

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
SECRETARIAT OF THE GURDWARA
ELECTION COMMISSION**

**EXTRACTS FROM THE SIKH GURDWARAS,
ACT, 1925.**

**PART I
CHAPTER I**

2. In this Act, unless there is anything repugnant in the subject or context— **Definitions.**

(1) "Board" means the Board constituted under the provision of Part III. **Board**

(vii) "Minister" means an office-holder to whom either solely or along with others the control of the management or performance of public worship in a Gurdwara and of the rituals and ceremonies, observed therein is entrusted : **Minister**

Provided that an office-holder to whom either solely or alongwith others the performance of public worship in a Gurdwara and of the rituals and ceremonies observed therein is not entrusted directly shall not be deemed to be a Minister for the purpose of sections 134 and 135.

(6) "Prescribed" means prescribed by rules made under this Act. **Prescribed**

(8) "Resident" in any place means any person having a fixed place of abode or owning immovable property or cultivating land or practising a profession, or carrying on business, or personally working for gain, in that place. **Resident.**

Sikh.

(9) "Sikh" means a person who professes the Sikh religion or, in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his life time. If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the State Government may prescribe the following declaration :—

I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion.

(10) "Amritdhari Sikh" means and includes every person who has taken Khande-ka-amrit or Khanda pahul prepared and administered according to the tenets of Sikh religion and rites at the hands of five pyaras or 'beloved ones'.

(10-A) 'Sahjdhari Sikh' mean a person—

- (i) who performs ceremonies according to Sikh rites ;
- (ii) who does not use tobacco or Kutha (Halal meet) in any form ;
- (iii) who is not a Patit ; and
- (iv) who can recite Mul Manter.

(11) "Patit" means a person who being a Keshadhari Sikh trims or shaves his beard or keshas or who after taking amrit commits any one or more of the four Kurahits.

Notified Sikh
Gurdwara.

(12) "Notified Sikh Gurdwara" means any gurdwara declared by notification by the State Government under the provision of this Act to be a Sikh Gurdwara.

(15) "Election" means an election to fill a seat or seats in the Board or Committee constituted under Sections 43, 86 or 87.

"Constituency" means a constituency for the election of a member or members of the Board or Committee.

(17) "Commissioner, Gurdwara Election" means the officer appointed by the Government of the State of Punjab, Haryana or Himachal Pradesh or the Administrator of the Union Territory of Chandigarh, as the case may be, to perform the duties of the Commissioner, Gurdwara Elections in relation to the election of members of Committees constituted for the Notified Sikh Gurdwaras located within the State or the Union Territory.

(17-A) "Chief Commissioner, Gurdwara Election" means the officer appointed by the Central Government under section 47-A.

PART III CHAPTER V

40. For the purposes of this Act there shall be constituted a Board and for every Notified Sikh Gurdwara a committee of management and there shall also be constituted from time to time a Judicial Commission in the manner hereinafter provided.

Board, committees and Commission to be constituted for the purposes of this Act.

CHAPTER VI

42. (1) The Board shall be known by such name as may be decided upon at a general meeting of the first Board constituted under the provisions of this Act, provided that not less than three-fifths of the members present at the meeting have voted in favour of the name selected, and that such name has been approved by the State Government.

Name of Board

(2) If the Board fails to select a name in accordance with the provisions of sub-section (1) or the name selected is not approved by the State Government the Board shall be designated the Central Board.

(3) The Board shall by such name be a body corporate and shall have a perpetual succession and a common seal and shall by such name sue and be sued.

43-A. (1) Whenever a new Board within the meaning of section 51 is constituted, it shall consist of—

- (i) one hundred and seventy elected members;
- (ii) the Head Ministers of the Darbar Sahib, Amritsar, and the following five Takhat, namely,—

the Sri Akal Takhat Sahib, Amritsar,
the Sri Takhat Keshgarh Sahib, Anandpur,
the Sri Takhat Patna Sahib, Patna,
the Sri Takhat Hazur Sahib, Nanded; and
the Sri Takhat Damdama Sahib, Talwandi Sabo,
Bhatinda, Punjab; and

- (iii) fifteen members resident in India, of whom not more than five shall be residents of Punjab, co-opted by the members of the Board as described in clauses (i) and (ii).

(2) The Central Government shall, as soon as may be, call a meeting of the members of the Board described in clauses (i) and (ii) of sub-section (1) for the purpose of co-opting the members described in clause (iii) of that sub-section, and after the members have been co-opted, the Central Government shall notify the fact of the Board having been duly constituted and the date of the publication of the notification shall be deemed to be the date of the constitution of the Board.

44. (1) The elected members of the Board shall be returned from such constituencies as may be specified by the Central Government after consultation with the Board, and except as provided in sub-sections (2) and (3) each constituency shall return a single member.

(2) The Central Government shall from time to time, and after such consultation with the Board as it considers proper, select twenty constituencies and the constituencies

so selected shall be plural constituencies; each returning two members of whom one shall be a Sikh belonging to any of the Scheduled Castes notified as such under Article 341 of the Constitution of India and the other shall be a Sikh who does not belong to any of those Scheduled Castes.

(3) The Central Government shall from time to time and after such consultation with the Board or as it considers proper, select thirty constituencies, other than those provided under sub-section (2), which shall be plural constituencies, each two members of whom one shall be a woman;

Provided that out of thirty seats reserved for women five seats shall be reserved for women belonging to the Scheduled Castes.

45. (1) A person shall not be eligible for election as member of the Board if such person—

- (i) is of unsound mind;
- (ii) is an undischarged insolvent;
- (iii) is a patit;
- (iv) is a minister of a Notified Sikh Gurdwara, other than the head minister of the Darbar Sahib, Amritsar, or of one of the five Sikh Takhts specified in clause (ii) of sub-section (1) of section 43;
- (v) is a paid servant of any Notified Sikh Gurdwara, or of the Board other than a member of the executive committee of the Board;
- (vi) being a keshadhari Sikh is not a amritdhari;
- (vii) takes alcoholic drinks;
- (viii) not being a blind person cannot read and write Gurmukhi.

Explanation—For purposes of clause (viii) a person shall be deemed to be able to:—

- (a) read Gurmukhi if he is able to recite Shri Guru Granth Sahib in Gurmukhi; and

Qualifications
of elected
members.

- (b) write Gurmukhi if he fills his nomination paper for election to the Board in Gurmukhi in his own handwriting. If any question arises whether a candidate is or is not able to read and write Gurmukhi the question shall be decided in such manner as may be prescribed.

(2) No person shall be eligible for election as a member of the Board if he is not registered on the electoral roll of any constituency.

(2.A) No person shall be eligible for election to the Board if he is less than twenty-five years of age.

(3) Notwithstanding anything contained in sub-section (1) no person shall be prevented from standing as a candidate for election as a member of the Board on the ground that he is patit; but if a person elected is thereafter found under the provisions of section 84 to be a patit his election shall be void.

46. A person shall not be co-opted to be a member of the Board if he—

- (i) is less than twenty five years old;
- (ii) is not a Sikh;
- (iii) is of unsound mind;
- (iv) is an undischarged insolvent;
- (v) is a patit;
- (vi) is minister of a Notified Sikh Gurdwara other than the head minister of the Darbar Sahib, Amritsar, or of any of the five Sikh Takhts specified in clause (ii) of sub-section (1) of section 43;
- (vii) is a paid servant of any Notified Sikh Gurdwara or of the Board, other than a member of the executive committee of the Board;

Qualifications of nominated members.

- (viii) being a keshadhari Sikh is not a amrit-dhari;
- (ix) takes alcoholic drinks;
- (x) not being a blind person cannot read and write Gurmukhi.

Explanation.—For purposes of clause (x) a person shall be deemed to be able to—

- (a) read Gurmukhi if he is able to recite Shri Guru Granth Sahib in Gurmukhi; and
- (b) write Gurmukhi if he is able to communicate his consent to become a member in Gurmukhi, in his own handwriting. If any question arises whether a candidate is or is not able to read or write Gurmukhi the question shall be decided in such manner as may be prescribed.

47. Elections of members of the Board under the provisions of this Act shall be held on dates to be fixed by the Central Government.

Date of Board election.

47A. Superintendence, direction and control of election of Members of the Board and of the Committees to be vested in the Gurdwara Election Commission.—(1) The superintendence, direction and control of the preparation of the electoral rolls for and the conduct of election of Members of the Board and of the Committees shall be vested in a Commission to be known as the Gurdwara Election Commission.

(1A) The Gurdwara Election Commission shall consist of the Chief Commissioner, Gurdwara Election who may perform such of his functions as he may consider necessary through the Commissioner, Gurdwara Elections concerned.

- (2) The Government of the States of Punjab, Haryana, Himachal Pradesh or the Administrator of the Union Territory of Chandigarh shall when so required by the Gurdwara Election Commission make available to the Gurdwara Election Commission or to the Commissioner, Gurdwara Elections concerned, such staff and other facilities as may be considered necessary for the performance of the functions conferred on the Gurdwara Election Commission by sub-section (1).

- (3) The staff made available under sub-section (2) and all other officers and staff engaged in the work of preparation of electoral rolls and the conduct of elections under this Act, shall be deemed to be on deputation to the Gurdwara Election Commission for the period commencing on and from the date which may be notified by the Gurdwara Election Commission and ending with the date of due constitution of the Board and of Committees and accordingly such staff shall during that period be subject to the control, superintendence and discipline of the Gurdwara Election Commission.

Electoral roll.

48. An electoral roll shall be prepared in such manner as may be prescribed for every constituency, on which shall be entered the names of all persons entitled to be registered as voters in that constituency.

Qualifications of electors.

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—

(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 Sahajdhari Sikhs;
- (b) smokes;
- (c) takes alcoholic drinks.

50. (1) Every person registered on the electoral roll for the time being in force for any constituency for the election of a member or members of the Board shall be entitled while so registered, to vote at an election of a member or members for that constituency, provided that no person shall be entitled to vote at an election in more than one constituency.

Right to vote.

(2) In any plural constituency as provided by section 44, the right of voting shall be exercisable in the following manner, that is to say, a vote may be cast for each of the two candidates of whom one shall be a Sikh belonging to any of the Scheduled Castes referred to in sub-section (2) of section 44 and the other shall be a Sikh who does not belong to any of those Scheduled Castes.

CHAPTER VII

THE JUDICIAL COMMISSION

84. If it is necessary to decide for the purpose of the constitution of the Board or a committee, under the provisions of this Act, whether a person has or has not become a patit the question shall, on application being made thereto for this purpose, be decided by the Commission.

Decision as to whether a person is or is not a patit.

CHAPTER XIII ELECTORAL OFFENCES

Prohibition of public meetings on the Election day.

149. (1) No person shall convene, hold or attend any public meeting within any constituency on the date or dates on which a poll is taken for an election in that constituency.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

Disturbances at election meetings.

150. (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notice under the Sikh Gurdwaras Board or Committee Election Rules, framed under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Maintenance of secrecy of voting.

151. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and

aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

152. (1) No person who is a Returning Officer or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

Officers, etc., at elections not to act for candidates or to influence voting.

(2) No such person as aforesaid, and no member of a police force, shall endeavour :—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

153. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any

Prohibition of canvassing in or near polling stations.

public or private place within a distance of one hundred yards of the polling station, namely :—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

154. (1) No person shall, on the date or dates on which a poll is taken at any polling station,—

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof so as to cause annoyance to any person visiting the polling

station or the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1); and may seize any apparatus used for such contravention.

155. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

Penalty for misconduct at the polling station

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Penalty for illegal hiring or procuring of conveyances at elections.

156. If any person is guilty of any such corrupt practice in respect of illegal hiring or procuring of conveyances as is specified in the Sikh Gurdwaras Election Enquiries Rules, framed under this Act at or in connection with an election, he shall be punishable with fine which may extend to two hundred and fifty rupees.

Breaches of Official Duty in connection with elections

157. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the Deputy Commissioners, Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under the Sikh Gurdwaras Board or Committee Election Rules framed under this Act.

Removal of ballot papers from polling station to be an offence.

158. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which

may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct police officer to arrest such person and may search such person or cause him to be searched by a police officer;

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

159. (1) A person shall be guilty of an electoral offence if at any election he—

Other offences and penalties therefor

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot-paper or the official mark, if any, on any ballot-paper or any declaration of identity or

official envelope used in connection with voting by special ballot-paper ; or

(d) without due authority supplies any ballot-paper to any person ; or

(e) fraudulently puts into any ballot-box anything other than the ballot-paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot-box or ballot papers then in use for the purposes of the election ; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(a) if he is Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including

the counting of votes or to be responsible after an election for the used ballot-papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under the Sikh Gurdwaras Board or Committee Election Rules, framed under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

160. (1) If the Elections Commissioner has reason to believe that any offence punishable under section 152, or under section 157, or under clause (a) of sub-section (2) of section 159 has been committed in reference to any election, it shall be the duty of the Elections Commissioner to cause such enquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to him to require.

(2) No court should take cognizance of any offence punishable under section 152 or under section 157 or under clause (a) of sub-section (2) of section 159 unless there is a complaint made by order, or under authority from, the Elections Commissioner.

161. For the purposes of elections under this Act, in the Code of Criminal Procedure, 1898—

(a) in section 196, after the word and figures "section 127" the words, figures and letter "and section 171—F; so far as it relates to the offence of personation" shall be inserted;

(b) in Schedule II—

(i) in the entry relating to section 171-F of the Indian Penal Code (Act XLV of 1860) from

Prosecution
regarding
certain offences

Amendment of
Act V of 1898.

the paragraph in column, 2, the words
"and personation" shall be omitted;

- (ii) after the paragraph in column 2 of the said entry as so amended, the following paragraph shall be inserted, namely :—
"Personation at an election" ;
- (iii) in column 3, opposite the paragraph inserted by sub-clause (ii), the following paragraph shall be inserted, namely :—
"May arrest without warrant" ;
- (iv) in columns 4, 5, 6, 7 and 8, opposite the paragraph inserted by sub-clause (ii) the words
"Ditto" shall be inserted;
- (b) in the entry relating to section 171-G of the Indian Penal Code, in column 3, for the word "Ditto" the words "shall not arrest without warrant" shall be substituted.