

Moral Authority of Sri Akal Takht

Demands of justice Vs trivialisation

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I AM IN NO DANGER OF RECEIVING any summons from Sri Akal Takht, for I haven't even attempted anything that might make me a candidate for such dubious attention or honor. But I notice, over the years, a certain proclivity for over-reaction by the incumbents. Not so long ago it was the scholars Pashaura Singh and Piar Singh. More recently, it was Gurbaksh Singh Kala Afghana, and now it is Joginder Singh, who are reported to have been summoned to the bar of the holy Takht. I reckon Prof. Gurtej Singh now remains in imminent danger. In this group, all are scholars of Sikhism; Joginder Singh is a journalist who edits *The Spokesman*, a monthly, in English and Punjabi, with a considerable international readership.

Why such a plethora of cases? At a time when the Panth is beset with external dangers, why is the Akal Takht Jathedar exercising his muscle over scholastic issues with such dubious regularity? Mind you, it is not the same Jathedar that has done all this over the past two decades; I have lost count of the Jathedars who have come and gone in that time. But, then, the question is: how is one to respond to such summons when they arrive? Even the Roman Catholic Church, which was known for such lopsided summons, hearings and capricious justice, has not been so busy for centuries. In these years, we seem to have outdone even the Islamic clergy in the matters of *fatwas*. We seem to have become very thin skinned and hypersensitive.

The easiest response is that a Sikh must comply when summoned. To genuflect to the religio-historical authority is a Sikh's duty. But a Sikh also has a higher duty to his conscience: to explore the issues in the light of *Gurmat* teaching and to protest when necessary. Highhanded justice is not justice.

I view our *Takhts* as instruments of self-governance. For Sikhs they should be the model system for internal conflict-resolution that all free people need - and deserve. There are, however, several prerequisites to such a system. Any person accused of unbecoming conduct must be able to confront and rebut the witnesses and the evidence gathered against him or her. The proceedings must be open and credibly honest. The accused must be allowed to mount their own defense with their own witnesses and evidence. The accused have the right to be represented by competent counsel. An accused must be presumed innocent until the overwhelming weight of evidence finds him, or her, guilty beyond reasonable doubt. There is no place for a Writ to be issued against a person until the deliberative process is complete and all investigative means have been exhausted. I wish to underscore that these are not merely procedural safeguards; without them we reduce a trial to the level of a farce.

The case against Gurbaksh Singh Kala Afghana seems to rest on the fact that his books may not be always written in scholarly prose or that, in some places, there may truly be disagreements with what he says. But these are no reasons for banning his books, or excommunicating the man. Joginder Singh seems to have

been one of several Sikhs, like Gurtej Singh, Hardev Singh Shergill and many others, who were behind the conference in Mohali that brusquely questioned the tenor and direction of the activities of Jathedar Akal Takht and his associates. Certainly, Joginder Singh is not the only one to raise uncomfortable questions. Gurtej Singh too is being singled out and subjected to repercussions for his intellectual support of the Mohali meeting. If anything, events at Mohali demonstrate that many Sikhs around the world felt similarly; the proceedings reflected the pulse of the Sikhs. The conference should be viewed - not as a rebellion that needs to be crushed but - as a clarion call for reform of our institutions. My thoughts go to the civil rights movement in the United States in the 1960's. The laws were unjust and their administration flawed. Their reform required a grass roots movement in which leaders, like Martin Luther King, knowingly challenged the law and willingly suffered the consequences. It seems to me that the message of the gathering at Mohali is similar.

In the summons for appearance at the *Akal Takht* cited earlier we seem to be acting in a hurry. The process does not seem to have the aura or the trappings of a judiciary that should be moving more methodically, judiciously and cautiously. Justice appears to be uneven and haphazard, almost whimsical. If the *Akal Takht* is the highest court of justice for Sikhs, then its Jathedar needs to remember that the highest court accepts only those few cases that have an impact on the life of the Sikh nation. And those who sit in judgment display, not arrogance, but a judicious - even compassionate - temperament steeped in Sikh tradition, precedent, learning and law.

So what is one to do when summoned? I don't really know. I suppose one should accept the summons and appear, but demand the procedural safeguards that I have listed here. Even the accused need to know - and, more importantly, feel in their bones - that they are not about to be railroaded, tarred and feathered; that justice will be done, and that it will be even-handed and tempered with mercy. Hasty justice, like justice delayed, is no justice. Let us not follow "Alice in Wonderland", with its concept: "*Sentence first. Trial afterwards*".

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