

Bill No. XVII of 2016

THE SIKH GURDWARAS (AMENDMENT) BILL, 2016

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BILL

further to amend the Sikh Gurdwaras Act, 1925

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

1. (1) This Act may be called the Sikh Gurdwaras (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall be deemed to have come into force from 8th October, 2003.

Punjab Act
VIII of 1925. 5

2. In the Sikh Gurdwaras Act, 1925 (hereinafter referred to as the principal Act), in section 49 for the proviso, the following proviso shall be substituted, namely:—

Amendment
of section 49.

“Provided that no person shall be registered as an elector who—

(a) trims or shaves his beard or *keshas*;

(b) smokes; and

(c) takes alcoholic drinks.”.

3. In section 92 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amendment
of section 92.

“Provided that no person shall be registered as an elector who—

(a) trims or shaves his beard or *keshas*;

(b) smokes; and

(c) takes alcoholic drinks.”.

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STATEMENT OF OBJECTS AND REASONS

In exercise of the powers conferred by section 72 of the Punjab Re-organisation Act, 1966, the Central Government *vide* notification No. S.O. 1190(E) dated 08th October, 2003, modified the provisos to the section 49 and section 92 of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925) thereby removing the exemption given to Sahjdhari Sikhs to enable them to vote in the elections to the members of the Board and the Committee constituted under the Sikh Gurdwaras Act, 1925. However, the said notification was quashed by the High Court of Punjab and Haryana, *vide* judgment dated 20th December, 2011, leaving it for the appropriate and competent Legislature to decide to amend or not to amend the said Act.

2. The Bill proposes to amend the provisos to section 49 and section 92 of the Sikh Gurdwaras Act, 1925 retrospectively with effect from 08th October, 2003 for removing the exemption given to Sahjdhari Sikhs.

3. The Bill seeks to achieve the above objective.

NEW DELHI;

RAJNATH SINGH

The 14th March, 2016.

ANNEXURE

EXTRACTS FROM THE SIKH GURDWARAS ACT, 1925

(PUNJAB ACT VIII OF 1925)

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49. Every person shall be entitled to have his name registered on the electoral roll of a constituency constituted for the election of a member or members of the Board who is a resident in that constituency and either— Qualifications of electors.

(i)* * * *

(ii) is a Sikh more than twenty-one years of age, who has had his name registered as a voter in such manner as may be prescribed:

Provided that no person shall be registered as an elector who—

(a) trims or shaves his beard or *keshas* except in case of *sehjdhari*;

(b) smokes;

(c) takes alcoholic drinks.

* * * * *

92. Every person shall be entitled to have his name registered on the electoral roll of a constituency for the election of a member or members of a committee or of a local committee who is a resident in that constituency, and either— Qualification of electors.

(i)* * * *

(ii) is a Sikh more than twenty-one years of age and has had his name registered as a voter in such manner as may be prescribed:

Provided that no person shall be registered as an elector who—

(a) trims or shaves his beard or *keshas* except in case of *sehjdhari sikhs*;

(b) smokes; and

(c) takes alcoholic drinks.

RAJYA SABHA

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further to amend the Sikh Gurdwaras Act, 1925

(Shri Rajnath Singh, Minister of Home Affairs)