

Constitutional Panel Favours Sikhism as a distinct religion

T.R. Ramachandran of *The Tribune* News Service writes:

After battling it out for decades, the Sikh community has succeeded in ensuring that the distinct and independent identity of Sikhism is duly recognised in the Constitution.

The Sikh community, including political leaders of all shades and hues as well as the religious authorities, have all along maintained that clubbing Sikhs with Hindus in Article 25 of the Constitution had impinged on its status as a separate religion.

The perseverance of the Sikh community that any dilution of Sikhism, vis-a-vis Hinduism or any other religion, should be removed has found favour with the National Commission to Review the Working of the Constitution, headed by the former Chief Justice of India, Justice M.N. Venkatachaliah.

The recommendation of the commission in this regard said: "The commission, without going into the larger issue on which the contention is based, is of the opinion that the purpose of the representations would be served if explanation II to Article 25 is omitted and sub-clause (b) of clause (2) of that Article is reworded as follows - (b) providing for social welfare and reform or the throwing open of Hindu, Sikhs, Jain or Buddhist religious institutions of a public character to all classes and sections of these religions."

At present explanation II under Article 25 states - "In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."

The NDA government will have to come forward with the necessary amendment to Article 25 as suggested by the commission to remove the impression that Sikhism is being diluted. This applies to the Jain and Buddhist communities as well.

The commission submitted its exhaustive report containing more than 240 recommendations in two volumes to the Vajpayee government on March 31, 2002.

National Commission for Minorities Vice-Chairman, Sr. Tarlochan Singh had appeared before the Soli Sorabjee subcommittee of the commission several times and put forth forcefully the contention of the Sikh community. While maintaining that Sikhs and Hindus had common ancestors, Mr Tarlochan Singh said there was no ground to club them together. Elaborating, he said members of the Constituent Assembly were not conversant with the history of Sikhism, its tenets, traditions and culture.

The clubbing, in the relevant clause, of Hindus and Sikhs gave a wrong impression and had proved detrimental to the interests of the Sikh community. He recalled that as a mark of protest, two Sikh members of the Constituent Assembly representing the Shiromani Akali Dal refused to put their signatures on the final draft of the Constitution of India. Mr Tarlochan Singh

emphasised that Sikhism should be harmoniously mentioned in the Constitution and other laws of the land as an independent religion, in keeping with its history, traditions and culture. He pleaded with the commission to do "proper justice to this simple demand" of the Sikhs.

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***Kirpan* in Canada school**

Toronto, April 17: A Canadian court has termed as "prejudice" the suspension of a Sikh student from school for wearing a *kirpan*, and allowed him to return to class with the religiously compulsory 'dagger'.

Granting a temporary injunction in favour of 12-year-old Gurbaj Singh, Superior Court Justice Claude Tellier in Montreal said: "It is apparent that the loss of a school-year for a child of this age constitute clear prejudice."

The judge, however, said the *kirpan* must be wrapped in cloth and worn under Singh's clothing at all times till a final verdict on the issue is delivered.

The injunction also allowed the school personnel to check that the *kirpan* is secure. The school, in suburban Montreal, had suspended Gurbaj, a Grade VII student, early this year citing safety rules after his *kirpan*, which he has been wearing since his baptism, fell during the recess.

They sent Gurbaj a letter on February 18, telling him that he would not be allowed back at school unless he changed his *kirpan* with a plastic replica or a similar variation. Some parents and teachers even expressed concern that the dagger could be used as a weapon.

Gurbaj's parents refused to accept a suggestion that he carry a plastic replica of the *kirpan* to school saying that it went against the Sikh religion.

The boy's family took the school to court after a parent-teacher committee overruled a compromise that would have allowed Gurbaj wearing his *kirpan* to school provided it was not visible.

The board had upheld the committee's decision on March 18.

Gurbaj's family later sought an injunction on grounds that by upholding the committee's ruling the board had violated the boy's right to religious freedom under the Canadian Charter of Rights and Freedoms.

Bernard Jacob, a lawyer for the board, said that his client would not fight the injunction.

Lawyer for the Singhs', Jean-Phillppe Desmarais, said the school board could not present any evidence in court to prove that the 'daggers' were a danger.

"There was no proof in front of the judge so he really did not have much to go on that subject," said Desmarais.

Though Gurbaj's family did not comment on the injunction, the Sikh community is happy with the proceedings.

"We are happy he's ok and that's why we love Canada. Justice is done," one Gurdeep Singh said.

[Courtesy: *The Telegraph*, 18/4/2002]

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A Noble Gesture by Sikhs

Sri Hargovindpur, March 29: As a dispute whether a temple or a mosque should be built on a piece of land in Ayodhya threatened to tear the nation apart, a mosque was quietly handed over by the Sikhs to Muslims at Sri Hargovindpur in Punjab's Gurdaspur district.

A *bir* (copy) of the Guru Granth Sahib was put in the mosque decades ago by Baba Kirtan Singh, head of the Taruna Dal of the Nihangs (warriors of the sixth Guru). In a simple ceremony, the mosque, perched on a hill overlooking the mighty Beas river, was given over to Muslims.

The Guru Granth Sahib was shifted to a nearby location and namaz offered for the first time in nearly 55 years in the mosque, which was built by the sixth Guru of the Sikhs, Guru Hargovind, in the early 17th century. During his reign, the Guru had built gurdwaras, temples and mosques.

Locals know the mosque as Guru ki Maseet (Guru's mosque). It had been lying unused since Independence till the Baba converted it into a gurdwara in 1984.

The process of handover began on February 8 last year with a meeting between Mohammad Rizwanul Haque, Central Wakf Council secretary, and Baba Kirtan Singh.

Haque had then asked the Baba whether it would be possible for him to return the mosque to the Muslims for whom it was built by the Guru. The Nihang chief agreed, but not before the mosque and its surrounding areas had been cleaned and a suitable structure located to shift the Guru Granth Sahib.

The Baba had been looking after the mosque through a caretaker, Balwant Singh, hand-picked by him for the job, from his base at Baba Bakala, 20 km away, since 1984.

Locals say that Baba was overjoyed at being able to return the mosque to the Muslims, but did not live to see his task being completed. He died a few months ago, leaving Balwant to witness the handover. The two sides had, however, already exchanged a written agreement on the transfer.