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NOTICE

(BY Email/Reg Post)

30.07.2020

To,

The Manager,
Delhi Sikh Gurudwara Management Committee
Guru Gobind Singh Bhawan
Gurudwara Rakab Ganj, New Delhi-110001

**REF: LEGAL NOTICE TO MANAGER UNDER SECTION 9 OF THE
RELIGIOUS INSTITUTIONS (PREVENTION OF MISSUSES) ACT,
1988.**

Sir,

Under the instructions from and on the behalf of my client S. Jagminder Singh S/o Late S. Charanjeet Singh R/o 2749, Ground Floor, Ranjeet Nagar, New Delhi-110008, representative of Sikh Advocacy Foundation (SAF), Ek Jot Youth Sewak Academy, and Jap Jaap Sewa Trust. I hereby serve you the present Notice:

1. That my client is Amritdhari Gurusikh and is a representative of different NGO's, my client have immense faith in Sikh Religion & its philosophy. My client is also an avid reader of Sikh history and is very sensitive towards promoting correct Sikh history in the public platforms. My client has in past taken various steps to safeguard the interest of the Sikh Community as per his capacity.
2. That you are managing the affairs of the Gurdwara Rakab Ganj Sahib and sufficiently covered under the definition of "Manager"



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U/s 2 C of the Religious Institutions (Prevention of Misuses) Act, 1988, which is to read as under: -

2. Definitions. – In this Act, unless the context otherwise requires, –

(a) “ammunition” shall have the same meaning as in clause (b) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959);

(b) “arms” shall have the same meaning as in clause (c) of sub-section (1) of section 2 of the Arms Act, 1959 (54 of 1959);

(c) “manager”, in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties;

(d) “political activity” includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organising meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes also such activity by or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority;

(e) “political party” means an association or body of persons – (i) which is, or is deemed to be, registered, with the Election Commission of India as a political party under the Election Symbols



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(Reservation and Allotment) Order, 1968, as in force for the time being; or (ii) which has set up candidates for election to any legislature, but is not registered, or deemed to be registered, as a political party, under the Election Symbols (Reservation and Allotment) Order, 1968; or (iii) organised to carry on any political activity or to acquire or exercise political power through election or otherwise;

(f) "religious institution" means an institution for the promotion of any religion or persuasion, and includes any place or premises used as a place of public religious worship, by whatever name or designation known.

3. That the Religious Institutions (Prevention of Misuses) Act, 1988 provides U/s 3 (A) that "No Religious Institution or Manager thereof shall use or allow of any premises belonging to, or under the control of, the institution for the promotion or propagation of any political activity.
4. That the said act further provided U/s 6 that no religious institution or manager thereof shall allow any ceremony, festival, congregation, procession, or assembly organized or held under its auspices to be used for any political activity.
5. That the Shiromani Akali Dal (SAD) is a political party registered with the Election Commission of India under section 29 (A) of the Representation of People Act, 1951 read with the Religious Institutions (Prevention of Misuses) Act, 1988.



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6. That the Shiromani Akali Dal (SAD) has been allotted an accommodation to establish its office within the precincts of Gurdwara Rakab Ganj Sahib, New Delhi or unauthorized occupant best known to you and the said Shiromani Akali Dal (SAD) is using the said premises for political gain which is in contravention of the said Act and it is well within your knowledge that the premises situated within the Gurdwara Property are being used by the Political party namely Shiromani Akali Dal (SAD) of its political affairs.
7. That the said political party not only misusing the religious premises to meet its political aspirations, benefits and gains but due to its illegal uses a huge financial obligations tune to a crore of rupees are (put like electricity expenses, staffing expense, maintenance other expenses) burden on gurdwara fund & which are paid through gurdwara funds which collected from the Sikh Panth through donations.
8. That the crore of rupees was getting wasting since inception no one for political gain but no one bothered that that fund can be utilized for the betterment of our community, that money can be utilized for the payment of teacher's salary or it can be utilized for other important aspect as well.
9. I requested you to send kindly send them to notice to evict the Gurdwara Premises along with asking them to pay the minimum rental amount which is at present prevailing in the market in that area along with other expenses insured by the management committee out of from gurdwara funds.



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10. That you the noticee in the capacity of the “**Manager**” were bound to inform U/s- 9 of the said act to the office –in –charge of Police Station within whose local jurisdiction the religious institution is situated of any contravention of any impending contravention of the provision of this act any failure to do so is punishable under section 176 of the Indian Penal Code.
11. It is informed to you that section 7 of the Religious Institutions (Prevention of Misuses) Act, 1988 further provide that where ever any religious institutions or manager thereof contravenes the provisions of section 3 to section 6 the manager and every person connected with such contravention shall be punishable with imprisonments for a term which may extend to five years with fine which may extend to thousand rupees.

You are through present legal notice called upon to take appropriate action and under the provision of the Religious Institutions (Prevention of misuses) Act, 1988 against the political party namely Shiromani Akali Dal (SAD) within seven days and inform to the officer in charge of the police station within whose local jurisdiction the Gurdwara rakab Ganj Sahib, New Delhi is situated and It is further expected from you to intimate the undersign any positive action taken by you in this regard within 7 days from receiving of this notice, failure to which, it shall be understood that you are not inclined to comply with the mandatory provisions of the statute. Under those circumstances, our client shall take appropriate legal action against you at your own risk and cost.



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You are accordingly advised to do the needful.

A copy of this notice has been kept in my office for further reference and record.

Regards


KULJEET SINGH SACHDEVA