (Management) Amendment Ordinance, 2024 (Haryana Ordinance No. 7 of 2024), is hereby repealed. Repeal and savings.
(2) Notwithstanding such repeal, anything done or action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Whereas, The Haryana Sikh Gurdwaras (Management) Act, 2014 was enacted by the State Government with the objective of providing for autonomous management and effective supervision of Sikh Gurdwaras and Gurdwara Property in the State of Haryana. Section 46 of the said Act provides for constitution of Haryana Sikh Gurdwara Judicial Commission consisting of three members and the Chairman shall be a District Judge, if so appointed and if a District Judge is not appointed than one of the three members shall be the Chairman in the order of their seniority. The term of the Chairman or the Member shall be five years or the age of 65 years whichever is earlier. The Haryana Sikh Gurdwara Judicial Commission is a quasi-judicial authority, whose decisions are final. The dispute relating to the Gurdwara property, its funds and any other disputes between the Gurdwara Committee, Executive Board or any other institutions, are to be adjudicated upon by the Commission. Therefore, it has been deemed appropriate that a Judge of High Court should also be considered for appointment as a member and Chairman of the Commission. Further, in order to ensure effective functioning of the Commission, the upper cap of 65 years of age, as provided in clause (iv) of sub-section (1) of Section-46, should be removed.

A legislation i.e. 'The Haryana Sikh Gurdwaras (Management) Amendment Bill, 2024' to provide for appointment of a Judge of High Court as Members and Chairman of Commission and to remove the upper cap of 65 years of age and for matters connected therewith or incidental thereto, is required. Hence, this Bill.

NAYAB SINGH,
Chief Minister, Haryana.

Chandigarh :
The 8th November, 2024.

Dr. SATISH KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 8th November, 2024, under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

ANNEXURE

EXTRACT FROM THE HARYANA SIKH GURDWARA MANAGEMENT
ACT, 2014

Section 46. (1) There shall be constituted a Haryana Sikh Gurdwara Judicial Commission which shall consist of three members who shall be Sikhs as defined under this Act, appointed from time to time, as may be necessary by the State Government, by notification in the Official Gazette with the following qualifications —

Judicial
Commission and
its functions.

- (i) is or at the time of his retirement or resignation from the Government service was a District Judge not having less than ten years standing as such on his superannuation;
- (ii) xxxx
- (iii) xxxx.
- (iv) The Chairman shall be District Judge if so appointed and if District Judge is not appointed then one of the three selected members of the Commission shall be the Chairman in the order of their seniority either in service or at bar, as the case may be, and the term of the Chairman or the member shall be five years or the age of 65 years whichever is earlier:

Provided that terms and conditions of appointment of the Chairman and members of the Commission shall be determined by the State Government in consultation with the Gurdwara Management Committee in the prescribed manner. The terms and conditions of appointment, salary, allowance etc. will be fixed by the Government in consultation with the Gurdwara Management Committee and the expenditure of the said purpose or any incidental charges including recruitment of helping staff and maintenance of the office shall be defrayed from the Haryana Government Treasury :

Provided further that Sikh Gurdwara Judicial Commission shall be a body corporate and shall work independently of the Commissioner Gurdwara Elections, Haryana Government or the Haryana Sikh Gurdwara Management Committee or the Executive Board, as the case may be:

Provided further that any decision taken by the Sikh Gurdwara Judicial Commission shall be final.

(2) The Commission shall adjudicate upon the disputes relating to Gurdwara property, movable or immovable including the Gurdwara fund and other incidental disputes inter se between the Gurdwara Committee, Executive Board or inter se between various Gurdwara and private individuals, or any other institutions or any other juristic persons.

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