CHAPTER-I

INTRODUCTION

The Shiromani Gurdwara Parbandhik Committee (hereafter SGPC) having strong political moorings, was constituted in the midst of the religious ‘reform movement’ popularly known as the gurdwara reform movement in the history of Punjab as well as in the history of freedom struggle of the country that was gathering momentum at that time. It is pertinent to mention that the SGPC was actually constituted on November 15, 1920 A.D., as the supreme religious body of the Sikhs. Initially this body was constituted for the avowed purpose of superintendence as well as the control of the Sikh gurdwaras which had been under the domination of mahants, who were assisted by the British. These mahants were rightly called the loyalists to the British Government and administration in the Punjab.

After Ranjit Singh’s death, undoubtedly, the internal dissensions among his successors had weakened the Sikh Kingdom. The presence of the British provided an additional negative factor in the situation that made their condition all the more critical and difficult. Even the Hindus and the Muslims too did not feel comfortable and also the same way towards the Sikh community as they used to feel earlier. When the Sikhs were in ascendance several Hindus had embraced Sikhism. However,

1 The Mughal policy of persecution during the 18th century led the Sikhs to leave their gurdwaras. These were taken over by the Udasis. The Udasis had faith in Sikhism but they had not accepted the symbols of baptized Khalsa. Due to the absence of these symbols they could save themselves from Muslim persecution. Since then the gurdwaras came under their supervision. The head priests of gurdwaras were known as mahants. Vide. Mohinder Singh, The Akali Movement, Macmillan, Delhi 1978, p.4.
after the annexation of the Punjab in 1849 they returned to the Hindu fold. ²

The condition of the Sikh gurdwaras had almost completely declined. Particularly, during the early twentieth Century they had lost religious as well as socio-cultural sanctity due to the corrupt mahants. They were not only controlling these gurdwaras, but at the same time they proved themselves the well wishers, loyalists and supporters of the British Government in the province of Punjab soon after it was annexed to the British Empire (1849). They had been following that kind of policy because they wanted to keep these gurdwaras under their domination. They never wanted to leave them and for that they wanted the British help. The dominance of the mahants in the affairs of the gurdwaras, and especially their own way of interpretation of the gurbani distressed and demoralized the feelings of the Sikhs.³ They started giving a Hindu tint/touch to the Sikh doctrine and beliefs. Even idols found their way not only into the houses of the Sikhs but into the Sikh gurdwaras especially at Harmandir Sahib in Amritsar.⁴ At that time, the Brahmans used to sit and worship their idols of deities in the premises of Harmandir Sahib. It was believed that the Sikhs and the Hindus coming for the pilgrimage bowed their heads before the idols and after that they received charan-pauhal.⁵

⁴ *The Khalsa* (*Gurmukhi Weekly, Lahore*), 25.10.1899 (Hereafter referred to as the *Khalsa*).
Even the *Ahmadiyas* made several attempts to erode the sacred legacy of the Sikhs. Their leader Ghulam Ahmad came out with the thesis that Guru Nanak was a Muslim and his message was another form of Islam.\(^6\) The Christians were equally active in this respect. They had established a number of schools and preaching centers in the Punjab after its annexation. A center had been set up by them in one of the “bungas” in the premises of the Harmandir, Amritsar itself.\(^7\) The Christian missionaries had got so much inspired and encouraged that they openly and freely talked of turning ‘Sri Darbar Sahib’ into a Church. In 1853 Daud Singh was converted to Christianity in Punjab. In the same year Dalip Singh, the last Sikh sovereign, also renounced his religion and embraced Christianity. Prince Harnam Singh, the heir-apparent to the Kapurthala throne too became a Christian; for this he forfeited his claim to the throne. Sadhu Sunder Singh, a Jat of Rampura (Patiala State), too embraced Christianity while studying in the Mission School set up by the Christians in his village. He later on became a great preacher of Christianity. Kesar Singh, a Sikh granthi of Sultanwind, too became an active Christian missionary.\(^8\) The Christian Church was very rich and accomplished its aims of conversion through pecuniary inducements. The Sikhs from the lower strata of society were easily lured towards this new faith which promised them economic emancipation as well as better status and position.

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In 1873, four Sikh students of the Mission School, Amritsar announced in public their eagerness to be converted to Christianity. These young men were dissuaded from their intended step with great difficulty. At about this time one Sardha Ram Phillauri also made the atmosphere distressing for the Sikhs by making indecent remarks and attacks on their scriptures as well as the Gurus. He was in the Government’s pay for writing the 'Sikh History'. In his book ‘Sikhan Di Viyatha’ he gave twisted interpretation to the teachings of the Sikh Gurus. All that gave a big jolt to the followers of Sikhism. To consider these matters, some prominent Sikhs convened a meeting in the Majithia Bunga at Amritsar. As a result of their deliberations, a society or an organization, under the name of Singh Sabha, with Thakur Singh Sandhanwalia as President and Giani Gian Singh as secretary was formed. Among other things, the Singh Sabha undertook: (i) to restore Sikhism to its pristine purity; (ii) edit and publish historical and religious writings and books; (iii) propagate current knowledge, using Punjabi as the medium, and to start magazines and newspapers in Punjabi; (iv) reform and bring back into the Sikh fold the apostates; and (v) promote and entrust the highly placed Englishmen in, and ensure their association with, the educational programmes of the Sikhs. Here, it will not be out of place to state that the SGPC soon after it was constituted adopted in its various agendas the said objectives.

The Singh Sabha thus undertook the work of emancipation of the Sikh community at a very critical juncture as their identity had almost

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11 Among those, who attended, were Baba Sir Khem Singh Bedi, Kanwar Bikram Singh of Kapurthala, Giani Sardul Singh and Giani Gian Singh of Amritsar.
13 Ibid., pp. 139-40.
disappeared. It is worth mentioning that the Sikhs had not even been shown as a separate community in the first Census of the Punjab.\(^4\) The Singh Sabha tried to improve this situation by undertaking to regenerate the moral and socio-religious life of the Sikhs. For this, steps were taken to authenticate the Sikh literature as also to spread education among the Sikhs. In 1885 Gurmat Granth Parcharak Sabha was constituted. It was to propagate the tenets of Sikhism. Research was undertaken to authenticate the contents of Dasam Granth.\(^5\) Giani Gian Singh’s ‘\textit{Panth Parkash}’ and Twarikh Guru Khalsa, as well as Pandit Tara Singh Narotam’s ‘Guru Granth Kosh’ and ‘Teerath Sangrah’ were also significant contributions in the form of authentic works towards raising religious literature and that bore the stamp of their identity.

Apart from the Khalsa College, Amritsar, a large number of schools, including those of girls, were established throughout the province.\(^6\) The sponsors of the Chief Khalsa Diwan founded the Sikh Educational Conference in 1908 to assist the cause of the Sikh education.\(^7\)

In 1879 another Singh Sabha was formed at Lahore that comprised the middle-class intellectual celebrities as against the Amritsar group which was comprised men from higher strata of society.\(^8\) To coordinate the work of the two Singh Sabhas, i.e. of Lahore and Amritsar a common organization called the Amritsar Khalsa

\(^{15}\) Jagjit Singh (Dr), \textit{History of the Singh Sabha (Gurmukhi)}, Amritsar, n.d., p. 15; \textit{The Punjabi Dunya (Gurmukhi Monthly, Patiala)}, January, 1973.
Diwan was founded in 1883, but it did not last long. The Lahore Party was known as the party of whole-hoggers’ on account of their radical outlook. All supporters of the reforms gathered around Bhai Gurmukh Singh. They were opposed to the overbearing ways of Baba Khem Singh Bedi who had added his name to the hierarchy of the Sikh Gurus. Soon the educated and awakened elements of Sikh community were attracted to the Lahore Singh Sabha. It was inevitable that such an organization as Singh Sabha, which had such multifarious activities, should have evolved its own politics as well. These crystallized in the formation of the Chief Khalsa Diwan, Amritsar, in 1902. It decided (a) to cultivate loyalty to the crown; (b) to safeguard the Sikh rights vis-à-vis the other communities; and (c) to fight for adequate representation of the Sikhs in the services, particularly the army. The scope of the Singh Sabha movement was thus widened. Men like Sir Sunder Singh Majithia, Bhai Arjan Singh Bagrian, Bhai Jodh Singh and Sardar Harbans Singh Attari became the members of this body.

The second decade of the twentieth century was loaded with developments that were bound to affect the Sikhs. The First World War was the most significant event. The Ghadrites were active during this period as they thought that they could not command reverence unless and until their own country was freed. Unlike the Ghadrites the Sikhs as a community contributed 80,000 soldiers in the First World War. Economic assistance was over and above it. For all these services, however, the Sikhs got no reward. The Act of 1919 recognized the Sikhs

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22 Chief Khalsa Diwan File No. 342.54 (Sikh History Research Centre, Khalsa College, Amritsar (Hereafter C.K.D.); for details see, Teja Singh, *The Gurdwara Reform Movement and Sikh Awakening*, p.122.
as a separate community but did not give them the weightage as a minority which the Muslims had been given where they were in minority.\(^{23}\) The Rakabganj gurdwara dispute was another cause of strong resentment in the Sikh community; the government demolished the outer wall of the gurdwara to build a road. The Sikhs strongly condemned the government.\(^{24}\) Thus a Morcha had to be waged against the demolition of the gurdwara outer wall by the British.\(^{25}\) The Sikhs strongly denounced this act of the British. The identity of the Sikhs got another set-back when they were ignored both by the Muslim League and the Congress in the Lukhnow Pact of 1916.\(^{26}\) Like others in the province, the Sikhs also did not relish the Jallianwala Bagh holocaust and the abominable Rowlatt Act, 1918.\(^{27}\) Their religious life was still in jeopardy as far as their gurdwaras were concerned. The most important of the Sikh shrines was the Darbar Sahib at Amritsar with its group of dependent shrines. For many years (nearly a period of six decades) the Government exercised a controlling authority and appointed a manager

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\(^{23}\) C.K.D. File No. 342.54, Sikh History Research Centre, Khalsa College, Amritsar, also Partap Singh, Giani, Gurdwara Sudhar Arthat Akali Lehar, Amritsar, 1951, p. 81; also see. Ludhiana Gazetteer (1888-89), Chapter III-C, p. 72.


there. They realized that they could be given control over their gurdwaras. But this was not evidence. The mahants, aided and abetted by the Government, put spokes into the wheels of the Singh Sabha. They even denounced the Koma Gata Maru and the Sikh heroes, at the Akal Takhat. They went to the extent of honoring General Dyer at Amritsar after the bloody tragedy of Jallianwala Bagh. This arrangement became unsatisfactory to the Sikh community due to the possible use of the gurdwaras for political intrigues for many years past ensured a fairly peaceable administration of the shrine. As, however, the manager had usually maintained the status quo and countenanced some doubtful practices, the reforming party of the Sikhs had for some years past pressed for the removal of Government control.

The conglomeration of the above circumstances found the Chief Khalsa Diwan totally unfitted to deal with the situation and threw up a new leadership in the form of the Central Sikh League, which was formed on 2nd December, 1919 to safeguard the interest of the Sikhs. Its inaugural session passed the following resolution that that league representing the Sikh community expressed the strong conviction that the management and control of the Sikh temples and endowments

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28 File No. 942/1922 Home political Dept. NAI, File No 459/1922 Home political, New Delhi, NAI, New Delhi.
29 K.C. Gulati, The Akalis Past and Present, New Delhi, 1974, p. 24; For detail also see, Gaini Partap Singh, AkaliLehr da Itihas, pp. 77-78.
31 File No. 942/1922 Home Political Dept. N.A.I. New Delhi.
should no longer be withheld from the community itself, as imperatively called for in the best interests of the endowments and the Sikhs.\textsuperscript{33}

In the initial stages the League remained under the leadership of moderate Sikhs like Sardar Bahadur Gajan Singh, Captain Gopal Singh Bhagowalia, Ujjal Singh, Rai Sahib Wasakha Singh, Sant Singh (Member, Central Legislature), Gurbakhsh Singh, Amar Singh and Bhai Jodh Singh, etc.\textsuperscript{34} However, impatience and aggressive attitude of the Sikhs could be vividly noticed in their mood. Mahatma Gandhi’s non-violent non-cooperation movement then held greater appeal for them. The Sikhs were then definitely drifting away from the British government and administration. Therefore, a big shift was bound to take place in the Sikh leadership. The moderate Sikh leaders gradually started remaining aloof from this organization.\textsuperscript{35} The government tried to insulate the Sikhs against the influence of the Indian National Congress vis-à-vis mass non-cooperation movement by offering 33 per cent share of legislature seats and a university for the Sikhs. The release of the Sikhs, arrested in connection with the \textit{Ghadr} movement, was also promised.\textsuperscript{36} But the Sikhs knew how their leaders, like Sardar Sewaram Singh, Sardar Shivdev Singh, Sardar Sohan Singh and Sardar Ujjal Singh did make desperate efforts for these concessions but unmistakably and miserably failed.\textsuperscript{37} The Sikhs were, therefore, not taken in by these

\textsuperscript{33} \textit{The Tribune}, 14\textsuperscript{th} January, 1920.


\textsuperscript{37} C.K.D. File No. 342.54, (Sikh History Research Centre, Khalsa College, Amritsar; Visakha Singh, \textit{Malwa Itihas}, Vol. II, (Kishan Pura Kalan: Gurmat
tricky gestures of the British authorities. A section of the Sikh community was at this time feeling very much pained at the unholy alliance between the Government and the mahants which promised only bitter and intractable judicial trials for the Sikhs. At this time the Sikhs generally realized the need for still more vigorous and bold leadership which should go farther than the mild resolution-passing methods.

Baba Kharak Singh was elected as President of the Central Sikh League in October 1920 at Lahore, when its second session was held. Soon a mass agitation was started by the League against the British Government for the liberation of the religious places i.e. gurdwaras. The mass movement which was started to liberate the religious institutions of the Sikh community mingled with the Akali Movement. A Hukamnama was issued from the Akal Takht summoning a general assembly of the Sikhs to meet on 15th November 1920 at Akal Takht for the purpose of electing a representative committee of the Panth to control the Golden Temple and all other gurdwaras. One delegate from each organization was invited and the conditions were: He must have taken Amrit; he must be a regular learner of the Scriptures; he must possess the five K’s; he must be an early riser; and he must give 1/10 Dasuand of his income regularly for the cause and development of Panth. The representation was regulated as follows:

1. Four Takhts-6 representatives from each; (2) Gurdwaras-1 representative from each; (3) Sikh Associations-of 100 representative/ member each;

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2. Khalsa College Managing Committee, staff and students
   Amritsar 1 1 2
3. G.N. College
   Gujrawal 1 2 2
4. Akal College
   Mastuana 1 2 2
5. High Schools 1 1 1
6. Middle Schools 1 1 1
7. Primary Schools 1 1 1
8. Sikh states 5 each
9. Mixed Sikh Cavalries 2 each
10. Mixed Sikh Regiment 2 each
11. Purely Sikh Cavalries 5 each
12. Purely Sikh Regiments 5 each
13. Nihang Jathas, whose special duty in the past had been the protection of temples 5 each of every 100 members.\(^{41}\)

Two days before the meeting was held the government hastened to constitute a Managing committee, consisting of 36 members, with the help of loyalist Sikhs.\(^{42}\) It had already been announced that a meeting would be held on 15\(^{th}\) and 16\(^{th}\) November where a committee known as ‘Shiromani Gurdwara Parbandhik Committee’ with the object of ‘controlling the Sikh gurdwaras/ religious institutions would be formed. It would provide for their management all the facilities required and also lines acceptable to the Sikh Panth. Members were elected to represent the Sikh states and Sikh bodies in Burma, Malaya, China and America.\(^{43}\)

\(^{41}\) Teja Singh, *Gurdwara Reform Movement and Sikh Awakening*, pp.110-111.
\(^{43}\) Teja Singh, *Gurdwara Reform Movement and Sikh Awakening*, p. 111.
Sardar Sundar Singh Majithia, Harbans Singh Attari and Sardar Sunder Singh Ramgarhia were appointed President, Vice President and Secretary respectively, in December 1920.44

Soon after, its formation, the SGPC appointed a sub-committee to prepare a *dastur-ul-Amal* (rules and regulations) of the management of the Darbar Sahib and to draft a constitution for itself. According to the SGPC’s constitution four-fifths of its members were to be elected by direct vote by the Sikhs from outside Punjab. The remaining one-fifth was to be nominated by the elected members. The elected members were to be returned from territorial constituencies carved out on the basis of the Strength of the Sikh population and ‘importance of the Sikhs residing there’. The Sikh States were also given representation on this body from where one-fourth of the members were to be nominated by their Sikh Maharajas. Every baptized Sikh who had attained the age of twenty-one and observed the elementary rules of Sikh conduct was given the right to vote. After adopting this constitution, the SGPC got itself registered as a corporate body on April 30, 1921.45

After the new constitution, fresh elections to this body were held in July 1921 and the first popularly elected SGPC came into existence in August.46 It wanted to abolish the British influence in religious affairs of the Sikhs. Although the leadership of this body was still dominated by individuals of elite background yet it was not opposed to the mass sentiment of establishing the supremacy of the SGPC over the Sikh gurdwaras. Its President Kharak Singh was known for holding strong anti-British views and attitude, while Sunder Singh Ramgarhia and

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Mehtab Singh, the two other eminent leaders, also did not publicly deviate from the popular line to align with the British.

Matters came to head in connection with the shrine at Nankana Sahib gurdwara, one of richest in the Province. Narain Dass, who was a notorious ill-liver, administered it.\(^{47}\) He began to recruit a strong force to resist the aggressive Akalis. He was also said to have had a personal interview with Mr. C.M. King, the Commissioner of Lahore Division. The latter gave him a verbal assurance of help in the event of an Akali attack on his shrine.\(^{48}\) Mahant fearing an attack was provided a guard and weapons. When on February 20\(^{th}\), 1921 band of about 130 Sikhs suddenly seized the courtyard of the shrine, the gates were shut on them. They were brutally massacred; the bodies being afterwards burnt with Kerosene oil. The excitement caused by this incident was naturally tremendous.\(^{49}\) Mahatma Gandhi denounced this violence in these words: “Everything I saw and heard points to a second edition of ‘Dyerism’ more barbarous, more calculated and more fiendish than the Dyerism of Jallianwala Bagh tragedy.”\(^{50}\)

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\(^{48}\) In the Nankana Sahib case, H.A. Herbert, the Government prosecutor, quoted a letter found in the safe of Mahant Narian Das in which his fellow Mahants exhorted him that in the event of the Akalis coming to take possession of Nankana shrine he should not hesitate to kill and burn them; proceeding quoted in *The Tribune*, 15\(^{th}\) September, 1921. The Akali 16\(^{th}\) April, 1922, alleged that Mr. King had given a promise of help to Narain Dass after accepting a bribe from him. Also see C.M. King Defamation case cited in File No 179-11/1922, *Home Political*, NAI, New Delhi; *the Akalis* 15\(^{th}\) January 1923. Quoted by him in his personal explanation in the *Punjab Legislative Council debates* 13 March 1921 admits of Mahants interview with him see Mohinder Singh, *The Akali Movement*, p.28.


The Anglo Indian and vernacular press described this tragedy as a disturbance of a sectarian character and horrible crime calling for capital punishment for the mahant.\textsuperscript{51} The mahant was at once arrested and troops were moved to the site of the crime, but all the Sikhs, with extremist views, of the province assembled at Nankana. So, for some weeks there was tension in full swing. The Government gave over the administration of the shrine provisionally to a committee of the reforming party. This committee was gradually dissolved, leaving the management in the hands of the SGPC.\textsuperscript{52} When the SGPC took on the management of Golden Temple in November 1920 the Government made no express recognition of its position and the manager appointed by the government remained in possession of the keys of the Temple Treasury (Toshkhana).\textsuperscript{53} The second aspect of the autonomy goal of the SGPC pertained to the clearance of the gurdwara management of the vestiges of the governmental influence. Though this apex body had come into existence in October 1920, and had afterwards acquired a representative status too, yet the Government was reluctant to transfer the complete charge of the Darbar Sahib, Sri Amritsar to it. The keys of the Golden Temple treasury were still in the custody that had appointed Sarbrah (manager) of the shrine who continued to hold that position effectively.

After the popular elections of the SGPC in July 1921, its executive committee passed a resolution on October 29\textsuperscript{th}, 1921\textsuperscript{54} that the keys of the Golden Temple treasury be transferred to the custody of the

\textsuperscript{51} \textit{Punjab Administration Report 1921-22} Lahore, 1923, pp. 280-81; \textit{The Akali}, February 24, 1921.

\textsuperscript{52} File No. 942/1922 \textit{Home political Department}, NAI, New Delhi.

\textsuperscript{53} \textit{Ibid.}

\textsuperscript{54} Even ‘Moderate’ Sikh leader Mehtab Singh criticized the Government for not handing over the keys to the SGPC. See, Report, File No. 459/1-17, \textit{Home Department} (Political) Government of India, 1921, New Delhi, NAI.
SGPC President from that of the Sarbrah.\footnote{Akali, 10th November, 1921.} Consequently, the Deputy Commissioner of Amritsar took away the keys from the Sarbrah. He also issued a statement that the SGPC was not a representative body of the Sikhs.\footnote{File No 459/ 1922 Home political Department, NAI, New Delhi.} He also added that the keys would be handed over to a more representative organization of the Sikhs when it was constituted. A more loyal person, Captain Bahadur Singh was appointed in place of Sunder Singh Ramgarhia.\footnote{Teja Singh, \textit{The Gurdwara Reform Movement and Sikh Awakening}, pp. 348-349.} The Sikhs reacted sharply against this move of the Government. To assuage their agitated feelings, the Government started holding public meetings especially in the rural areas wherein offered justification for their action. The Akali leaders too began organizing their own meetings to counter the government propaganda. In wake of the conflicting situation that followed all the prominent Akali leaders were arrested under the Seditious Meetings Act. At this, the SGPC called upon all the Sikhs to hold Diwans at different places and at different times to enlighten the masses about the British repression. In a subsequent meeting it also resolved to boycott the visit of the Prince of Wales to India.\footnote{File No. 459/1922 Home Political Department, NAI, New Delhi.} The SGPC’s step led to the arrest of more Akali leaders. Many of them were later on sentenced to various terms of imprisonment. The Akalis won the sympathies of the vernacular press as well as the Congress leadership. The solidarity and popularity of the Akali Morcha baffled the government.

Realizing that it was loosing its hold on the situation, the Government declared unconditional release of the Akali prisoners. It handed over the keys of the Darbar Sahib to Kharak Singh, the then
President of the SGPC, on January 19th, 1922. At the same time, it also accorded recognition to the SGPC as the representative body of the Sikh community. It entrusted the administration of the shrine to the SGPC. Its struggle for supremacy over the gurdwaras, however, reached its zenith in the Morchas of Guru Ka Bagh and Jaitu. The former was launched against the recalcitrant mahant of the Guru Ka Bagh gurdwara who had refused to hand over the complete charge of the shrine to the SGPC. As the Government came in open support of the mahant, the Morcha virtually turned against the former. During the course of the Morchas (from August to November 1922), the Akalis suffered severe physical repression inflicted by the authorities. It aroused nation-wide sentiments of the people. Under the pressure of Public opinion and relentlessness on the part of the Akalis, the Government had to concede the SGPC an undisputed right over the gurdwara.

The Jaitu Morcha had a more pronounced political accent than the previous ones. It involved the issue of the British policy towards the local rulers of Punjab. The British authorities in India had made Ripudaman Singh, the Maharaja of Nabha to abdicate in favor of his son

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59 For details see Mohinder Singh, *The Akali Movement*, p. 46.
61 File No. 914/1922, *Home Political Department*, New Delhi, NAI.
63 *Ibid*, Punjab Legislative Council Debates, 31st October, 1922, 1st November, 1922, pp 434-507. About 5605 Sikhs were arrested in this *Morcha* and 1650 were beaten till they went into unconsciousness.
for his pro-Akali attitude and also for having national leanings. The SGPC demanded the restoration of the deposed Maharaja and resolved to express its protests by holding-Diwans (religious rallies) at different places in the province.

All through this struggle, especially after the Nankana episode a dialogue had been going on between the Government and the SGPC for a legislative solution of their religious problem. In fact, the latter had been impressing upon the former for an appropriate enactment to legalize its possession of the gurdwaras taken over from the mahants. The government and some of the orthodox Hindus had been trying to protect their interests. ‘The Sikh gurdwaras and Shrine Bill’ had 20 sections, each one dealing with specific point. Its object was to obtain information relating to the foundation, past management, rights of succession, titles in property and other essential matters relating to such institutions so as to enable government, the legislature and the public to know on what matters the legislation was necessary to ensure that in future these gurdwaras would spread Sikhism in all parts of the country.

Further, the Commissioner who was to be appointed under this Bill was required to prevent further tension. He was empowered to take

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64 For Details see, Ruchi Ram Sahni, Struggle for Reforms in Sikh Shrines, SGPC, Amritsar, 1964, pp. 197-236 and Sohan Singh Josh, Akali Morchian Da Ithias, (Punjabi), pp. 270-413.


possession of gurdwaras and shrines which are notified as disputed. To manage them during the period of their office and at the same time by powers conferred on them to entertain compromises and settlement in respect of particular gurdwaras entered into by disputing parties. The proposed Bill constituted supreme authority, called Board of Commissioners which consisted of the following:

(i) A non-Sikh to be appointed by the local Government as President; (ii) A Sikh to be appointed by the local Government; (iii) Two Sikhs to be selected by the local Government from a penal of eight to be proposed by majority of the Sikh members of the Legislative Council. Upon any vacancy occurring in the Board, by reason of death, resignation or incapacity, the local Government would by notification was to appoint another person possessing the same qualification. The President would in case of equal votes have second vote, as the casting vote. With the exception of his salary, the salaries of the Commissioners were to be paid from the funds of the gurdwaras under the management of the Board. The tenure of the office for the members was not to exceed two years period.

The SGPC strongly denounced the Bill. It met on 11th April, 1921 at Akal Takht to consider the situation arising out of the introduction of the Bill. It rejected it as a contemptuous piece. Even those members who were known for their moderate views were averse to accepting it. The Akali, an extremist Sikh newspaper flashed a headline to the effect that the SGPC and the Akalis would not to accord their approval to the law like this.

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67 Punjab Legislative Debates 5th April, 1921, p. 53, Secretariat Library, Chandigarh.
68 The Akali, April, 1921.
On April 5, 1922, the government sent feelers to SGPC to agree to Gurdwara Bill which the Government had drafted. According to this Bill, to discuss the draft proposal of new gurdwara legislation, there would be a tribunal of three Sikhs - One each to be elected by the SGPC and the Sikh Councilors and the third to be nominated by the Government. The tribunal was to have the complete authority of civil litigation in case of disputed gurdwaras and their property. A local committee for each gurdwara was also envisaged.69

The government, as the perusal of the draft Bill showed, did not contemplate to pass the control and management of gurdwaras into the hands of SGPC. The reasons for this were not far to make. The Government apprehended that SGPC’s control over all the gurdwaras would make it a powerful organization. Moreover, large resources of gurdwaras at its disposal might be used for anti-government activities. Besides, as the SGPC was dominated by the elements which would set in motion the forces that would further strengthen the Indian nationalistic cause by orienting the Sikh attitude to be at once anti-imperialistic and freedom-loving.70

Even the SGPC on its part refused to give any consideration to the Bill partly because it was deficient in many respect and partly but more importantly, it looked shabby and undignified that the SGPC should condescend to discuss the Bill while a large number of Sikhs including their leaders wereanguishing in jails.71 However, the Bill did not satisfy the Sikh aspirations much less those of SGPC. The Bill was a temporary measure. Because of this, the Sikhs did not attach much importance to it. Moreover, SGPC’s morale had gone very high in the wake of their

69 Sunder Singh Majithia Papers NMML, New Delhi; Surjit Singh Gandhi, Perspective on Sikh Legislation, Delhi, 1993, p. 78.
70 File No. 459/11/1922, Home Department Political, NAI, New Delhi.
71 Surjit Singh Gandhi, Perspective on Sikh Gurdwaras Legislation, p. 78.
triumphs in the ‘Keys Affairs’ and subsequently a large measure of success in organizing struggle at Guru-ka-Bagh. Then, they hoped to win fresh victories against the authorities especially when the Indian National Congress and nationalist forces had started supporting their cause. It was not surprising, therefore, that when the Bill was taken up for discussion in the Council, the Bill was vehemently opposed by all the Sikh members, the only Indian Christian member and some enlightened Muslims. One executive Councilor and one Minister thought it better to remain neutral. The government, however, got the measure through with the support of the Muslim and the official members of the Council. Since the SGPC and Sikh MLC’s who were to nominate a representative each on the gurdwara tribunal provided by this Bill refused to lend their co-operation, the Bill soon became a dead letter.\footnote{Ibid.} An earlier bill that the Government had drafted and circulated for public opinion in 1921 did not meet the aspirations of the SGPC because the bill neither recognized the SGPC nor its control over the Sikh shrines. However, the SGPC initiated a constitutional struggle to oppose that proposed measure, which lasted till 1925. The ever growing magnitude of the Akali agitation, combined with the compulsions of the Jaitu Morcha, however, pressed the Government to change its attitude towards them. Finally, it withdrew the old bill. A fresh move was initiated to draft a new legislation with the cooperation of the Sikh members of the Punjab Legislative Council. After the approval of the SGPC, the bill was enacted as the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925).\footnote{For details see, Tek Chand et al., Commentaries on the Punjab Acts, Lahore: The University Book Agency, 1940, Vol. II, pp. 2655-2746.}
After the role of government for Gurdwara Act, 1925, there came the question of releasing the arrested individuals who had participated in the agitation for Gurdawara Act. The release of gurdwara Movement prisoners, however, created some problems. The release was made conditional on the signing of an undertaking by the prisoners that they would cooperate in implementing the Gurdwara Act. This condition aroused various comments. It was a very clever move on the government’s part. It sowed seeds of dissensions in the Akali ranks which had faced all previous challenges with unique success. One group of leaders led by Sardar Bahadur Mehtab Singh agreed to cooperate and was released. But quite a large number of them refused to give this humiliating undertaking. The hard core of Sikh leadership in jail did not relent even when Teja Singh Samundari died in jail on September 17th, 1926. At last the Government unconditionally released these prisoners on September 27th, 1926.

Thus the Panth emerged from this struggle victorious, but divided against itself. The Sardar Bahadur Party was called after the name of Sardar Bahadur Mehtab Singh. It accepted a conditional release of Gurdwara Act, raised the Central Akali Dal parallel to the Shromani Akali Dal. On the eve of the arrival of the Simon Commission in 1927 certain demarcations were visible in the Sikh community. The Shromani Akali Dal which was constituted in 1920 to furnish man-power for the gurdwara reform movement was spilt into two factions respectively known as Shiromani Akali Daland Central Akali Dal. Both of them were primarily concerned with the control and management of Sikh

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77 Harbans Singh, *Sikh Political Parties*, Delhi, 1948, p. 3.
78 Ibid.
gurdwaras and were non-political bodies. Religion and politics being closely intermingled in Sikhism, these bodies were already dabbling in politics and there was no guarantee that in the time to come they would not evince more and more interest in Sikh politics.\textsuperscript{79}

At that time, Central Sikh League was the leading political organization of the Sikh community, yet it always cared about the instructions and objectives of the SGPC. However, it was faced with a two-fold danger. First, there was a real apprehension that the Shiromani Akali Dal and Central Akali Dal rift would cast its long shadow over the deliberations of the League causing serious damage to its unity and cohesion. Second, it was also feared that the increasing politicization of the two Dals might not hamper. The Socio-religious development of the Sikh Community with this background we have already discussed in the formation of SGPC.

There were some moderate elements such as the Chief Khalsa Diwan. As usual they were very cautious in their approach and generally went with the Government. The Chief Khalsa Diwan had become much discredited but it was not dead. Rather there was a possibility inherent in the situation that the loyalist Sikh lobby might receive accretion of strength from the moderate elements within the Akali ranks. Lastly, Politics in Punjab at the very outset of our period of study was full of clear communal overtone.\textsuperscript{80} The identity of the Sikhs was in jeopardy at the hands of the Christians, Hindus and the Muslims alike. The Sikh Gurdwara Act 1925, as its preamble declared, aimed at providing “for the better administration of certain Sikh gurdwaras and for enquiries into

\textsuperscript{79} Ibid.
\textsuperscript{80} Chief Khalsa Diwan, File No. 342.54, Sikh History Research Centre, Khalsa College, Amritsar.
matters and settlement of disputes connected therewith”. The following are the main objectives of the Sikh Gurdwara Act, 1925.

(i) To do away with the permanent position of the mahants, hereditary priests of temples and thus to end their irresponsibility; (ii) To utilize the property and income of the gurdwaras for the purpose for which they were founded and saved it from being wasted in luxurious and immoral living; and (iii) To conduct the rituals and ceremonies according to the teachings of Shri Guru Granth Sahib.

**FORMAT OF THE SIKH GURDWARA ACT, 1925:** It consisted of 148 sections; it was further divided into three parts and consisted of four schedules. In the first part there were three chapters while the second comprised of one chapter, whereas the third part was comprised of eight chapters. It is pertinent to point out that Part I, contained, besides preliminary matters such as title, extent and definitions, references of gurdwaras covered by the Act, procedure for bringing other gurdwaras under its purview as well as appointment and procedures for a gurdwara Tribunal. Interestingly, the definition clause did not define a Sikh gurdwara but a subsequent clause, section 2-10, lays down a “notified Sikh gurdwara” as any gurdwara “declared by notification of the local government under the provision of this Act to be a Sikh gurdwara”.

The Chapter I of this part referred two categories of Sikh gurdwaras–Scheduled and Unscheduled. The important historical Sikh gurdwara, there could be no doubt there being Sikh gurdwaras owned by the Sikhs were listed in the schedule I. Before the partition, there were 241 historical gurdwaras, entered in this schedule, 65 gurdwaras remained in Pakistan. However, 173 gurdwaras within Pepsu were added into it by the Amending Act, 1959. Schedule II, contained the details of institutions which were not “Sikh” gurdwaras about the
control of which no dispute could be raised. In respect of gurdwaras listed in these two schedules or the scheduled gurdwaras as they were called, the State Government issued a notification also detailed the property claimed by each gurdwara.

Part III of the Act provided for a central body; it was to manage the Sikh gurdwaras. The central body was given the name of gurdwara Central Board. It at its first meeting, adopted for itself the name of SGPC. This change was accepted by government; it was notified to a notification dated 17th January 1927. The SGPC directly managed some important Sikh gurdwaras; it supervised the working of the committees of other gurdwaras as well. In fact they were partly nominated by it and partly elected by the electors of the district in which the gurdwara was situated. Under an amendment made in the Act in 1987, all gurdwaras with an annual income of over 25,000 rupees began to be administered directly by the SGPC. According to the amendment, under Act XI of 1944, 12 seats in the SGPC were reserved for Mazhabi and Ramdasia Sikhs; its tenure was increased from 3 to 5 years. Its employees were also made liable to legal action for misuse of official authority (formerly only members of the committee were so liable); plural constituencies for its election were either abolished or replaced by single-member constituencies. Gurdwara Act VIII of 1925 provided for the better administration of some Sikh gurdwaras and also for inquiries into matter and settlement of disputes there with, and where as the previous sanction of the Governor-General was obtained to the passing of this Act.

Its first chapter dealt with the “Board”. It was constituted under the provisions of Part III. Then there was a provision of a “Commission” which meant the Judicial Commission. It was constituted

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81 For details see, Sikh Gurdwara Act VIII of 1925, Punjab government, Lahore, 1925, p. 1. (see appendix I in the end of the thesis).
under the provisions of Part III. Then it decided to have a ‘Committee’, means a committee of management. It was constituted under the provisions of Part III. This act also provided an “Office” which meant any office by virtue of which the holder thereof took part in the management of performance of public worship in a gurdwara or in the management or performance of any ritual or ceremony observed therein. Similarly, there was a provision of “Office holder”. It meant any individual who held an office. It will not be out of place if we define the word Sikh as per the version of Gurdwara Act VIII of 1925. That 'Sikh' means an individual who believes in the Sikh religion and the tenets of Sikh Gurus. If any question arises as to whether any man is, or not to be a Sikh, he would be deemed respectively to be or not to be a Sikh accordingly as he makes or refuses to make in such manner as the Local Government may prescribe the following declaration: ‘I solemnly affirm that I am a Sikh, that I believe in Sri Guru Granth Sahib, that I believe in the Ten Gurus and that I have no other religion’.

It is pertinent to write about the appointment of and proceedings before a Tribunal. To this may also be added constitution and procedure of tribunal for the purposes of the Act. (1) For the purpose of deciding claims made in accordance with the provisions of this Act the Local Government may from time to time by notification direct the constitution of a tribunal or more tribunals than one and may in like manner direct the dissolution of such tribunal or tribunals; (2) A tribunal is to be consisted of a President and two other members appointed by notification by the Local Government; (3) The President

82 Ibid.
83 Ibid.
84 Ibid., p. 3.
86 Ibid.
of a tribunal would be a Judge of High Court and each other member
would be-a District Judge or a Subordinate Judge of first class, or a
barrister of not less than ten years experience, or a man who has been a
pleader of any High Court for an aggregate period of not less than ten
years; (4) The members of a tribunal while they continue as such would
be paid by the Local Government such remuneration as may from time
to time be fixed by the Local Government; they would be deemed to be
public servant within the meaning of section (21) of the Indian Penal
Code; (5) The Local Government may by notification remove any
member of the tribunal: (a) if he refuses to act or in the opinion of the
Local Government becomes incapable of acting, or unfit to act, as a
member, or (b) if he was absented for more than three consecutive
meetings of the tribunal, or (c) if he is an un-discharged insolvent; (6)
Whenever a vacancy occurs in a tribunal by reason of removal,
resignation or death of a member, the Local Government would by
notification appoint a person qualified within the meaning of sub-
section (3) to fill the vacancy; (7) A change in the membership of a
tribunal under the provisions of sub section-5 or sub-section-6 would
not invalidate any matter pending before it, nor would it be essential for
a tribunal on account of such change to recommence any enquiry into
any matter pending before it for disposal; (8) The Local Government
may from time to time appoint such officers and servants as it may
deam to be necessary for the due performance of its duties by a tribunal.
The officers and servants so appointed would, while they continue as
such, be deemed to be public servants within the meaning of section
(21) of the Indian Penal Code; (9) A tribunal, for the purpose of
deciding any matter that it is empowered to decide under the provisions
of this Act, would have the same powers and rights as are vested in a
court by the Code of Civil Procedure, 1908, and would have
jurisdiction, unlimited as regards value, throughout the Punjab, and would have no jurisdiction over any proceedings other than is expressly vested in it by this Act; (10) Save or otherwise provide in this Act a decree or order of a tribunal that would be executed or otherwise given effect to by the District Court of the district; in that the gurdwara in connection with which the decree or order was passed by the district court to which the tribunal directs that any decree or order would be sent for this purpose, as if the decree or order had been a decree or order passed by such court; (11) The proceedings of a tribunal would, so far as may be, and subject to the provisions of this Act, be conducted in accordance with provisions of the Code of Civil Procedure, 1908; and (12) If more tribunals than one are constituted, the local Government may by notifications direct which tribunal may entertain petitions relating to a particular gurdwara or gurdwaras situated in any specified areas, and may at time transfer any proceedings from one tribunal to another as it may deem proper.87

It is worth mentioning that no proceedings would be taken by a tribunal unless at least two members are present, provided that notices and summons as may be issued by the President or a member nominated by the President for this purpose. In case of a difference of opinion between the members of a tribunal, the opinion of the majority would prevail; provided that if only two members are present of whom one is the President and if they are not in agreement, the opinion of the President would prevail: and if the President is not present, and the two remaining members are not agreed, the question in dispute would be kept pending until the next meeting of the tribunal at which the President is present; the opinion of the majority, or of the President

when only two members are present, would be deemed to be the opinion of the tribunal.\textsuperscript{88}

Tribunal is required to dispose the petitions under section 5, 6, 8, 10 and 11 of the Act. Local Government would forward to a tribunal all petitions received by it under the provisions of sections 5, 6, 8, 10, and 11, and the tribunal would dispose of such petitions by order in accordance with the provisions of this Act. Moreover, the forwarding of the petitions would be conclusive proof that the petitions were received by the local Government within the time prescribed in section 5, 6, 8, 10, and 11, as the case may be, and in the case of a petition forwarded by worshippers of a gurdwara under the provisions of section 8, would be conclusive proof that the provisions of section 8 with respect to such worshippers were duly complied with. Similarly, power of tribunal to join parties and award costs are clearly mentioned in chapter III of the Act. This way: (a) In disposing of any matter in which it has jurisdiction a tribunal may order any dispute arising therefrom to be dealt with in one proceeding separately or more such disputes than one to be dealt with in one proceeding and may by public advertisement or otherwise enquire if any person desires to be made a party to any proceeding, and may join in any proceeding any person who it considers ought to be made a party thereto; (b) the tribunal may order any person to submit within a fixed time a statement in writing setting forth the nature of his claim or objection and the grounds thereof; (c) if any person fails to comply with an order passed under the provisions of sub-section (2) and duly notified him, the tribunal may decide the matter in dispute against him, provided that the tribunal may at any time extend the time fixed by its order for the submission of the statement if the person satisfies it that he has sufficient cause for not submitting the statement within the time

\textsuperscript{88} Ibid., p. 18.
fixed; and (d) A tribunal may pass any such order as to cost of a proceeding as a court might pass under the provisions of the Code of Civil Procedure, 1908.\textsuperscript{89}

To this may be added: (i) notwithstanding anything contained in any other law in force, if in any proceedings before a tribunal it is disputed that a gurdwara should or should not be declared to be a Sikh gurdwara, the tribunal would, before inquiring into any other matter in dispute relating to the said gurdwara, decide whether it should or should not be declared a Sikh gurdwara in accordance with the provisions of sub-section-2; (ii) If the tribunal finds that the gurdwara: (a) was established by, or in memory of any of the ten Sikh Gurus, or in commemoration of any incident in the life of any of the ten Sikh Gurus, and is used for public worship by Sikhs; or (b) owing to some tradition connected with one of the Sikh Gurus, is used for public worship predominantly by Sikh; or (c) gurdwara was established for used by the Sikhs for the purpose of public worship and was used for such worship by the Sikhs; or (d) it was established in memory of a Sikh martyr, saint or historical person and was used for public worship by the Sikhs; and (e) gurdwara was established owing to some incident connected with religion was used for public worship predominantly by the Sikhs.\textsuperscript{90}

Above all suit for relief claimable by application under this Act, barred notwithstanding anything contained in any Act to the contrary, no suit would be instituted or continued in any court claiming any relief in respect of the management or administration of a notified Sikh gurdwara if such relief might be or might have been claimed in an application made under the provisions of this Part of the act. For the purpose of this Act a Board would be constituted; for every notified Sikh gurdwara a

\textsuperscript{89} \textit{Ibid.}, p. 19.

\textsuperscript{90} \textit{Ibid.}
committee of management would also be constituted. A Judicial Commission, in the manner hereinafter provided the management of every notified Sikh gurdwara power and right that it would be administered by the committee constituted. Therefore, the Board and the Commission in accordance with the provisions of this part functioned. To understand clearly the functioning of this part of the Act, Board Management Committee is discussed at length here.

It is equally worth mentioning that the Board was to consist of 140 elected members; the head ministers of the Darbar Sahib, Amritsar, and the following four Sikh Takhts, namely- Sri Akal Takht Sahib, Amritsar, Sri Takht Kesgarh Sahib, Anandpur, Sri Takht Patna Sahib, Patna, and Sri Takht Huzur Sahib, Hyderabad; twelve members nominated by the Darbars of Indian States specified in sub-section (2); fourteen resident members, in India, of whom not more than five were to be the resident of Punjab, co-opted by the members of the Board as described in its clauses. Moreover, the members of the Board were elected by the constituencies specified in Schedule IV, and the number of members to be elected by each constituency would be as stated therein against that constituency, provided that the Local Government might, from time to time, and after such consultation with the Board as it considered proper, by notification alter the local limits of any consistency. A person would not be eligible for election as a member of the Board if he was of unsound mind; was an undercharged insolvent; was a Patit; and is a minister of a notified Sikh gurdwara, other than the head minister of the Darbar Sahib, Amritsar, or of one of the four Sikh Takhts specified in clauses (ii) of sub-section (1) of section 43. To this may be added the qualification of nominated members. It was made

91 Ibid., p. 37.
92 Ibid.
clear in chapter VI of the Act that a person would not be nominated or co-opted to be a member of the Board if he was less than twenty one years old; was not a Sikh, was of unsound mind, was an undischarged insolvent; was a patit; was minister of a notified Sikh gurdwara other than the head minister of the Darbar Sahib, Amritsar, or of any of the four Sikh Takhts specified in clause (ii) of sub-section (1) of section 43; and was a paid servant of any notified Sikh gurdwara or of the Board other than a member of the executive committee of the Board.93

Election of members of the Board under the provisions of this Act would be held on date to be fixed by the Local Government. An electoral roll would be prepared in such manner as may be prescribed for every constituency, on which would be entered the names of all individuals entitled to be registered as voters in that constituency. Every man would be entitled to have his name registered on the electoral roll of a constituency for the election of a member or members of the Board who was a resident of that constituency and either was on the electoral roll for the time being in force of men entitled to vote for the election of member to represent a Sikh Government of the Punjab, or was a Sikh more than twenty-one years of age, who got his name registered as a voter in such manner as might be prescribed. 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 would be entitled while so registered to vote at an election of a member or members for that constituency, provided that no person would be entitled to vote at an election in more than one constituency.94

The members of the Board would hold office for three years from the date of its constitution or until the constitution of a new Board

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93 Ibid., pp. 38-39.
94 Ibid., p. 39.
whichever was later. However, when a vacancy occurred in the Board owing to the death or resignation of a member or for any other reason, a new member would be elected, nominated or co-opted, as the manner in which the member whose seat was to be filled was elected or nominated or co-opted.\(^9^5\) The first general meeting of the Board would be held at a time not later than one month after the Local Government had notified that it had been constituted, and notice therefore would be given by notification by the Local Government. Annual general meeting of the Board would be held every year. However, meetings of the Board other than the first meeting would be called and for this twenty days notice in writing would be served on every member of the Board in such manners as might be prescribed by bye-laws made by the Board. At the same time, any ten or more members might submit application in writing to the President and demand that a general meeting of the Board be held. If notwithstanding such demand and notice of a meeting was not given within fifteen days, from the date on which the application was received by the President, the applicants might themselves call a meeting to be held at the office of the Board by ten days’ notice served in the manner described in section 56.\(^9^6\)

This Board would have an office in Amritsar for the transaction of not be exercised except by the Board at a meeting at which thirty-one or more members were present. The powers vested by this Act in the Board in general meeting would not be exercised except by the Board at a meeting at which thirty-one or more members were present. The meetings of the Board and the executive committee would be chaired by the President, if the President was absent, the Vice-President would chair; and if neither the President nor the Vice-President was present the

members present would elect one of themselves to be the Chairman of the meeting. Except as otherwise provided by this Act or prescribed all questions which came before the Board or its executive committee would be decided by a majority of the votes of the members present and in the case of an equality of votes the Chairman would have a second or casting vote.

There was a provision of the executive committee of the board. The Board would, at its first general meeting, elect by ballot one of its members to be the President and another to be the Vice-President of the Board, to be known as office-bearers of the Board, and would also at the same meeting in like manner elect not less than five and not more than eleven of its members, as the Board might deem fit, to be members of the executive committee of the Board. The office-bearers and members so elected would constitute the executive committee of the Board. If a vacancy occurred in the executive committee, the remaining members of the executive committee might, if the vacancy was that of an office-bearer, appoint one of themselves, or if the vacancy was that of any member other than an office-bearer, nominated any member of the Board temporarily to fill the vacancy until the next following general meeting of the Board, and the Board would at such meeting elect a member of the Board to fill the vacancy. A member of a committee of management would not be eligible for election as a member of the executive committee and if any member of the executive committee at any time became a member of a committee of management he would forthwith case to be a member of the executive committee. A member of the executive committee might resign his office by giving notice to the President. An office-bearer might resign his office by giving notice to the executive committee; such resignation would affect from the date on which the resignation was accepted by the President or Executive
Committee as the case might be. Any member of the executive committee might receive out of the funds of the Board such salary or other remuneration as might be fixed by the Board in its general meeting. The executive committee of the Board might appoint such servants as it thought to be necessary of the due performance by itself of its duties, and might from time to time determine the number, designations, grades and scales of salary, or other remuneration of such servants, and might at any time fine, reduce, suspend or remove any servant. 97 There was also provision of Judicial Commission in the Gurdwara Act VIII of 1925. This is discussed at length below:

The Judicial Commission would consist of three members. They would be true Sikhs appointed from time to time as might be necessary by the Local Government. No man would be appointed to be its member unless he (i) was, or, at the time of his retirement or resignation from Government service, was a District Judge or a Subordinate Judge of the first class or of not less than ten years standing, as a lawyer or (ii) was a barrister of not less than ten years’ standing, or (iii) was a man who had been a pleader of any High Court of an aggregate period of not less than ten years. Two of its members would be selected by the Local Government out of a list of qualified persons prepared and maintained as described in section 71 of the Act. 98

For the purpose of the appointment of its members the Board would be soon as might be after its constitution submit a list of the names of seven men nominated by the Board and the Local Government would after being satisfied that they were qualified as required by section 70, provided that if the Board failed to submit a list within ninety days from the constitution of the Board, the Local Government

97 Ibid., p. 44.
98 Ibid., p. 46.
might itself complete a list of qualified men: a person whose name was on the list described in sub-section (7) would be entitled to have his name retained thereon for two years after his nomination had been recorded, provided that the Local Government might at any time remove his name, if it was not satisfied upon a report made by the Board and any enquiry it might see fit to make, that he was incapable of acting as a member of the Commission; if any person whose name was on the list died, or applied to the Board to have his name removed there from, the Board would inform the Local Government and his name would be removed from the list; The local Government would on request being made to it for this purpose by the Board remove from the list the name of any person whose name had been on the list for more than three years, provided that the name of any person would not be so removed while such person was a member of the Commission; When a name had been removed from the list the Board would nominate a qualified person for the purpose of filling the vacancy, and the Local Government would after being satisfied that such person was qualified; and If the Board failed to nominate a person to fill a vacancy as required by sub-section (5) the Local Government might after giving one month’s notice of its intention to the Board placed the name of any qualified person on the list to fill the vacancy.99

Broadly speaking, if any person who was a member of the Board or of a committee or of both was appointed to be a member of the Commission and accepted the appointment he would forthwith cease to be a member of the Board or committee or of both, as the case might be. Its members, while they continued as such, would receive such remuneration as might be fixed from time to time by the Local Government and would be deemed to be public servants within the

99 Ibid., p. 47.
meaning of section 24 of the Indian Penal Code. The Local Government might from time to time appoint such officers and servants as it might deem to be necessary for the due performance of its duties by the Commission, and the officers and servants so appointed would, while they continued as such, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. All expenses arising from its appointment including the remuneration of its members, officers and servants would be defrayed by the Local Government and the Board, the Local Government paying one-third of the whole, provided that the remuneration of the members, officers and servants would be paid wholly in the first instance by the Local Government and the portion thereof payable by the Board would be recovered from the Board after the close of each financial year. Any sum due to the local Government under the provisions of sub-section (1) would, if not recovered within a period of three months after the demand had been made, would become recoverable as arrears of land revenue.100

Let us now discuss its jurisdiction and procedure: (a) it would for the purpose of deciding any matter which it was empowered to decide under the provisions of this Act had the same powers as were vested in a court by the Code of Civil Procedure, 1908 and would have jurisdiction unlimited as regards value throughout the Punjab, and would have no jurisdiction over any proceeding other than was expressly vested in that by this act; (b) a decree or order of the Commission would be evacuated or other wise given effect to by the District Court of the district in which the gurdwara in connection with which the decree or order was passed was situated or by the District Court to which the Commission directed that any decree or order would be sent for that purpose, as if the decree or order had been a decree or order passed by such court; (c) the

100 Ibid., p. 49.
proceedings of the Commission would, so far as might be and subject to the provisions of this act, be conducted in accordance with the provisions of the Code of Civil Procedure, 1908, and saved as otherwise provided by this Act, all orders of the Commission would be final.\textsuperscript{101}

The commission would have its court and office at such place or places as the Local Government might from time to time fix. If a vacancy occurred in the Commission it would be filed by the appointment made by the Local Government of some other qualified person in the same manner as that in which the person whose seat was too filled was appointed. The local Government might remove any member of the Commission; (i) if he refused to act or become in the opinion of the Local Government incapable of acting or unfit to act as a member, or (ii) if he had absented himself from more than three consecutive meetings of the Commission, or (iii) if it was satisfied after such enquiry as it may deem necessary that he had flagrantly abused his position as a member; or (iv) if he had served as its member for more than three years.\textsuperscript{102}

It will not be out of place if election of the President of Commission is also discussed here, briefly. Its members would elect one of themselves to be the President. If its members failed to elect a President by a majority of votes within ten days after its formation, the President might be appointed by the Local Government. No proceedings would be taken by the Commission unless at least two members were present and sitting together, provided that notices and summons might be issued by the President or a member nominated by the resident for this purpose, sitting alone. If the President was not present, the two members present, could decide who of the two would preside

\textsuperscript{101} Ibid., p. 50.
\textsuperscript{102} Ibid., p. 51.
and perform the duties of the President.\textsuperscript{103} In case of difference of opinion among the members of the Commission the opinion of the majority would prevail: provided that if only two members were present of whom one was the President and if they were not in agreement with the opinion of the President and if the two remaining members were not agreed, the question in dispute would be kept pending, and the opinion of the majority or of the President when only two members were present would be deemed to be the opinion of the Commission. The costs, charges and expenses of and incidental to any of its proceedings would be in its discretion, and the Commission might in disposing of any proceedings direct that the whole or any part of such expenses would be paid by any party to such proceedings or out of the property or income of the notified Sikh gurdwara to which the proceedings related. The Local Government might at any time, when there was no proceeding pending before it, dissolved the Commission.\textsuperscript{104} If it was necessary to decide for the purposes of the constitution of the Board or a committee, under the provision of this Act, whether a person had or had not become a patit, the commission would decide the same.

It was made clear in the IX Chapter of this Act that the Board would establish and maintain a fund to be called the ‘General Board Fund’, and there would be placed by the credit thereof the sums, namely: (i) all the annual contributions paid by the gurdwaras’ Committees to the Board under the provisions of section 107; and (ii) all the fees for copies of accounts and of entries in registers levied by the Board under the provisions of sub-section (2) of section (8) of section 137. No sums other than those specified in sub-section (1) would be placed to the credit of the General Board Fund. The General Board Fund

\textsuperscript{103} Ibid.
\textsuperscript{104} Ibid., p. 52.
would be applied sorely to the payment of expenses lawfully incurred by the Board in the exercise of its powers under the provision of this Act, and the discharge of obligation legally incurred, provided that if after paying such expenses and discharging such obligations any surplus sum remained, such surplus sum, up to the amount of three thousand rupees in any year, that might be spend by the Board on any religious, charitable or educational purpose that it might deem fit. No part of the General Board Fund would be expended upon the administration of any trust fund described in section 111 or 112 upon the object of any such trust fund except in so far as much expenditure might be permissible under the provisions of sub-section (3).\textsuperscript{105} However, if any sum was transferred to the Board by the SGPC, then: (i) any portion thereof held on behalf of a notified Sikh gurdwara would be paid as soon as might be, to the committee of such gurdwara, and any portion held on behalf of any other place of worship as the Local Government might approve; (ii) any portion not required to be paid under the provisions of clause (a) would, in the first place, be used to discharge such debts of the SGPC as might be legally recoverable; and (iii) any portion remaining after the debts of the SGPC had been discharged as required by clause (b) would be set apart for such religious, charitable or educational purposes as the Board in general meeting might determine, provided that any portion not so set apart within one year from the constitution of the first Board would be handed over to the committee described in sub-section (2) of section 85 and would form part of the funds of that committee.

Every sum made over to the Board under the provision of this Act by a committee of a notified Sikh gurdwara or otherwise received by the Board for a specified religious, charitable or educational purpose would be held by the Board as a trust and would be devoted to the purpose

\textsuperscript{105} \textit{Ibid.}, p. 67.
specified. Every sum other than a sum specified in, sections 107, 109 or 110 or sub-section (2) of section 114 or sub-section (8) of section 137 would be placed to the credit of a fund to be called the ‘General Trust Fund’. Out of that the Board in general meeting might from time to time make allotments for the discharge of any obligations legally incurred in connection therewith or for such religious, charitable or educational purposes as the Board might consider proper or for grants in aid for the maintenance or service of notified Sikh gurdwara. The Board would establish and maintain a separate fund in respect of each trust held in accordance with the provisions of clause (iii) of section 109 or of section 110, and might discharge out of each such fund any obligation legally incurred in connection therewith. Every sum received by the Board in connection with any fund would be placed to the credit of the fund in such Bank as the Board in general meeting might direct. 106 The Board would maintain regular accounts showing receipts on account of and expenditure out of the ‘General Board Fund’ and separate similar accounts for each fund established under the provisions of section 112 and for General Trust Funds. Any person having interest in a notified Sikh gurdwara would on application being made to the board be furnished with a copy, certified to be correct by the President or other member of the executive committee authorized by the President on this behalf, of the whole or of any specified for the time being in force in Punjab. 107 The accounts described in section 114 would be audited and examined once in a year by such auditor as might time to time be appointed by the Local Government. 108

106 Ibid, p. 68.
107 Ibid., p. 69.
108 Ibid.
The executive committee would lay before the Board at a general meeting to be held yearly at such time as might be prescribed an estimate of the income and expenditure for the ensuing financial year of the Board and of each separate fund administered by the Board. The Board would in general meeting take into consideration every estimate laid before it by the executive committee, and it would be the discretion of the Board to pass or reject such estimate or to modify or alter that and to pass that as so modified or altered.\textsuperscript{109}

The Act clearly but at length stated the powers and duties of the Board. It would be the duty of the Board to ensure that every committee dealt with the property and income of the gurdwara or gurdwaras managed by it in accordance with the provisions of this act, and for the fulfillment of this duty and subject to the provisions of, and in addition to the powers conferred upon the Board by, this act, the general superintendence over all committees appointed under the provisions of this Act would vest in the Board. However, the Board would not in any manner interfere with or to have any control over or connection with any place of public worship in the Punjab otherwise than as provided in this Act. It would be competent for the Board to hold and administer trust funds for purposes of a religious, charitable or educational nature, whether such funds were derived from allotments duly made by a committee out of the surplus funds or income of a gurdwara under its management or from donations, or contributions or endowments made direct to the Board for such purposes.\textsuperscript{110}

The Act indicated that the Board in general meeting might at any time call upon its Executive Committee to report upon any matter within the jurisdiction of the Board and might require the Executive Committee

\textsuperscript{109} \textit{Ibid.}, p. 72.
\textsuperscript{110} \textit{Ibid.}, p. 76.
to take any such action as lied under the provisions of this Act within the powers of the Board. The Board in any of its meeting might consider and discuss any matter with which it had power under this Act to deal any matter directly connected with the Sikhs, but would not consider or discuss, or pass any resolution or order upon any other matter.\textsuperscript{111}

When at any time the committee or the Board was of opinion that for the proper administration of the Property, endowments, funds and income of a notified Sikh gurdwara a scheme should be settled, the Board and the committee would consult together and if they agreed upon a scheme, the scheme would be described in writing and the committee would give effect thereto. If at such consultation the committee and the Board did not agree upon a scheme, the committee or the Board might apply to the Commission. And, the Commission after hearing such members of the committee and of the Board respectively as might be deputed for the purpose by the committee and the Board respectively, and any such other persons as it might consider proper to hear, might itself settle such scheme as it considered just and proper and passed an order giving effect thereto. When at any time the committee and the Board, after consultation together, were of opinion that a scheme settled under the provisions of sub-section one or sub-section two should be in the interests of the proper administration of the property endowments funds and income of the gurdwara be set aside or modified, and the committee as well as the Board were in agreement in respect of the matter, the decision of the Board and the committee would be recorded and effect thereto given by the committee. If the committee or the Board was of opinion that in the interests of the proper administration of the property, endowments, funds or income of a notified Sikh gurdwara as scheme settled under the provisions of sub-

\textsuperscript{111} Ibid., p. 77.
section (1) or sub-section (2) should be set aside or modified, and the Board and the committee were not in agreement upon the matter, the committee or Board might apply to the Commission to have the scheme set aside or modified as desired, and the Commission after hearing such members of the committee and of the Board respectively as might be deputed for this purpose by the committee and the Board respectively and any such other persons as it might consider proper to hear, and itself set aside such scheme as that consider just and proper and passed an order giving effect thereto.\(^{112}\)

Nothing contained in section 130 would apply to the committee constituted under the provision of sub-section (1) of section 85. The Board might in general meeting make bye-laws not inconsistent with this Act, regulating its procedure and the fees to be levied under the provisions of sub-section (8) of section 137, provided that the Board would not, without the previous sanction of the Local Government, make any bye-law: (a) prescribing the form in which the budgets of the Board and of committees would be presented; (b) providing for the custody and investment of the funds of the Board and prescribing the procedure by which sanction of the Board might be accorded to the deposit of surplus funds in specified banks; (c) prescribing the qualifications of candidates for membership of the Board and committees; and provided further that no bye-law falling within the purview of clause; (d) would impose any disqualification upon a Sikh only because he is Sehajdhari Sikh. All bye-laws requiring the previous sanction of the Local Government under the provisions of sub-section (I) would, when made, be published in the Gazette.\(^{113}\)

\(^{112}\) Ibid., p. 78.

\(^{113}\) Ibid., p. 79.
Powers and duties of the committees would enable us to understand their working position and significance. Subject to the provisions of this Act, a committee would have full powers to control over the office holders and dependents of 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 observances in connection with such gurdwara or gurdwaras and of taking all such measures as might be essential to ensure the proper management of the gurdwara or gurdwaras and the efficient administration of the property, income and endowments thereof. The committee might suspend or dismiss any office-holder provided that it would not dismiss a hereditary office-holder or minister: (a) makes persistent default in the submission of budgets, accounts, reports or returns, which is his duty to submit, or (b) willfully disobeys lawful orders issued by the committee, or (c) is guilty of any malfeasance, misfeasance, breach of trust or neglect of duty in respect of a trust, or (d) has misappropriated or improperly dealt with, the properties of the gurdwaras, or (e) is of unsound mind or physically unfit to discharge the function of his office, or (f) is guilty of misconduct of such a character as to render him morally unfit for his office, or (g) fails persistently to perform his duties in connection with the management or performance of public worship or the management or performance of any ritual and ceremony in accordance with the teachings of Sri Guru Granth Sahib, or (h) has ceased to be a Sikh.\textsuperscript{114}

Whenever the dismissal of hereditary office-holder or of minister is ordered, the order would, except when it was based on facts or conclusion established at a judicial trial, or when such office-holder or minister was absconding be preceded by a recorded enquiry, and at such

\textsuperscript{114} Ibid., p. 80.
enquiry a definite charge in writing would be fame in respect of each
one and explained to such office-holder or minister; the evidence in
support of that sanad any evidence which he might adduce in his defense
would be recoded in his presence and his defense would be taken down
in writing, and on such of the charges framed a finding would be
recorded. A committee might suspend a hereditary office-holder or a
minister pending an enquiry into the charges framed against him. Any
hereditary office-holder who had been suspended or dismissed might
within three months of the date of the order of suspension or dismissal,
as the case might be, appeal either to the Board or to the Commission as
he might elect, if he decides to appeal to the Board the order of the
Board would be final, and if he elects to appeal to the Commission a
further appeal would be filed to the High Court from the order of the
Commission provided that such appeal would be made within ninety
days of the date of the order. Any minister other than a hereditary office-
holder who had been suspended or dismissed might within ninety days
of the date of the order of suspension or dismissal, as the case may be,
appeal to the Board and the order of the Board would be final. When no
appeal was preferred against an order of a committee suspending or
dismissing a hereditary office-holder or a minister, as the case might be,
such order would be final.\textsuperscript{115}

If in the opinion of the Board a hereditary office-holder or a
minister of a notified Sikh gurdwara may be dismissed in accordance
with the provisions of section 134, the Board may move the committee
of such gurdwara to dismiss him, and if the committee does not within
one month of being so moved to dismiss such office-holder or minister,
the Board may apply to the Commission to order his removal, and if the
Commission finds that such office-holder or minister may be so

\textsuperscript{115} \textit{Ibid.}, p. 81.
dismissed, it may order his dismissal. When an application has been made to the Commission under the provisions of sub-section (6) the Commission may suspend from office, pending its decision, the person against whom the application has been made. Any hereditary office-holder dismissed under the provisions of sub-section (6) may, within ninety days of the date of the order of dismissal, appeal to the High Court. Notwithstanding anything contained in sub-section (3) or sub-section (4) when the Board acting as a committee under the provisions of sub-section (5) of section 85 orders the suspensions or dismissal of a hereditary office-holder, an appeal from such order would lie only to the commission with a further appeal to the High Court as provided in sub-section (5), and when the Board acting as such committee orders the suspension or dismissal of a Minister other than a hereditary office-holder the order of the Board would be final and nothing contained in sub-sections (6), (7) or (8) would apply to the Board acting as such committee.116

If after the commencement of this Act any vacancy occurred in an office connected with a notified Sikh gurdwara, whether by reason of death, dismissal or resignation of the office-holder or for any other reason, the committee of the gurdwara might appoint any person who in its opinion is qualified for the office to fill the vacancy, provided that if the last holder of the office was a hereditary office-holder who had not before the vacancy occurred received compensation under the provisions of section 20, and there was a presumptive successor of such last office-holder who desired to be appointed and had not received compensation under the provisions of section 20, the committee would appoint such presumptive successor unless, in its opinion he had not been properly ordained or his moral character was such as to render him unsuitable or

116 Ibid., p. 82.
his education had not been sufficient to render him fit for appointment. If any presumptive successor claimed to be appointed to fill a vacancy in accordance with the provisions of sub-section (1) and the committee rejected his claim, he might, unless the committee was the Board acting as a committee, under the provisions of sub-section (1) of section 85, within thirty days of the date of such rejection appealed to the Board and the decision of the Board would be final.117

The committee of every notified Sikh gurdwara would as soon as might be, prepared registers, in which would be entered the names of past and present ministers of the gurdwara, and the documents, if any relating thereto; particulars of all immovable properties of the gurdwara, and the documents’, if any relating thereto; particulars of the scheme of administration, if any; the names of all officers connected with the gurdwara to which any salary, emolument or perquisite was attached and the nature, with their estimated value; and such other particulars as the Board might direct.118

The registers would be submitted through the committee to the Board within such period after the commencement of this Act as the Board might direct. The Board after checking them might direct that the registers be corrected in such manner appeared to be essential. The registers as approved by the Board would be kept by the committee of the gurdwara to which they related, and copied thereof would be kept by the Board. The committee would cause the entries in the registers to be scrutinized annually and would submit to the Board for its approval a verified statement showing the alterations, omissions or additions required therein. The Board might, after checking the statement, direct such alterations omissions or additions to be made in the registers as it

117 Ibid., p. 83.
118 Ibid.
found to be essential. A copy of every order passed under the provisions of sub-section (3) or sub-section (6) would be communicated to the committee and the committee would carry out the alterations, omissions or additions ordered by the Board in the Registers. The President of the Board or any servant authorized by him on his behalf or the President of the committee might grant copies of the registers or of entries therein on payment of such fees at the Board might be bye-law prescribed. Such copies would be certified by the President of the Board or committee, as the case might be, in the manner provided in section 76 of the Indian Evidence Act, 1872. Nothing contained in sub-section (2), (3), (4), (6) or (7) or in sub-section (5) with the exception of the provision for the annual scrutiny of entries in registers would apply to the committee constituted under the provisions of sub-section (1) of section 85.

No exchange, sale or mortgage or lease for a term exceeding five years of any immovable property belonging to a notified Sikh gurdwara would be valid unless it was sanctioned by the Committee of the gurdwara and by the Board. A committee of a notified Sikh gurdwara might make regulations, not inconsistent with the provisions of this Act or with any rules or bye-laws made there under, to regulate its procedure provided that without the previous sanction of the Board no regulation would be made: (i) authorizing by name or office any person to receive, or sign acknowledgments of the receipt of any money on behalf of the committee, or (ii) prescribing the form in which accounts, returns and reports relating to the management of a gurdwara would be maintained or submitted.\(^{119}\)

The committee of a notified Sikh gurdwara might from time to time make regulations for the purpose of determining what portion of the offerings made at or in connection with such gurdwara would be

deemed to be the property of the gurdwara and regulating the divisions of such officering or any portion of them between the various office-holders of such gurdwara. If not regulations had been made by a committee under the provisions of sub-section (1) all offerings made at, or in connection with, a notified Sikh gurdwara would be deemed to be the property of such gurdwara.\textsuperscript{120}

In the end, it is pertinent to mention that the Act in question has been guiding the constituted bodies of the Sikh community. The Sikh gurdwaras had been managed by the SGPC under the provisions of the Act since its passing in 1925.

\textsuperscript{120} \textit{Ibid.}