

The Jammu and Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973

JAMMU & KASHMIR

India

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Act 15 of 1973

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The Jammu and Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973 Act No. 15 of 1973 [Received the assent of the Governor on 27th April, 1973 and published in Government Gazette dated 30-4-1973 (Extraordinary)] An Act to provide for the better administration of the Sikh Gurdwaras in Jammu and Kashmir State and their properties wherever situate. Be it enacted by the Jammu and Kashmir State legislature in the Twenty-fourth Year of the Republic of India as follows :-

Chapter I

1. Short title, extent [application] [Inserted by Act XXII of 1976.] and commencement.

(1) This Act may be called the Jammu and Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973. (2) It extends the whole of Jammu and Kashmir State. [(2-a) It shall apply all the Sikh Gurdwaras in the State.] [Inserted by Act XXII of 1976.] (3) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) 'Board' means the State Sikh Gurdwaras Prabhandhak Board constituted under this Act ; (b) 'Committees' means Gurdwara Prabhandhak Committee of a Sikh Gurdwara or a Group of Gurdwaras constituted under this Act; (c) 'Property' means all the movable and immovable property attached to a Gurdwara or standing in the name of a Gurdwara Prabhandhak Committee; (d) [Gurdwara' means a place of

worship where Guru Granth Sahib is kept and which is constructed by public donation or by private individual or individuals and is accessible to all Sikhs including Sehajdhari Sikhs, for worship or for religious ceremonies; [Clauses (d), (e), (f) & (g) inserted by Act XI of 1981.] (e) 'Sikh' means a Sikh who believes in ten Sikh Gurus and Guru Granth Sahib and keep Keshas; (f) 'Sehajdhari Sikh' means a person who believes in Guru Granth Sahib and ten Gurus but has never kept Keshas. (g) 'Patit Sikh' mean a Sikh who had kept Keshas but has later on shaved of; (h) 'prescribed' means prescribed by the rules made under this Act.

2A. [Application of other laws barred. [Section 2-A inserted by Act X of 1981.]

- Nothing in the Jammu and Kashmir Houses and Shops Rent Control Act, 1966 shall apply to any property to which this Act applies.]

Chapter II

3. The composition and constitution of the Board.

(1) There shall be established a Board which shall consist of fifteen members who shall be elected by Gurdwara Prabhandhak Committees in such manner as may be prescribed: Provided that in case of the first Board to be constituted after the commencement of this Act, all the members of the Board shall be nominated by the Government: Provided further that the term of office of the members so nominated for the Board shall not exceed one year: [Provided also that the Government may, by notification, extend the term of office of the nominated members of the Board by such further period not exceeding six months, as it may deem proper.] [Proviso inserted by Act No. III of 1976, Section 2.](2) The Board shall be a body corporate and shall have a perpetual succession and a common seal and shall sue or be sued.

4. Disqualification for being a member of the Board.

- A person shall not be eligible for nomination or election as a member of the Board, if such person, - (i) is of unsound mind; (ii) is an undischarged insolvent; (iii) is a patit; (iv) is a paid servant of any Sikh Gurdwaras or of the Board; (v) is in the service of Government of Jammu and Kashmir State or Government of India; (vi) [is not a permanent resident of the State.] [Inserted by Act No. XXXI of 1974.]

5. Term of memberships.

- The members of the Board shall hold office for [five years] [Substituted by Act No. XXIII of 1985.] from the date of its constitution.

6. General meeting.

- General meeting of the Board shall be held at least twice in a year by rotation at Srinagar and Jammu.

7. Office of the Board.

- The Board shall have offices in Jammu and Srinagar for the transaction of business, to which all communications and notices to the Board may be addressed.

8. President and the office bearers of the Board.

- The members of the Board shall, at their first general meeting, elect by ballot from among themselves, -(i) a President; (ii) two Vice-Presidents, two Secretaries and two Treasurers ; Provided that one Vice-President one Secretary and one Treasurer shall be from among the members of each province.

9. Powers and duties of the Board generally.

- It shall be the duty of the Board to ensure that every Committee deals with the property and income of the Gurdwara or Gurdwaras managed by it, in accordance with the provisions of this Act or the rules made thereunder and for fulfillment of this duty and subject to provisions of and in addition to the powers conferred upon the Board by this Act, the general administration, superintendence over all Committees elected under the provisions of this Act shall vest in the Board.

Chapter III

Gurdwara Prabhandhak Committees

10. Constitution of the Committee.

- For the administration and management of Sikh Gurdwara, there shall be established a Prabhandhak Committee [for one or more as may be prescribed, District] [Substituted by Act X of 1981.] in the manner as may be prescribed. Provided that in case of first Committee to be constituted [x x x x] [Omitted by Act X of 1981.] after the commencement of this Act, all the members of the Committee shall be nominated by, the Government : Provided further that the term of office of the members so nominated for such Committee shall not exceed one year.

11. Composition of Committees.

- Each Gurdwara Prabhandhak Committee shall consist of 11 members of which President. Vice-President. Secretary, Joint Secretary, Treasurers and six other members shall be elected by the members of the Committee.

12. Disqualification for election to a Prabhandhak Committee.

- A person shall not be eligible for election as a member of a Prabhandhak Committee if he, - (i) is of unsound mind, or (ii) is an undischarged insolvent, or (iii) is a Granthi of a Sikh Gurdwara, or (iv) is a paid servant of any Sikh Gurdwara or of the Board, or (v) is a Patit, (vi) [is not a permanent resident of the State] [Inserted vide Act No. XXXI of 1974.].

13. Term of membership.

- The members of the Gurdwara Prabhandhak Committee shall hold office for [five years] [Substituted by Act XXIII of 1985, Section 3.] from the date of its constitution.

14. General powers of the Committee.

- Subject to the superintendence and control of the Board, a Committee shall have full powers of control over the office holders and all properties and income of whatever description belonging to the Gurdwara or Gurdwaras under its management and of enforcing the proper observance of all ceremonies and religious observance in connection with such Gurdawara or Gurdwaras and of taking all such measures as may be necessary to ensure the proper management of the Gurdawara or Gurdawaras and the efficient administration of the property income and endowments thereof.

15. Offerings made at Sikh Gurdwara.

- All the offerings made at, or in connection with a Sikh Gurdwara shall be deemed to be the property of the Gurdwara.

15A. [Securing possession of records etc. [Inserted by Act XXII of 1975, Section 3.]

(1) Upon the constitution of a Committee by election under this Act, if outgoing member of the previous Committee refuse to hand over the charge of the records and property including the possession of the office of the Committee to the new Committee, the President of the new Committee will apply to the District Magistrate within whose jurisdiction the Committee functions for securing the records, property and the possession of the office of the Committee. (2) On receipt of the application under sub-section (1) the District Magistrate shall issue a notice in writing stating the reasons, calling upon the previous Committee to show cause within a period of seven days why the records, property and the possession of the office of the Committee should not be handed over to the new Committee. (3) The District Magistrate shall cause the notice to be affixed on the outer door or some conspicuous part of the building in which the office of the Committee is located and shall also serve it by post to each member of the outgoing Committee whereupon the notice shall be deemed to have been duly served. (4) If the Committee to whom notice has been given refuses or fails to show cause within seven days of serving of the notice or if after hearing the Committee, the District Magistrate is satisfied that the records, property and the possession of office of the

Committee should be handed over to the new Committee, he may authorise any Police Officer not below the rank of Deputy Superintendent of Police or an Executive Magistrate of the 1st Class to enter and search any place where the records and the property are kept or are believed to be kept and to seize such records and property and the office of the Committee ; and the records and property as also the possession of the office of the Committee so seized shall be handed over to the new Committee. Explanation. - For purposes of this section the expressions "previous Committee" and the "new Committee" shall mean "outgoing members of the Committee" and newly elected members of the Committee" respectively.]

Chapter IV

Finances

16. Objects for which the funds of a Gurdwara may be spent.

- Subject to the provisions of this Act, all properties and income of the 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 the religious and charitable duties; ceremonies and observances connected therewith; for the payment of allowances or salaries of officers and servants thereof; for the fulfilment of the objects of the endowment thereof; for 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.

17. Annual contribution to Board.

(1) Every Committee shall pay annually to the Board for the purposes of meeting lawful expenses of the Board a contribution in money out of the income of the Gurdwara or Gurdwaras under its management. (2) The proportion which such contribution shall bear to the annual income of a Gurdwara shall be fixed for each Gurdwara or Gurdwaras by the Board provided that the first contribution levied under the provision of this section shall not exceed one-tenth of such income.

18. Audit of Accounts.

(1) The accounts of the Board and Committees shall be audited and examined once in every year by such auditor as may be from time to time be appointed by the Government. (2) The expenses incurred in the audit and examination of the accounts of the Board and Committees shall be paid out of the "funds of the Board or Committees, as the case may be.

19. Power to make rules.

(1) The Government may, by notification in the Government Gazette, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power,

such rules may provide for all or any of the following matters, namely :-(a)the manner in which members of the Board or the Committees shall be elected ;(b)the form in which the budgets of the Board and Committees shall be prepared ;(c)the form in which a register of Gurdwaras properties may be maintained and the further particulars which it may contain ;(d)the manner in which the accounts of Gurdwara properties may be kept and audited and the contents of the auditors report ;(e)the payment of money into the Gurdwaras property, the investment, custody and disbursement of such money ;(f)the manner in which any money due to the Board or Committee may be recovered ;(g)any other matter which has to be or may be prescribed under this Act.