

Shiromani Gurdwara Parbandhak Committee

Teja Singh Samundri Hall, Sri Amritsar

Date 13-03-2025

No. 82738

To Whom it May Concern

It is certified that **Babbar Akali Memorial Khalsa College, Garhshankar (Hoshiarpur)** is being run by SGPC (Shiromani Gurdwara Parbandhak Committee), Sri Amritsar Sahib, a Religious and Charitable body of Sikhs. It is a body corporate with perpetual succession as per 'The Sikh Gurdwara Act, 1925' i.e Punjab Act No. 8 of 1925. Its members are elected from 120 constituencies (110 constituencies of Punjab, 8 constituencies of Haryana, One constituency of Chandigarh and One Constituency of Himachal Pardesh). There are 170 elected members, 15 copted members and 6 Ex-Officio members. Its elections are conducted by Govt. of india. There are more than Hundred Educational Institutions run by Shiromani Gurdwara Parbandhak Committee (SGPC).

S.G.P.C is constituted as per "The Sikh Gurdwaras Act,1925" i.e Punjab Act No. 8 of 1925, So there is no need of it to be registered under societies registration Act 1860.

Pardeep Singh
Secretary,

Shiromani Gurdwara Parbandhak Committee,
Sri Amritsar Sahib.

Secretary,
S.G.P.C. ASR.

The Sikh Gurdwaras Act, 1925

Punjab Act No. 8 of 1925

Received the assent of the Governor-General on the 28th July, 1925, and was first published in the Punjab Gazette of the 7th August, 1925.

Legislative History

1.	Amended by Act 24 of 1925.
2.	Amended by Punjab Act 4 of 1926
3.	Amended by Act 13 of 1926
4.	Amended by Act 1 of 1927
5.	Amended by Act 3 of 1930
6.	Amended by Act 4 of 1932
7.	Amended in part by Govt. of India (Adaptation of Indian Laws) Order, 1937.
8.	Amended by Punjab Act 7 of 1938.
9.	Amended by Punjab Act 1 of 1941.
10.	Amended by Punjab Act 11 of 1944. <small>Signature Not Verified</small>
11.	Amended by India (Adaptation of Indian Laws) Order, 1947. <small>Digitally signed by Jasvir Singh, DN: cn=Jasvir Singh, o=IST, email=j.singh@ist.ac.in</small>
12.	Amended by East Punjab Act 44 of 1948.
13.	Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, (G.G.O. 40).
14.	Amended by East Punjab Act 32 of 1949.
15.	Amended by the Adaptation of Laws Order, 1950.
16.	Amended by the Adaptation of Laws (Third Amendment) Order, 1951.
17.	Amended by Punjab Act 26 of 1953.
18.	Amended by Punjab Act 27 of 1953.
19.	Amended by Punjab Act 25 of 1953.
20.	Amended by Punjab Act No. 42 of 1953.
21.	Amended by Punjab Act No. 44 of 1953.
22.	Amended by Punjab Act No. 53 of 1953.
23.	Amended by Punjab Act No. 5 of 1954.

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Garhshanker (Hoshiarpur)

10 The Sikh Gurdwaras Act, 1925, Section 1

24.	Amended by Punjab Act No. 11 of 1954.
25.	Amended by Punjab Act No. 25 of 1954.
26.	Amended by Punjab Act No. 37 of 1954.
27.	Amended by Punjab Act No. 22 of 1957.
28.	Amended by Punjab Act No. 1 of 1959.
29.	Amended by Punjab Act No. 10 of 1959.
30.	Amended by Punjab Act No. 10 of 1961.

An Act to provide for the better administration of certain Sikh Gurdawars and the inquiries into matter connected therewith.

Preamble. - Whereas it is expedient to provide for the better administration of certain Sikh Gurdawaras and for inquiries into matters and settlement of disputes connected therewith, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows :-

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Part 2

Chapter I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Sikh Gurdwaras Act, 1925.

¹[(2) It extends to the territories which, immediately before the 1st November, 1956, were comprised in the States of Punjab and Patiala and East Punjab States Union.]

(3) It shall come into force on such ²date as the ³[State] Government may by notification appoint in this behalf ⁴and, in the extended territories, on the

1. Substituted for the words "It extends to Punjab" by Punjab Act No. 1 of 1959 section 2(1).
2. This Act came into force on the 1st day of November, 1925, see notification No. 4288-S, dated 12th October, 1925, in the Punjab Gazette, 1925, Part 1, page 712.
3. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
4. Added by Punjab Act No. 1 of 1959, Section 2(2).

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Garhshankar (Hoshiarpur)

commencement of the Sikh Gurdwaras (Amendment) Act, 1959 (hereinafter referred to as the Amending Act.)]

(4) The Sikh Gurdwaras and Shrines, Act, 1922 [4 of 1922], is hereby repealed.

✓ **COMMENTARY**

Statement objects and reasons. - "The present Sikh Gurdwaras and Shrines Bill is an effort to provide a legal procedure by which such gurdwaras and shrines as are, owing to their origin and habitual use, regarded by Sikhs as essentially places of Sikh worship, may be brought effectively and permanently under Sikh control and their administration reformed so as to make it consistent with the religious views of that community. The Sikh Gurdwaras and Shrines Act, 1922, which is to be repealed by the present Bill, failed to satisfy the aspirations of the Sikhs for various reasons. One, for instance, was that it did not establish permanent committee of management for Sikh Gurdwaras and Shrines. Nor did it provide for the speedy confirmation by judicial sanction of changes already introduced by the reforming party in the management of places of worship over which it had obtained effective control.

2. The present Bill provides a scheme of purely Sikh management, secured by statutory and legal sanction, for places of worship which are decided either by the legislature or by an independent tribunal set up for the purpose, or by an ordinary Court of law, to be in reality places of Sikh worship which should be managed by Sikhs.

3. The procedure by which a gurdwara or shrine can be placed under such management is provided in Parts I and II of the Act. Part III describes and regulates the manner of management.

4. There are three ways in which, under the Bill, the provisions of part III may be made applicable to a particular gurdwara or shrine.

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(1) Certain places of worship about which no substantial doubt exists are placed forthwith in Schedule I. For the application of Part III to one of these, all that is necessary is the speedy assertion of a claim on behalf of the shrine to the property alleged to belong to it. This assertion will be by petition to the local Government.

(2) Whether any place not included in Schedule I should or should not be placed for management under the provisions of part III will be determined, upon petition duly made by fifty worshippers within a prescribed period by a special independent tribunal, subject to an appeal to the High Court. The principles to be applied or not are laid down in the Bill, and upon a finding of certain facts the application of Part III will necessarily follow.

(3) The tribunal is to be appointed by the Local Government and its President will be a Judge of the High Court. It will not be permanent, and if recourse is not had to it to the local Government within the period prescribed, the only way in which the provisions of Part II can be applied to a place of worship will be by a suit of a special nature, similar to a suit under section 92 the Code of Civil Procedure, instituted in an ordinary Court of law. For such suits provision is made in Part II.

5. Besides prescribing the procedure required for the application of Part III to a place of worship, Part I includes provisions for compensating hereditary office-holders who have been removed from office after the 1st of January, 1920, or who may prefer to resign in consequence of the application of Part III to the gurdwaras or shrines with which they are connected.

6. Once a gurdwara or shrine has been placed for management under Part III the jurisdiction of the Courts in respect of matters relating to it will be curtailed in several direc-

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12 The Sikh Gurdwaras Act, 1925, Section 1

tions so as to give the Central Board and Committees of management, set up under the provisions of that Part, a satisfactory measure of independent control. A temporary bar against procedure in the ordinary Courts is also provided pending adjudication by the tribunal of matter over which it is given jurisdiction. Where such matters are in dispute in pending suits they are to be transferred to the tribunal for settlement.

7. The scheme of management provided under Part III contemplates the constitution of a Central (Sikh) Board of Control consisting principally of elected members, and the formation of committees of management, describes their functions, invests them with special powers, lays down certain principles by which they are to be bound and provides for financial responsibility and audit. It also provides for the appointment of a judicial commission, consisting of three Sikhs, by which certain disputes relating to the administration of places of worship declared or held by the tribunal to be Sikh Gurdwaras or Shrines are to be settled.¹

It was held by the Division Bench of the High Court that the purpose of the Act was to settle, not only pending disputes but all likely disputes in future and to have it determined whether the Gurdwara concerned or some other possible claimant was owner of the right claimed on behalf of the Gurdwara. *Amarjit Singh v. Shiromani Gurudwara Parbandhak Committee*, AIR 1936 Lahore 939 : 39 PLR 439.

Statement of Object and Reasons - Act 25 of 1953. - After the partition of the Punjab, the Shiromani Gurudwara Parbandhak Committee, constituted in the Joint Punjab was reconstituted under the India (Adaptation of Existing Indian Laws) Order, 1947. Subsequently, the seats on the Shiromani Gurudwara Parbandhak Committee were categorized into elected, nominated and co-opted seats, as vacancies on the Shiromani Gurudwara Parbandhak Committee shall be filled by election, nomination or co-option in the same manner as they had been filled in the preparation. Punjab, except in the case of vacancies relating to the constituencies included in Punjab (Pakistan) which shall be left unfilled. This was done by means of a notification issued on the 22nd March, 1949. Since the Shiromani Gurudwara Parbandhak Committee after partition was constituted under the provisions of the India (Adaptation of Existing Indian Laws) Order, 1947, it is necessary that Government should assume powers by ad hoc legislation in order to be able to fill vacancies on the Shiromani Gurudwara Parbandhak Committee in the manner described above. The bill accordingly designed to achieve that object.²

Statement of Object and Reasons - Act 26 of 1953. - The Act provides for the election of the Executive Committee of the Board every year but it does not provide for any remedy against the Executive Committee if it ceases at any time to enjoy the confidence of the Board in general. It is considered undemocratic to allow the Executive Committee to continue even when a resolution of no confidence has been passed against it. The proposed amendment is designed to remedy this defect in the Act.³

Statement of Object and Reasons - Act 27 of 1953. - Under section 113 of the Sikh Gurdwara Act, 1925, every sum received by the Board in connection with any fund is to be placed to the credit of the fund in a bank as the Board may in a general meeting direct. This does not leave any discretion with the Board to keep the money in any other manner. It is proposed to empower the Board to enable investment of such sums received by them in Government Securities or National Savings Certificates. The investments thus made will not only be safe but will also yield better income by way of interest.

1. Punjab Gazette Extraordinary, dated the 25th April 1925.

2. Published vide Punjab Gazette, Extraordinary, dated 24.3.1953, P. 370.

3. Published vide Punjab Gazette, Extraordinary, dated 14.4.1953, P. 480-81.

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Funds belonging to certain notified Sikh Gurudwaras now left in Pakistan are lying with the Board. These were deposited with it either as the managing body of the Gurudwaras mentioned in section 85 of the Sikh Gurudwaras Act or as the general controlling body of all the notified Gurudwaras; or else they were received and realised under the powers given under section 127-A of the said Act. There is, however, no provision in the Act as to how the same can be spent or used. Section 127-B is proposed to be added with a view to authorising the Board to use and allocate those funds in accordance with the provisions of that section.¹

Statement of Object and Reasons - Act 42 of 1953. - It is considered that questions regarding disqualification of members of committees and of the Board constituted under the Punjab Sikh Gurudwaras Act should be decided by an independent authority. This Bill seeks to achieve this purpose by vesting powers, in this respect, in the Judicial Commission.²

Statement of Object and Reasons - Act 44 of 1953. - As a result of the partition, out of 120 constituencies of the Shiromani Gurudwaras Parbandhak Committee, 43 constituencies were left in the Punjab (Pakistan) and the number of elected members was consequently reduced to 84, including 7 seats reserved for Sikh belonging of Mazhabi, Ramdasia and Kabirpanthi castes. Since the entire Sikh population on the other side of the border has moved to India and the majority of them have settled in the Punjab (India), it is necessary to determine afresh the number of elected members on the Shiromani Gurudwara Parbandhak Committee and the number of seats which should be reserved for Sikhs belonging to the Scheduled Castes recognised as such under the Constitution Act. Besides, in view of the constitutional changes by which the erstwhile Punjab States have ceased to have independent identity and have merged into the Pepsu Union, and in view of the present day democratic set up in the country, it is desirable to give up the nomination of members on the Shiromani Gurudwara Parbandhak Committee by the Rajpramukh of the new Pepsu Union provided in the Act. The amendments of sections 43 and 44 of the Act is designed to achieve these objects.

The amendments to other sections proposed in the Bill are of consequential nature.³

Statement of Object and Reasons - Act 53 of 1953. - Section 85 of the Sikh Gurudwara Act, 1925, was amended in 1949 by which the Local Committees of Management for certain big Gurudwara mentioned therein were abolished and the control of those Gurudwara was vested in the Shiromani Gurudwara Parbandhak Committee which was declared to be the Committee of Management for such Gurudwaras. As a consequence of that amendment, several sections of the act, which obtain a mention of those Local Committees, have to be amended. It is also considered necessary to amend certain provisions of the Act in order to rectify some printing errors and to meet certain administrative difficulties which have been experienced in the working of the Act from time to time. This Bill is designed to achieve that object.⁴

Statement of Object and Reasons - Act 5 of 1954. - As a result of partition, out of 120 Constituencies of the Shiromani Gurudwara Parbandhak Committee, 43 Constituencies were left in Punjab (Pakistan) and 77 Constituencies, including 7 plural constituencies, came over to Punjab (India). The number of elected members on that Body after partition was consequently reduced to 84, including 7 the entire Sikh population to Mazhabi, Ramdasia or Kabirpanthi Castes. As the entire Sikh population had migrated to India and the majority of them had settled in Punjab (India), Sections 43 and 44 of the Sikh Gurudwara

1. Published vide Punjab Gazette, Extraordinary, dated 24.3.1953, P. 366-67.
2. Published vide Punjab Gazette, Extraordinary, dated 23.2.1953.
3. Published vide Punjab Gazette, Extraordinary, dated 17.4.1953, P. 564.
4. Published vide Punjab Gazette, Extraordinary, dated 10.9.1953, P. 1541.

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14 *The Sikh Gurdwaras Act, 1925, Section 1*

Act, 1925, were amended in 1953 by which the number of elected members on the Shiromani Gurudwara Parbandhak Committee was increased to 132, including 15 seats reserved for Sikh belonging to any of the Scheduled Castes notified as such under Article 341 of the Constitution of India. In order to elect new members on the Shiromani Gurudwara Parbandhak Committee, it is necessary to delimit afresh the constituencies of that Body and to substitute the existing Schedule VI appended to the Sikh Gurudwara Act, 1925, by a new Schedule.

According to the existing law, the Gurudwara electoral rolls are to be prepared constituency-wise. Since it is proposed to hold fresh Gurudwara elections in July next and the new electoral rolls are to be published immediately, it is necessary to enforce the new constituencies from a retrospective date earlier than the date of publication of the rolls.¹

Statement of Object and Reasons - Act 11 of 1954. - Under the existing provisions of section 83 of the Sikh Gurudwara Act, 1925, the State Government "may at any time, when there is no proceeding pending before the Commission, dissolve the Commission". So that the State Government can dissolve the Judicial Commission only when there is no proceeding pending before it and as long as there are any proceeding pending before the Commission, it cannot be dissolved.

As fresh cases are instituted in the Court of the Judicial Commission from time to time, the effect of the existing provision of the Act is that a Commission once constituted is more or less perpetuated. In the interest of the efficient working of the Judicial Commission and in order to remedy a possible awkward situation in which the life of a Tribunal may get very unnecessarily prolonged, it is, therefore, desirable that there should be a provision in the Act empowering the State Government to remove any member of the Commission after he has served on it for a specified period, where circumstances may so require. Hence clause (iv) to section 79 is added.²

Statement of Object and Reasons - Act 25 of 1954. - In order to hold the Gurudwara Elections on the pattern of Assembly/Parliamentary Elections, it is considered necessary to amend the Sikh Gurudwaras Act, 1925, for the purpose of adoption of electoral offences mentioned in Chapter III of Part VII of the Representation of the People Act, 1951, for the said elections. This Bill is designed to achieve that object.³

Statement of Object and Reasons - Act 37 of 1954. - Schedule IV of the Sikh Gurudwara Act, 1925, was substituted by Punjab Act No. V of 1954. Columns (4) and (5) of the Schedule were subsequently found to be in conflict with the provisions of Section 44(2) of the Sikh Gurudwaras Act, as they restricted the powers of the State Government under this section. Besides, certain alteration had to be made in the extent of constituencies Nos. 73, 75, 84 and 89 of the Schedule without preparing the electoral rolls of those constituencies afresh and republishing the same. This object was achieved through the Sikh Gurudwaras (Amendment) Ordinance, 1954, promulgated on the 6th September 1954. This bill is designed to replace the said Ordinance.⁴

Statement of Object and Reasons - Act 22 of 1957. - The Election Commission, India, has pointed out that the designation "Election Commissioner" has a precise technical meaning under the Constitution and such an officer can be appointed only by the President of India under Article 324 of the Constitution. The adoption of that designation for the officer conducting elections under the Sikh Gurudwaras Act, 1925, thus is likely to cause confusion and misunderstanding. The Commission has, therefore, desired that the designation "Election Commissioner" occurring in the Sikh Gurudwaras Act should be

1. Published vide Punjab Gazette, Extraordinary, dated 26.2.1954, P. 110.
2. Published vide Punjab Gazette, Extraordinary, dated 16.2.1954, P.76.
3. Published vide Punjab Gazette, Extraordinary, dated 1.11.1954, P. 848.
4. Published vide Punjab Gazette, Extraordinary, dated 2.11.1954, P. 858.


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altered to some other appropriate designation. This bill is designated to secure the said alteration.

Statement of Object and Reasons - Act 1 of 1959. - Unlike Punjab where the Sikh Gurdwaras Act, 1925, was in force, there was no legislation governing the administration of the Gurdwaras in the State of Pepsu. Accordingly, after the integration of Punjab and Pepsu, a Committee consisting of certain M.L.A.s and M.L.C.s was constituted to advise whether the Sikh Gurdwaras Act, 1925, should be extended to the territories of the erstwhile Pepsu State, and if so, what amendments should be made in the Act with a view particularly to the management of the more important Gurdwaras and the constitution of the new Shiromani Gurdwara Parbandhak Committee. The Advisory Committee has recommended that the provisions of the Sikh Gurdwara Act, 1925, with suitable amendments as suggested by it, should be extended to the territories of the erstwhile Pepsu State. This Bill is designed to give effect to those recommendations.²

Statement of Object and Reasons - Act 10 of 1959. - While section 87 of the Sikh Gurdwaras Act, 1925, as amended by the Sikh Gurdwaras (Amendment) Act, No. 1 of 1959, provides that every committee of Gurdwara, whose annual monetary income exceeds Rs. 3,000, shall consist of four elected members and one member nominated by the Board, there is no provision in the Act regarding the formation of constituencies for the election of the members or the qualifications of the persons to be elected as members and of the electors. It is necessary to provide for these matters in order to elect the members of such committees. The description of certain Gurdwaras included in Schedule I to the Act also require minor corrections. This Bill is designed to achieve these objects.³

Statement of Object and Reasons - Act 10 of 1961. - The description of certain Gurdwaras and revenue estates etc.; included in Schedule I of the parent Act by Schedule 'A' appended to the Sikh Gurdwaras (Amendment) Act No. 1 of 1959, requires minor corrections. This Bills is designed to achieve this object. Since no other actions in respect of the Gurdwaras have been taken under their respective Acts, it is necessary to give retrospective effect.⁴

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Right to Information Act - Applicability. - Delhi Sikh Gurdwara Management Committee is a public authority under Section 2(h) of the Right to Information Act. The fact that the legislature has enacted Section 2(h) in the manner it has, clearly indicates that a whole range of public authorities are sought to be brought within the ambit of RTI Act. It hardly needs mention that there are a large number of bodies that are constituted by enactments both of the Parliament as well as the State Legislatures. Once it is shown that a body has been constituted by an enactment by Parliament or State Legislature, then nothing more need be shown in order to demonstrate that such a body is a public authority within the meaning of Section 2(h) (b) or (c) of the RTI Act.⁵

Sikh Gurdwara Act, 1925, its Legislative Policy and Issues ancillary thereto : It has been noticed earlier that the 1925 Act was enacted to provide for better administration of 'Sikh Gurdwaras' and for inquiry into the matters and settlement of disputes connected therewith. The 1925 Act is divided into three parts, each containing separate Chapters. Part-I provides for the composition of a Tribunal to decide claims made under the Act whereas Part-II enables two or more persons to institute a Civil Suit with prior consent of the Deputy Commissioner of the area concerned for the declaration that a Gurdwara not

1. Published vide Punjab Gazette, Extraordinary, dated 22.5.1957, P. 692.
2. Published vide Punjab Gazette, Extraordinary, dated 28.3.1958, P. 725.
3. Published vide Punjab Gazette, Extraordinary, dated 30.3.1954, P. 4684.
4. Published vide Punjab Gazette, Extraordinary, dated 24.10.1960, P. 1991.
5. Delhi Sikh Gurdwara Management Committee v. Mohinder Singh Matharu (Delhi) 2011(7) R.C.R.(Civil) 1962 : 2010(6) AD(Delhi) 757. Law Finder Doc Id # 214625

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notified under the Act also falls within its ambit and is liable to be managed by a Committee constituted under the Act. Part-III of the Act bars the jurisdiction of a Civil Court for claiming any relief in respect of the management or administration of a notified 'Sikh Gurdwara'. It also vests the control of 'Sikh Gurdwaras' with the Committee(s) or the Board, as the case may be. It further provides for the constitution and composition of the Sikh Gurdwara Prabandhak Committee - a body corporate known as the Board as well as the Committees to manage the affairs of each Gurdwara. Part-III also prescribes qualifications for the 'Elected' members of the Board and the Committees as well as their constituencies. Similarly, the eligibility conditions including disqualifications of the 'Electoral' are also laid down along with the 'right to vote' to every person registered on the 'electoral roll' for the time being in force for any constituency. The provision for constitution of a Judicial Commission to decide disputes of the elections to the Board or Committees is also in Part-III. This very Part defines the powers and duties of the Board and the Committees as also the management of finances of the Board.¹

The chronological reading of provisions of a Statute and their construction in the light of the object sought to be achieved, makes the task easier to understand the essential features and the legislative policy built into it. It may be unfair to determine the legislative policy of an Act only on the basis of its 'Preamble' or the 'Objects and Reasons' though the same are also vital clues for its appreciation. The historical factors surrounding the legislation or the circumstances which led to its enactment also throw light on its policy.

The 1925 Act is a pre-Constitutional Statute though it neither suffers the rigours of inconsistency nor derogates the Fundamental Rights within the meaning of Article 13. Its legislative competence is also protected by Entry 28 in List III [Concurrent List] of the Seventh Schedule of the Constitution.

On an in-depth consideration of its scheme and the essential features that the legislative policy behind the 1925 Act is to establish a democratically-elected body comprising 'Sikh' members only for the management and day-to-day affairs of the 'Sikh Gurdwaras' enlisted in Schedule-I or those brought within the ambit of the Act by the Tribunal constituted under Section 12, as well as the 'Sikh Gurdwaras' so declared by the Civil Court in a representative suit filed under Section 38 of the Act.²

Sikh Gurdwaras Act extends to the territories which, immediately before re-organisation comprised of Punjab and PEPSU; The Sikh Gurdwaras Act, 1925, by virtue of sub-section (2) of Section 1 extends to the territories which, immediately before the 1st November, 1956, were comprised in the States of Punjab and Patiala and East Punjab States Union. The Act of 1925 was to come into force on such date as the State Government was to issue notification on this behalf. The notification as such was issued on November 1, 1925. Concededly, all the territories dealt with in Part II of the Reorganisation Act of 1966 were comprised in the State of Punjab and Patiala and East Punjab States Union before the State of Punjab was reorganised in 1966. Inasmuch as immediate transfer of territories and formation of new States and Union Territory of Chandigarh, would have had consequences insofar as existing laws were concerned, legal and miscellaneous provisions came to be framed by virtue of Sections 86 to 97 in the Act of 1966. The provisions of Part II, are not to be deemed to have effected any change in the territories to which any law in force immediately before the appointed day, extended or applied, and territorial references in any such law to the State of Punjab, until otherwise provided by a competent legislature or other competent authority has to be construed as meaning the territories within that State immediately before the appointed day, is what Section 88 ordains. On the dint of language employed in Section 88, it is conceded at all rends that all

1. *Sehajdhari Sikh Federation v. Union of India* 2012(1) R.C.R.(Civil) 384(P&H)(F.B.).

2. *Sehajdhari Sikh Federation v. Union of India* 2012(1) R.C.R.(Civil) 384(P&H)(F.B.).

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