



HARYANA STATE LAW COMMISSION

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TWENTY FOURTH REPORT

Recommendation to amend various Sections of Haryana Sikh Gurdwaras (Management) Act, 2014.

Government of Haryana

HARYANA STATE LAW COMMISSION

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Chairperson**

**Mr. Inderjeet Mehta,
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Part-time Member**

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Registrar**

Government of Haryana

HARYANA STATE LAW COMMISSION

TWENTY FOURTH REPORT

8th April, 2025

Recommendation to amend various Sections of Haryana Sikh Gurdwaras (Management) Act, 2014.

Originally, the Sikh Gurdwara Act, 1925 was enacted for management and supervision of Sikh Gurdwaras and Gurdwara properties in the erstwhile State of Punjab (which included the present Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh). Thereafter, on genuine demand of Sikh population of Haryana to provide for the better autonomous management and effective supervision of Sikh Gurdwaras and Gurdwara properties in the State of Haryana and matters related thereto, the Haryana Sikh Gurdwaras (Management) Act, 2014 was enacted which

received the assent of the Governor of Haryana on the 14th July, 2014 and was published in the Haryana Government Gazette (Extraordinary) on 14th July, 2014.

Now the Haryana State Law Commission received letter bearing No.01/06/2025-3GEC dated 18.03.2025 from the Additional Chief Secretary to Government of Haryana, Home Department, for amendments in the provisions of the Haryana Sikh Gurdwaras (Management) Act, 2014 (hereinafter referred to as the Act, 2014).

The Haryana State Law Commission has minutely gone through the existing provisions of the Act, 2014 and the amendments proposed by the Chairman, Haryana Sikh Gurdwara Judicial Commission, in his letter dated 16.01.2025 (received from the Additional Chief Secretary to Government of Haryana, Home Department, vide letter under reference) and have analyzed as follows: -

The Haryana Sikh Gurdwara Judicial Commission (hereinafter referred to as the Judicial Commission) has

proposed that there should be provision for temporary injunction/interim relief which sometimes required in certain cases in order to check further loss and wastage of Gurdwara property or misuse of funds, as the case may be. Therefore, Section 46-A should be added in this regard in the Act, 2014 which empowers the Judicial Commission to grant temporary injunction in required cases.

The Judicial Commission further proposed that for immediate service of the parties, summoning of witnesses and record, the Judicial Commission shall regulate its own procedure and shall not be bound by the strict provisions of the Code of Civil Procedure, 1908 and the Bharatiya Sakshya Adhiniyam, 2023. In this regard, he proposed amendment for addition of Section 46-B in the Act, 2014.

The Judicial Commission further proposed that there should be exclusive purview of the Judicial Commission and that the jurisdiction of any court to entertain or try the matter which falls within the jurisdiction of Judicial Commission, should be barred. In

this regard, he proposed for addition of Section 46-C in the Act, 2014.

The Judicial Commission further proposed that protection of prosecution of Chairman, Member, Officers or officials of the Judicial Commission should be provided with respect to the act done in good faith by the Judicial Commission in the discharging of its functions. In this regard, Section 46-D may be added in the Act, 2014.

The terms and conditions of the Chairman and Members of the Judicial Commission shall be determined by the State Government independently and not in consultation with the Haryana Sikh Gurdwara Management Committees particularly when the Haryana Government is to bear all the expenditure including the salaries and maintenance of the office of the Judicial Commission. Therefore, Section 46 sub-section (1) should be amended accordingly.

The Judicial Commission further proposed that Section 44 of the Act, 2014 is required to be amended

because the Haryana Sikh Gurdwara Judicial Commission by its name is well equipped to take care of the provisions regarding the definition of a Sikh and qualifications of a Member, as enshrined in clauses (a) and (b) of Section 44 of the Act, 2014. Therefore, there is no need to put extra burden on the Civil Courts. So, he proposed that Section 44 of the Act, 2014 should be amended and instead of “Special Court”, the word “Judicial Commission” should be inserted.

The Judicial Commission further submitted that the Haryana Sikh Gurdwara Judicial Commission should be defined in the Definition Clause under Section 2 of the Act, 2014.

The Judicial Commission further proposed that a provision is required to be added in the Act, 2014 to authorize the Judicial Commission to appoint an expert to hold enquiry/investigation into the disputes relating to the Gurdwara property, movable/immovable including the Gurdwara funds.

The Judicial Commission further proposed that like Members of the Committee and the Commissioner, Gurdwara Elections and every other officer and employees of the Committee, the Chairman, Member, Officer and employee of the Judicial Commission should also be held to be “public servant” within the meaning of Section 2 sub-section (28) of the Bharatiya Nyaya Sanhita (BNS), 2023.

As no mechanism has been provided for the execution of the orders passed by the Judicial Commission in the Act, 2014, the Judicial Commission proposed that Section 46-G is required to be added to provide the mechanism for the execution of the orders passed by the Judicial Commission.

The Judicial Commission further proposed that to provide transparency and that to implement the proverb that “the justice should not only be done but it should appear to have been done”, the Judicial Commission shall be given powers to take suo moto cognizance of the disputes inter se between Gurdwara Committee, Executive Board, various Gurdwaras and

private individuals, or any other institution/juristic person, in the larger interest of the Sikh community. In this regard, the Judicial Commission proposed that subsection (3) should be added in Section 46 of the Act, 2014 as under: -

46(3) “The Commission, where it deems fit, may take suo moto cognizance of the dispute relating to Gurdwara property, Gurdwara funds and other incidental disputes inter se between the Gurdwara Committee, Executive Board or various Gurdwaras and private individuals or any other institution/juristic person.”

As a result of our above consideration/discussion, the Haryana State Law Commission has come to the conclusion that the proposed amendments are necessary for the smooth and proper functioning of the Haryana Sikh Gurdwara Judicial Commission so that the Haryana Sikh Gurdwara Judicial Commission may be empowered to expeditiously dispose of the cases under its jurisdiction and to provide justice to the general Sikh population of

Haryana with regard to Gurdwara properties, funds and other matters relating thereto.

Consequently, the Haryana State Law Commission recommends that the amendments as proposed below may be incorporated in the Haryana Sikh Gurdwaras (Management) Act, 2014: -

Section No.	Existing Section	Proposed amendment in Section
2.	<p>CHAPTER-1</p> <p>PRELIMINARY</p> <p>The definition of Gurdwara Judicial Commission does not exist.</p>	<p>The Haryana Sikh Gurdwara Judicial Commission should also be defined in Section 2 by adding a fresh clause as under:</p> <p>(t) “Judicial Commission” means Haryana Sikh Gurdwara Judicial Commission constituted under Section 46 of the Act.</p>
44	A special court notified by the State Government in consultation with the High Court of Punjab	<p>The ‘Judicial Commission’ shall have jurisdiction in respect of the following matters, namely-</p> <p>(a) any petition involving a question of dispute</p>

<p>and Haryana shall have jurisdiction in respect of the following matters, namely-</p> <p>(a) any petition involving a question of dispute wherein any person is a Sikh or is not a Sikh for the purpose of registration as a voter or contesting election as a member or co-option as member of the Committee;</p> <p>(b) a petition involving a question whether for the purpose of election as member of the Committee a person is qualified or disqualified.</p> <p>(c) Petitions arising out of any</p>	<p>wherein any person is a Sikh or is not a Sikh for the purpose of registration as a voter or contesting election as a member or co-option as member of the Committee;</p> <p>(b)a petition involving a question whether for the purpose of election as member of the Committee a person is qualified or disqualified;</p> <p>(c)Petitions arising out of any type of disputes between the Committee and its employees including former employees</p>
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	type of disputes between the Committee and its employees including former employees.	
45	<p>(1) Any person aggrieved by an order passed by the special court as notified by the State Government, in consultation with the High Court of Punjab and Haryana may within ninety days of the order, prefer an appeal to the High Court of Punjab and Haryana at Chandigarh and the orders of the High Court on such appeal shall be final.</p>	<p>(1) Any person aggrieved by an order passed by the Judicial Commission under Section 44 of the Act, may within ninety days of the order, prefer an appeal to the High Court of Punjab and Haryana at Chandigarh and the orders of the High Court on such appeal shall be final.</p> <p>(2) The provisions of sections 5 and 12 of the Limitation Act, 1963 (36 of 1963), so far as may be, shall apply to appeals under this section.</p>

	(2) The provisions of sections 5 and 12 of the Limitation Act, 1963 (36 of 1963), so far as may be, shall apply to appeals under this section.	
46 sub section (1) Proviso (1)	<p>(1) xxxx</p> <p>(i) xxxx</p> <p>(ii) xxxx</p> <p>(iii) xxx</p> <p>(iv) xxxx</p> <p>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</p>	<p>Provided that terms and conditions of appointment of the Chairman and members of the Commission shall be determined by the State Government. The terms and conditions of appointment, salaries, allowances, etc. will be fixed by the Government and the</p>

	<p>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.</p>	<p>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.</p>
46 (3)	Does not exist	<p>The Commission, where it deems fit, may take suo moto cognizance of the</p>

		dispute relating to Gurdwara property, Gurdwara funds and other incidental disputes inter se between the Gurdwara Committee, Executive Board or various Gurdwaras and private individuals or any other institution/juristic person.
46-A	Does not exist	<p>Section 46-A: Cases in which temporary injunction may be granted- Where in any dispute it is proved by affidavit or otherwise-</p> <p>(a)that any property in dispute is in danger of being wasted, damaged or alienated by any party to the dispute,</p> <p>(b)that the respondent threatens to cause injury to the petitioner/complainant in relation to any matter in dispute,</p>

		<p>(c)that it is urgently required to freeze the accounts or otherwise stop the expenditure from the Gurdwara funds, in order to check on its misuse, the Judicial Commission may, by order grant the temporary injunction to restrain such act or expenditure or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property or misuse of the funds or otherwise causing any injury to the petitioner/ complainant as the Judicial Commission thinks fit till the final disposal of dispute or till further orders.</p>
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46-B	Section 46-B does not exist.	<p>POWERS OF THE JUDICIAL COMMISSION-</p> <p>(1) The Judicial Commission shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.</p> <p>(2) Subject to the provisions of this Act, the Judicial Commission shall have power to regulate its own procedure.</p> <p>(3) The Judicial Commission shall also not be bound by the rules of evidence contained in the BSA, 2023 (Indian Evidence Act, 1872 (1 of 1872)).</p> <p>(4) The Judicial Commission shall have, for the purpose of discharging its functions under this Act, the same powers as are</p>
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		<p>vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:</p> <p>-</p> <p>(a) Summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) Requiring the discovery and production of documents;</p> <p>(c) Receiving evidence on affidavits;</p> <p>(d) Issuing commissions for the examinations of witnesses or documents;</p> <p>(e) to issue Commission for any legal investigation for the purpose of elucidating any matter in dispute concerning the Gurdwara property including its funds.</p>
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		<p>(f) Reviewing its decisions;</p> <p>(g) Dismissing an application for default or directing it ex parte, and</p> <p>(h) Any other matter which may be prescribed.</p> <p>(5) All proceedings before the Judicial Commission shall be deemed to be judicial proceedings within the meaning of Section 229 of BNS, 2023 (Sections 193 IPC), 257 of BNS, 2023 (Section 219 IPC) and 267 of BNS, 2023 (Section 228 IPC) for the purposes of Section 233 of BNS, 2023 (Section 196 of the Indian Penal Code (45 of 1860), and the Judicial Commission shall be deemed to be Civil Court for the purposes of Section 215 of Bhartiya Nagrik Surkasha Sanhita (BNSS), 2023 (Section 195 of the Code of Criminal Procedure, 1973 (2 of</p>
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		1974) Chapter XXVIII, BNSS, 2023 (46 of 2023) (Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
46-C	Section 46-C does not exist.	<p>Section 46-C- Bar of Jurisdiction.</p> <p>No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Judicial Commission is empowered by or under this Act to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.</p>
46-D	Section 46-D does not exist.	<p>Section 46-D</p> <p>(1) No suit, prosecution or other legal proceedings shall lie against the Chairman, members, officers and employees of</p>

		<p>the Judicial Commission for any act which is done in good faith or intended to be done under this Act or any Rule or Regulations made thereunder.</p> <p>(2) No suit or other legal proceedings shall lie against the Chairman, members, officers and employees of the Judicial Commission for damages in respect of any loss or omission for furtherance discharge of their official duties.</p>
46-E	Section 46-E does not exist.	<p>Vacancies, etc., not to invalidate proceeding of Judicial Commission: -No act or proceeding of the Judicial Commission shall be invalid merely by reason of-</p> <p>(a) Any vacancy in, or any defect in the constitution of, the Judicial Commission; or</p> <p>(b) Any defect in the appointment of a</p>

		<p>person acting as a Member of the Judicial Commission; or</p> <p>(c) any irregularity in the procedure of the Judicial Commission not affecting the merits of the case.</p>
46-F	Section 46-F does not exist.	The Chairman, member, officer and employee of the Judicial Commission should also be deemed to be a public servant within the meaning of Section 2(28) of BNS, 2023 (erstwhile Section 21 of the Indian Penal Code, 1860).
46-G	Section 46-G does not exist.	<p>Orders passed by Judicial Commission to be executable as a decree. -</p> <p>(1) Every order made by the Judicial Commission under this Act shall be executable by the Judicial Commission as a decree of Civil Court, and for this purpose, the Judicial Commission shall have all the powers of a Civil Court.</p>

		<p>(2) Notwithstanding anything contained in sub section (1), the Judicial Commission may transmit any order made by it to a Civil Court having local jurisdiction and such Civil Court shall execute the order as if it were a decree made by the Court.</p>
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