

# Sri Guru Granth Sahib as a “Juristic Person”

**DR. KASHMIR SINGH\***

*\* Professor of Law, Guru Nanak Dev University, Amritsar. 143005. India.*

THE UNIQUE AND DISTINCT STATUS of Sri Guru Granth Sahib as **juristic person** has been recognized by the Supreme Court of India. No other religious scripture anywhere in the world is granted this status by law of any country. The sacred books of other religions like the holy Bible, Gita and Quran are not juristic persons, but the reverence of Guru Granth Sahib is based on conceptual faith, belief and application, so it is a ‘juristic person’. Sri Guru Granth Sahib is not simply a Holy Scripture; it is a living and reigning Guru of the Sikhs from which they seek guidance in every eventuality. Since Sri Guru Granth Sahib is a juristic person now it has become entitled to certain legal rights and liable to certain obligations. Now a suit can be filed against and on behalf of Sri Guru Granth Sahib; it can own, possess, and alienate property. ‘No person, no property’ rule cannot come in the way of its having property rights. Of course the individuals acting as its agents will exercise rights and fulfil obligations on its behalf but in its name. Law confers juristic personality upon the Hindu idol and math and Sikh Gurdwara, SGPC, DGPC, Sachkhand Gurdwara Board and now on Sri Guru Granth Sahib also.

The devotees had endowed the property in the name of Sri Guru Granth Sahib but the permissive possessors, who were entrusted to look after it, usurped it. They justified their occupation on the plea that Sri Guru Granth Sahib not being a juristic person can neither hold property nor suit can be filed by it or on its behalf to reclaim the property. Further, it was argued that Sri Guru Granth Sahib couldn’t be held a juristic person because to hold it so will amount to equate it with Hindu idol, and that cannot be done because the Sikhs do not believe in idolatry. The Supreme Court accepted the minority view expressed by a Sikh judge of the High Court that Sri Guru Granth Sahib is a juristic person and therefore can hold property. The Court said, to hold Sri Guru Granth Sahib as a juristic person, it is not necessary to equate it with an idol. Thus Sikhism has been conclusively and convincingly held and accepted to be an independent and distinct religion by the Court.

Gurdwara and Guru Granth Sahib both are juristic persons. Their existence at the same place was questioned. The Court held that both are so interwoven that they can’t be separated. They are not two distinct juristic persons but one integrated whole. Even otherwise two separate juristic persons can very well exist in the same precincts.

**Every copy of Guru Granth Sahib can’t be a juristic person unless it takes a juristic role through its installation in a Gurdwara.** There is hardly any chance of proliferation of litigation involving Guru Granth Sahib after its becoming a juristic person. Guru Granth Sahib has been a party in some court cases even prior to this judgment. There is a proper appreciation of Sikh principles and institutions by the judges in this judgment. The property in Guru’s name can be recovered and defended and be appropriately used for religious, charitable and educational purposes.

The Gurdwara Reform Movement, which led to the passing of the Sikh Gurdwara Act in 1925, started because the Mahants were not duly recognizing the status and

role of Sri Guru Granth Sahib in the Gurdwaras, by placing other objects of worship alongside. The pious atmosphere of Gurdwaras sanctified by the presence of GGS was polluted by their misdeeds and misuse of endowed property. This remarkable pronouncement is considered an achievement of Sikhs in the twentieth century. The Sikhs got not only their Gurdwaras but also the full freedom to manage them. In fact it was a compromising measure in the prevailing situation. Though the Act as a whole is meant for the propagation of ideals and philosophy contained in Guru Granth Sahib, but only the provisions making specific reference to Sri Guru Granth Sahib are chosen for comment.

The Act provides that all those are Sikhs who solemnly declare that they are Sikhs and have no other religion, and believe in Guru Granth Sahib and Ten Gurus. Unlike the Delhi Sikh Gurdwaras Act, unshorn hair are not prescribed as a necessary condition in the Act though hair do have immense importance in Sikh ethos. Some changes introduced in the qualification of voters recently do not affect the definition of 'Sikh'. **The Act has been amended to make unshorn hair a necessary requirement for the voters in Gurdwara elections.**

The Act defines 'Sahajdhari Sikh' as that person, who performs ceremonies according to the Sikh rites, does not use tobacco or *kutha*, can recite *mul mantar* and is not *patit*. 'Sahajdhari Sikh' does not necessarily refer to non-keshadharis only; keshadharis may also fall within its purview. A *patit* cannot be a 'Sahajdhari Sikh'. Apart from Amritdharis, only Keshadhari does not become a 'Sahajdhari Sikh' after haircut, he becomes a *patit*.

Definition of '*Patit*' in the Act requires revision. It only declares Amritdharis to be *patit* on committing any of the four *Kurahits* and *Keshadharis* to be so on getting hair-cut. It is submitted that the Keshadharis should also be declared *patit* on commission of any of the four *kurahits* just like Amritdharis and non-Keshadharis be declared *patit* for committing any of the *kurahits* except the one concerning *kesh* or hair.

Only dedicated and honest Sikhs with some special qualifications should be co-opted/nominated as members of the Gurdwara Committees. Contribution of *daswandh* and disclosures of details about assets and liabilities, involvement in criminal cases, education and commitment towards religion may be made compulsory for membership of Gurdwara Committees. Debarring members from becoming legislators will also prevent the members to use it as ladder for political ascendancy.

The Act requires proof of two conditions for declaration of a religious place to be Sikh Gurdwara. The condition concerning user was sufficient for the purpose, another condition concerning purpose or object of establishing the Gurdwara seems to be added to deny the Sikh claims to the religious places. Then court interpretation from 1984 onwards that to be a Sikh Gurdwara, Guru Granth Sahib and Nishan Sahib must be there, is also against Sikh interests. Presence of Guru Granth Sahib in Gurdwara is a must, but absence of Nishan Sahib should not be used to negate the character of an institution as Sikh Gurdwara. It is an additional burden of proof upon the Sikhs to get a place declared as Sikh Gurdwara.

□