



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक २]

बुधवार, फेब्रुवारी १८, २०१५/माघ २९, शके १९३६

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असाधारण क्रमांक ७

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) Ordinance, 2015 (Mah. Ord. III of 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.

[Translation in English of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib (Amendment) Ordinance, 2015 (Mah. Ord. III of 2015), published under the authority of the Governor].

REVENUE AND FORESTS DEPARTMENT

World Trade Centre, Centre-1, Cuffe Parade,
Mumbai 400 005, dated the 18th February 2015.

MAHARASHTRA ORDINANCE No. III OF 2015.

AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

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

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

Short title and
commence-
ment.

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

(2) It shall come into force at once.

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-section (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.

STATEMENT

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 sometimes 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 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, after elections. However, it appears that most of the times, for one or the other reasons, 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 years 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 the 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, considers 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 is also proposed to provide that the Board so constituted shall be deemed to be validly constituted Board for the purposes of this Act. It is 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,

Dated the 18th February 2015.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,

Principal Secretary to Government.