



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Bill, 2015 (L.A. Bill No. VI of 2015), Introduced in the Legislative Assembly on the 11th March 2015, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,

Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. VI OF 2015.

A BILL

*further to amend the Nanded Sikh Gurudwara Sachkhand
Shri Hazur Apchalnagar Sahib Act, 1956.*

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take

Hyd. Act No. XXXVII of 1956. immediate action further to amend the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956, for the purposes hereinafter appearing; and, therefore, promulgated the Nanded Sikh

Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Ordinance, 2015 on the 18th February 2015 ;

Mah.
Ord. III
of 2015.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature, it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

Short title and
commence-
ment.

1. (1) This Act may be called the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 18th February 2015.

Amendment of
section 6 of
Hyderabad Act
No. XXXVII of
1956.

2. In section 6 of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956 (hereinafter referred to as “the principal Act”), after sub-section (4), the following sub-section shall be added, namely :—

Hyd.
Act No.
XXXVII
of 1956.

“(5) Notwithstanding anything contained in sub-sections (2), (3) or (4), the State Government may, by notification in the *Official Gazette*, constitute the Board, if, at-least fifty per cent. of the members, under sub-section (1) are duly nominated or elected, as the case may be. The Board so constituted shall be deemed to be validly constituted Board for the purposes of this Act.”.

Amendment of
section 11 of
Hyderabad Act
No. XXXVII of
1956.

3. In section 11 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The President of the Board shall be nominated by the Government from amongst the members of the Board.”.

Amendment of
section 61 of
Hyderabad Act
No. XXXVII of
1956.

4. In section 61 of the principal Act, in sub-section (2), clause (ii) shall be deleted.

Repeal of
Mah. Ord. III
of 2015 and
saving.

5. (1) The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Ordinance, 2015, is hereby repealed.

Mah.
Ord. III
of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

Takhat Sachkhand Shri Hazur Apchalnagar Sahib Gurudwara situated at Nanded is of great importance for Sikh Community all over the world. The said Gurudwara is one of the five Takhats, having spiritual and temporal powers about religious matters. 'Takhat' means the throne. Shri Guru Gobind Singh, the Tenth Guru of the Sikhs, had come to Nanded in 1708 A.D. along with some of the Sikhs. He breathed his last at Nanded and, before that, he bestowed Guruship to Holy Granth and the Holy Granth came to be known as Shri Guru Granth Sahib as per the command given by Shri Guru Gobind Singh to all the Sikhs. Thus, Shri Guru Granth Sahib is the perpetual Guru. As Guruship or "Guru-ta-Gaddi" was bestowed on Shri Guru Granth Sahib at Nanded, the Takhat Sachkhand Shri Hazur Sahib is of great importance for whole of the Sikh Community spread all over the world.

2. The Hyderabad Legislative Assembly had, with a view to providing for the proper administration of the said Gurudwara, enacted the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956 (Hyd. Act No. XXXVII of 1956). Section 6 of the Act provides for constitution of a Board of 17 members, consisting of the following :—

- (i) Two members nominated by the Government;
- (ii) Three members elected from amongst the Sikhs of the State;
- (iii) One member nominated by the Government from amongst the Sikhs of the cities of Hyderabad and Secunderabad;
- (iv) One member nominated by the Shiromani Gurudwara Prabhandak Committee, Amritsar (S.G.P.C.), from amongst the Sikhs of the State of Madhya Pradesh;
- (v) Three members nominated by the S.G.P.C.;
- (vi) Two members elected by and from amongst Sikh Members of the Parliament;
- (vii) One member nominated by the Chief Khalsa Diwan, Amritsar;
- (viii) Four members nominated by Sachkhand Hazuri Khalsa Diwan, Nanded.

The term of the Board is three years and it is expected that every three years, new Board should be constituted. However, it appears that most of the times, for one or the other reason, the Board could not be constituted within reasonable time and many a time, for want of constitution of new Board even after election, the outgoing Board had to continue even though it had completed its three year term. On a number of occasions, the Board was required to be superseded for one or the other reason. On 10th July 2000, Government of Maharashtra had issued a notification and superseded then existing Board. Since then, the Board could not be constituted as per the provisions of the Act.

3. The Aurangabad Bench of the High Court has, *vide* order dated the 21st October 2013, passed in Writ Petition No. 6199 of 2009 directed the State Government to take steps for the constitution of the Board. However, the process of constituting the Board was hampered by many reasons, one of which was the litigation relating to the Sachkhand Hazuri Khalsa Diwan, Nanded. In order to constitute the Board as early as possible, the Government, considered it expedient to amend

the said Act of 1956, suitably, with a view to providing that, the State Government may constitute a Board if, at-least fifty per cent. of the members, are duly nominated or elected, as the case may be. It was also proposed to provide that the Board so constituted shall be deemed to be validly constituted Board for the purposes of this Act. It was proposed to further provide that the State Government shall nominate the President of the Board from amongst the members of the Board.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956 (Hyd. Act No. XXXVII of 1956), for the purposes aforesaid, the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Ordinance, 2015 (Mah. Ord. III of 2015), was promulgated by the Governor of Maharashtra on the 18th February 2015.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 9th March 2015.

EKNATHRAO KHADSE,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of a legislative power, namely :—

Clause 2.—This clause seeks to amend section 6 of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956 (Hyderabad Act No. XXXVII of 1956), by adding a sub-section (5), thereto. Under the proposed sub-section (5), power is conferred on the State Government, to constitute the Board, by notification in the *Official Gazette*, if, at-least fifty per cent. of the members, under sub-section (1) are duly elected or nominated.

2. The above-mentioned proposal for delegation of a legislative power is of a normal character.