

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4840 of 2016 (O & M)
Date of decision: 15.03.2016.

Baljit Singh

....Petitioner

Vs.

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Harminder Singh, Advocate
for the petitioner.

S.S.SARON,J.

The petition has been filed by the petitioner in the nature of Public Interest seeking mandamus for directing respondents to consider the prayer made by the petitioner in his representation dated 24.06.2015 (Annexure P-1), to incorporate appropriate changes in the election process with regard to elections held under the Sikh Gurdwaras Act, 1925 and the Rules framed thereunder, especially the Sikh Gurdwaras Board Election Rules, 1959, so as to make the election process transparent and effective.

Learned counsel for the petitioner has referred to the reply dated 15.07.2015 (Annexure P-2) to his legal notice given by the Secretary, Gurdwara Election Commission, Government of India, Chandigarh in which it is inter alia stated that the petitioner is well aware that amendments in the Sikh Gurdwara Act, 1925 and the Rules are to be made by the Government of

India. It is mentioned that the Commission has already taken up the matter with the Government of India for making amendments in the Sikh Gurdwara Act, 1925 and relevant rules regarding preparation of photo identity cards and that of registration of voters. So far as the counting of votes at the polling station or at one place is concerned, a reference has been made to the Rule 50 of the Sikh Gurdwara Board Election Rules, 1959, which reads as follows:-

“The Chief Commissioner Gurdwara Elections may direct as to whether the counting of votes is to be done at the polling station itself after the close of the poll or at a different date, time and place.”

According to the said rules, it is submitted that the prerogative of the Chief Commissioner Gurdwara Elections to direct as to whether the counting of votes is to take place at the polling station itself or at a different place, date and time. At the time of election, this aspect of the matter can be kept in view. Regarding voting by Electronic Voting Machine and the appointment of the staff for election purposes, it is submitted that it is within the purview of the Commissioners, Gurdwara Elections Commission, Punjab, Haryana, Himachal Pradesh and Union Territory. It appears that the petitioner had already sent a copy of the representation to the Commissioners, Gurdwara Elections of Punjab and other States. Despite that these matters are to be considered at the time of elections after having meetings with all the Commissioners. Therefore, the Secretary,

Gurdwara Election Commission, Government of India, Chandigarh has stated that these matter would be considered after having meeting with all the Commissioners.

In the circumstances, learned counsel for the petitioner submits that for the present, he may be allowed to withdraw the writ petition and pursue the matter with the respondents.

Dismissed as withdrawn.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

15.03.2016
A.Kaundal