

The Sikh Gurdwaras Bill, 1999

A Recipe for Disaster

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The Punjab Government has reportedly asked for the views of the Shiromani Gurdwara Prabandhak Committee on the Sikh Gurdwaras Bill, 1999. The SGPC, controlled by the Shiromani Akali Dal which has been favouring enactment of the All India Gurdwaras Act, will probably support the Bill, with or without suggestions. There seems to be a renewed activity in this respect. The Bill, if enacted, will replace the existing SGPC and the Delhi Gurdwara Management Committee, **and will be applicable throughout India. On reading the Bill, it is found that it will not be desirable to have such a legislation, with bureaucratic boards created thereunder, to administer and control gurdwaras and allied religious matters.**

Why an All India Gurdwaras Act? The enactment of the All India Gurdwara Act has been the demand of the Shiromani Akali Dal. This political party (now open to all Punjabis) has tasted the influence and money power which comes with the control of big historical gurdwaras in Punjab, Haryana and Himachal Pradesh. The members of the SGPC are elected on party lines, and all the evils connected with such elections, including liberal distribution of liquor, play a part in their election. There is hardly any qualification for being a member of SGPC except of being a Sikh - outwardly - and the muscle to get elected. The members were expected to act as role models for the Sikhs, but they have made a mess of religion for sailing on two boats - religion and politics - simultaneously. During the late unlamented SAD government, these members were moving with armed guards provided by the Punjab government, which further made a mockery of their mission.

The SGPC is, by and large, insensitive to the right type of *prachar*. It has failed to counter apostasy or bring about any worthwhile literature on Sikhism in the regional or world languages. Indeed apostasy is growing apace in Punjab, thanks, in part, to those who pose themselves as custodians of the Sikh religion. The whole energy of Akali Dal leaders is directed towards the factional fight, unmindful of the internal and external dangers to Sikhism. They will not mind even the denigration of the high status of Akal Takht if it can suit the political designs of one or the other faction. In Punjab, it is not the religious values which guide the politics; it is the unabashed politics which controls the religion and the Gurdwaras. If the elected body cannot subserve the interests of the community and arrange for proper authentic literature in various languages for preaching Sikhism in a limited area of Punjab (constituting only 1.5% of area of India), how can a larger Central Board and other State Boards (created under the Bill) on all India basis be expected to deliver the goods?

Establishment of Gurdwaras with Government's Sanction?

The construction of a Gurdwara is not a one time affair. Generally the Sikhs of a locality start holding *kirtan* in a make-shift arrangement. The construction of the building takes place slowly (it may take even decades) as per the availability of funds.

If the establishment of a Gurdwara is required to be *registered* with the Registering Authority, created under the Bill, within a time limit, such Authority will also ask many questions and require the production of title clearances of land, the design, the plan prepared by an architect and the availability of finances, etc. All this may be difficult for Sikhs who will be otherwise busy in their business or service to comply with. The Authority may tend to become too interfering and the local Sikhs may lose heart in setting up the Gurdwara.

Subserviance:

The management of a local Gurdwara may be called to the headquarters of the State/Regional Board for furnishing certain clarifications. Think of the office bearers of a small Gurdwara in Kutch/Banaskantha Districts of Gujarat being called to Nanded (the headquarters of the Regional Board for Gujarat), a distance of about 1500 Kms. Though the State/Regional Registering Authority will comprise of Sikhs, it may be guided by the overt/covert dictates of the respective State Government. Even the Board Members and the Executive may, in due course, assume an officious attitude, as has already happened with the functionaries of the SGPC. In addition, the Sikhs will have to comply with the requirements of the local Governments, If there are no such hassles in the case of Hindus, Buddhists etc, then why create these for the Sikhs?

Taxing Sangats:

Every Gurdwara shall be required to make a 'contribution' which will be a percentage of its gross annual income, as provided in Section 107 (1) of the Bill. This will put an extra burden on small Gurdwaras which can hardly arrange even the bare services.

A very large number of Gurdwaras are not able to afford the services of qualified *Granthis*, *Ragis*, etc. Section 56 of the Bill provides for qualification and method of selection of *Granthis* and *Ragis*. In the Gurdwaras where the financial position is comfortable, fairly qualified persons are appointed even today. But the *insistence* by the Board on employment of qualified *Granthis* and *Ragis* may be beyond the financial resources of many Gurdwaras. Further, if the Board insists on particular qualified, or not so qualified, persons sponsored by it to be appointed as *Granthis* and *Ragis*, such persons may not be amenable to the discipline of the local managements, and this may result in acrimonious situations in the Gurdwaras.

The insistence on a particular format for accounts, preparation of budget, etc (Section 56 (II)) will mean avoidable interference in many small Gurdwaras which the local Sikhs may not like and may not be able to comply with. Further, the budget of the Gurdwaras are to be submitted to the Board (Section 123). Hardly any budget is prepared, nor it is necessary, in small Gurdwaras.

Section 148 of the Bill provides for penalties for bringing tobacco or alcoholic drinks on Gurdwara premises. Such things are better left for Sikh societal regulation and collective moral force. And does it imply that other intoxicant drugs can be brought in?

At present, outside Punjab, *prakash* of Guru Granth Sahib is made in myriads of *sansthas*, *akhadas*, *darbars*, *deras*, etc. which may or may not be managed by the *keshadhari* Sikhs. Usually multiplicity of *maryada* is followed in such institutions. These institutions spread the

teachings of *Gurbani* and keep the people's devotion to Guru Granth Sahib intact. When the Sikh Gurdwaras Act, 1925 was passed, some of the Udasi *deras* in Punjab removed Guru Granth Sahib and replaced it with idols of Baba Sri Chand. Some even succeeded in securing a court decree declaring themselves as Hindus. Such thinking also spread outside Punjab with its deleterious effect on Sikhism. The indirect response to the Act of 1925 has been the curtailment of the spread of *Gurbani* and shrinkage of Sikhism. One can only imagine the harm which will be done throughout India on enactment of All India Gurdwaras Act.

Our Sindhi brothers have settled, after partition, mainly in Gujarat, Maharashtra, Rajasthan and Madhya Pradesh. A few decades back, there used to be Guru Nanak Darbars even in small towns in Gujarat. They do the *parkash* of Guru Granth Sahib but follow their own multi religious practice. They are otherwise very devoted to Guru Granth Sahib. Now, if a non-Sikh *Sanstha* with *prakash* of Granth Sahib is to be termed as 'Gurdwara' and prescribed regimented *maryada* (Section 54) is forced to be followed, then one can only imagine the shock which will be inflicted on the religious susceptibilities of the Sindhi devotees and many other non-Sikh devotees. The Guru Granth Sahib will get removed from all these places. Instead of spreading the universal teachings of Granth Sahib, the proposed Act will uproot Sikhism from myriads of institutions and also from the hearts of innumerable non-Sikh devotees.

Gurdwara Election - Unviable proposition that threatens to divide:

Election is a viable mode if there is a concentration of large number of people comprising the electorate. It will be difficult to arrange elections effectively when there are very few people spread over a very large area. For example, the Sikh population of Gujarat is shown as 33,000 only. Area-wise, Gujarat is nearly four times bigger than Punjab. The election, direct or indirect is not a viable proposition in such a situation.

At present, generally the office bearers in the Sikh Gurdwaras are elected by consensus of the local *sangat*. If the managements of Gurdwaras are to be the 'electoral college' for election to the Central/State/Regional Board, the elections in the Gurdwaras will become much more acrimonious, create illwill and promote factionalism in the Gurdwaras throughout India because such elections will be fought with an eye on the membership of the Boards to be constituted under the Bill. And what will be the position if the elections are not arranged by the Government for two decades? Already the precedent of the SGPC is there.

Jathedars of Takhts — Denigrated

The Jathedar of Sri Akal Takhat sitting with four other Jathedars and Head Granthi of Sri Darbar Sahib, can give a decision on the matters referred to the Takht by the Board as provided in Section 76(3) and such a decision shall be binding. In regard to other matters, the Jathedars can pass *Gurmatta* which will be binding on the Sikhs. For every meeting, a notice of 21 days is necessary.

There is no mention of *Hukamnama* anywhere. The provision in the Bill dilutes the importance and religious influence of the Jathedars. At present, they are expected to function as per their inner dictates and *Gur maryada*. There may be unsavoury situations in the present system (which

may be as a result of unabashed politics in religion), but such situations are to be resolved by the Sikhs themselves. If the Bill is passed, the Jathedars will work under the Act, rules and regulations framed by a non-Sikh body, i.e. Parliament or State Authorities.

To ask the Jathedars and the Head Granthi of Sri Darbar Sahib to take oath (Section 78) and sign declarations on assuming charge is simply demeaning.

Prachar of Sikhism restricted & subject to state control:

As per Sections 92 and 100 of the Bill, the *parkashan* authority will be the sole authority to print and distribute the *Birs* of Sri Guru Granth Sahib. Any other person who prints, etc. the *Birs* shall be prosecuted as per section 103 of the Bill.

It is not clear if the private publishers will be able to print even the *Birs* of Sri Guru Granth Sahib in languages and scripts other than in Gurmukhi script. If it is interpreted that *Birs* means *Birs* in any script, then if the parkashan authority does not print *Birs* in other languages and scripts, no *Bir* other than in Gurmukhi script will be published. It will be a peculiar situation. As a precedent, it can be said that the present SGPC has not done anything to publish *birs* in other languages and scripts. Its failures are abysmal.

Now see the provision regarding *prachar*. Section 64 (11) of the Bill provides that the Central Board may create an agency for the propagation of the principles of the Sikh religion, Sikh history and Sikh culture. As per Section 107 (4)(I), the Panthic Welfare Fund shall be used by the Central Board for propagation of Sikh religion and matters connected therewith. So far, so good.

But now see the riders. Section 92(11) provides that the objects of the *parkashan* authority shall be to spread the knowledge of the Sikh Religion, Sikh scriptures, Sikh culture, Sikh Philosophy and Sikh history, generally and, in particular, amongst the Sikh children and weaker Sections of Sikh society. And, further, the Panthic Welfare Fund shall be utilized (Section 107 (4)(V) for the grant of scholarships and stipends to deserving Sikh students, particularly, those belonging to the weaker sections of (Sikh) society.

Should it be a provision of an Act to prescribe as to amongst *which* categories of people the *prachar* should be done? And what about the preaching being done by devotees like Bhai Chela Ram who has published Guru Granth Sahib in Hindi and Sindhi languages? They are *Sahejdharis* or non-Sikhs doing *prachar* mainly among non-Sikhs. Will not they be rendered speechless after the Bill gets passed?

I think the above are not only very dangerous provisions but also take away even the constitutional right of the Sikhs to preach the Sikh religion freely. As per the above provision, the knowledge of Sikh religion, history and culture can be mainly imparted to Sikhs only, and not to all. Among the Sikhs, preaching can be done specifically among the Sikh children or the weaker sections of Sikh society. Section 107(4)(1) which enables the Panthic fund to be utilized for the propagation of Sikh religion and matters connected therewith is strictly controlled, as it

appears to me, by the provisions of Sections 92(11) and 107(4)(V) according to which Sikh preaching shall have to be limited to Sikhs only.

Thus the right of the Sikhs for preaching the Sikh religion guaranteed under the Indian Constitution is virtually taken away and under the Bill, the preaching of Sikhism can be directed to Sikhs, Sikh children and Sikh weaker classes and not amongst people, children and weaker classes as such.

Thus, if a Hindu or Christian child shows interest in Sikh religion and culture, such a student cannot be encouraged by the Board created under the Bill.

So while Hindus and Christians will be able to direct the preaching of their religion to all the Sikhs including Sikh children and Sikhs belonging to weaker sections, the Sikhs will have to be content with preaching only among the Sikhs. **A pre-taste of the things to come is already available. Some people belonging to backward classes living in certain villages of Guna district of Madhya Pradesh embraced Sikhism recently. The State police and revenue officials committed atrocities on such converted Sikhs. The police even tried** to implicate those respected Sikhs who had gone for an on-the-spot enquiry regarding atrocities on poor Sikhs. This is the state of affairs even without the regimentation of the proposed All India Act. One can only visualize the situation after the Act.

Why is the preaching, of Sikhism sought to be strictly controlled and limited is beyond comprehension. Do such provisions apply to all the religious communities of India? If not, why strict limitation of preaching of Sikhism only?

Now see the contrast. Whereas Panthic Fund can be spent to spread the knowledge of Sikhism, mainly among the Sikhs, the same fund can, nevertheless be utilized (Section 107 (4)(VIII) for providing employment, help, assistance, upliftment of youth, particularly those belonging to weaker sections of society and rural masses. This means that the Panthic fund can be used for the welfare of all, irrespective of the religion or the caste to which a person may belong. In this Section, the word "Sikh" is mysteriously missing, obviously a deliberate act.

By this Bill, if it unfortunately becomes an Act, the religious activities and preaching by the Sikhs shall be minutely *monitored* by the State agencies of the lower rungs. Every act will have to be justified under the restraining and restricting provisions of the Bill.

Education - Scope curtailed

Section 64(I) of the Bill provides that the Central Board may create a subordinate agency for the establishment and promotion of public or model schools in which the study of Sikh religion, Sikh history and Sikh culture may be encouraged . Perhaps, even here, the students belonging to other communities cannot be asked to study Sikh religion, etc. because such an activity shall have to be limited to the Sikhs because of the restrictive provisions of Sections 92(11) and 107(4)(V).

Apart from the model, or public, schools, Panthic Welfare Fund may be utilized for establishing *gurmat* studies and for giving training to *Granthis*, *Ragis*, etc, as per Section 107(4)(11). Even

now the SGPC runs, or is promoting colleges or other institutes of higher education and also hospitals and medical colleges. As per the Bill, the Central Board can establish or promote only schools or establish training institutes for Granthis, etc. It will perhaps be beyond the purview of the new Board (which will replace the SGPC) to establish or promote institutes of higher general technical education or medical colleges or hospitals.

Future Amendments

The SGPC proposed certain amendments in the existing Gurdwaras Act. The Union Home Minister called a meeting recently of the Chief Ministers of Punjab, Haryana, Himachal Pradesh and Administrator of Chandigarh, along with the President of SPGC, to consider the amendments. All these States once formed part of Punjab State. At present only the Gurdwaras in the above mentioned four States come within the purview of the SGPC. The new Bill provides (Section 150) that no amendment shall be made except on the recommendation of the proposed Central Board made by a resolution passed in the general meeting. The discretion to agree or not lies with the Central government. What will happen if certain amendments are sought after the Bill becomes law operative all over India? Does it mean the Union Home Minister will call a meeting of the Chief Ministers of all the 32 States / Union Territories, who will be Hindus, Muslims, Christians and one may be Sikh to consider amendments. Where will the Sikh view point stand?

Sikh Samaj - fractured and strangulated.

Section 108(1)(d), provides for co-option of at least one Sikh *saint* of any *sampardai* of the Sikhs. This on the one hand, gives recognition to numerous *sampardais* and, on the other, it will be tantamount to official recognition to a person so co-opted to be a *saint*, though he may not be strict about *maryada* and may be promoting his own sect.

The above mentioned Section also provides for co-option of eleven members from amongst the intelligentsia of the Sikhs. One can understand that a 'saint' need not have any formal qualification. But who is termed as intelligentsia? The Section says that the intelligentsia shall *preferably* be a graduate. This means even a matriculate can be co-opted as 'Sikh intelligentsia.'

Why could not one think of providing for co-option of retired Judges, Professors, Diplomats, Army Officers, Administrators, Engineers, Medical experts who attained high positions? Given the general level of persons who will get elected as members on political party lines, and the general allergy of the political party to the intellectuals, one can very well visualize the type of people who would be co-opted as 'intelligentsia' of the Sikhs.

Section 43(2) prescribes that the proceedings of all the Boards shall have to be recorded in Punjabi in Gurmukhi script. Does it mean that only the Punjabi knowing persons can be Sikhs? And that others (non Punjabis who have not learnt Punjabi language in Gurmukhi script) need not aspire to become even members of a State Board. Incidentally, this is a provision when the Bill is to be operative throughout India.

The Akali Dal by exploiting the religious sensitivities of Sikhs and posing to be the sole party representing the Sikhs will venture to capture the seats in all the States. The Sikhs throughout India will be seen to be belonging to one party which has political clout only in one State. The Jathedars of the Akali Dal will be there only to exploit the Sikhs in other States without being of any help as they will not have any political leverage in states other than Punjab. The new Gurdwara body, like the present SGPC, is likely to be dominated by the semi literate inept Akali Jathedars who will seek to dabble in Gurdwaras outside Punjab. Already, even Haryana Sikhs want to part company so that they can have their own Haryana Sikh Gurdwara Prabandhak Committee. If this is the case, then, why to put all the Sikhs of India, in their religious affairs, under the domination of Punjab political Sikhs and subject all the Sikhs to the unavoidable harassment of State authorities?

Harassment and Prosecution of Devoted Sikhs

Sections 113 and 114 of the Bill relate to the recovery of contribution due from a Gurdwara "as arrears of land revenue". This will subject the Gurdwara managements to the insulting interference by the State Government functionaries of the lower rungs. As if it was not enough, the Land Acquisition Act has been specifically made applicable (Section-139). Is there any place of worship of any other community in India to which Land Acquisition Act has been so expressly made applicable? If not, why in the case of Gurdwaras alone?

The Sikhs incharge of a Gurdwara .a can be prosecuted (Section 6) if they fail to get Registration of the existing Gurdwara, or start a new Gurdwara without permission from the Registering authority, which may be located at a far distance. In the Explanation under Section 4 of the Bill the date of establishment of Gurdwara means "the date from which the *Parkash* of Sri Guru Granth Sahib is started." It may mean that there need not be a separate common building as such. If, for want of a common Gurdwara, which will be the case in many places outside Punjab/Delhi, the *Parkash* of Sri Guru Granth Sahib is started in any place, without permission, perhaps even in a private house, where other Sikhs may be allowed to pay obeisance to their living Guru, it may attract *prosecution resulting in imprisonment* which may extend to six months, or fine which may extend to ten thousand rupees, or with both, under Section 6. Being based in Gujarat, I may point out that Hindu temples are coming up in Gujarat in public parks and gardens, Government open lands, housing society common lands, lands on the sides of National and State 'Highways, reserved forests, everywhere, unauthorizedly and against the law. But the Sikhs can be prosecuted if they start a Gurdwara (i.e. start *Parkash* of Sri Guru Granth Sahib) without permission. Is this what is going to be the concept of equality before law in a democratic set-up in regard to religious affairs ? Will not the Sikhs be an enslaved community?

To become an elector, one has to give a declaration of being a Sikh and not trimming or shaving beard or *keshas*, as ordained in Section 31(1). If the declaration is found to be false, the elector will be liable for prosecution. This may provide scope for witch-hunting. Sikhs will be hesitant to swear by such a declaration. In such matters one has to be guided by one's own conscience and collective moral force rather than the coercive dictates of law.

Abandon this Bill

The Singh Sabha Movement started in the late nineteenth century created no less than a revolution in the minds of the Sikhs. A large number of Gurdwaras were established and continue to be established under the name "Sri Guru Singh Sabha." This was a *voluntary* movement. The All India Bill will only undo the good work done in the wake of this movement.

Even the present SGPC and Delhi Gurdwara Management Committee have jurisdiction over - and manage - only the historical Gurdwaras. But the proposed Board under the Bill will interfere in thousands of Gurdwaras established and presently managed by the local *sangat* in the villages and cities. In addition, all these Gurdwaras in villages and cities will be subject to State intervention under the various provisions of the Bill.

The Bill will only involve the Sikhs everywhere in the quagmire of the provisions of the Bill, Rules and Regulations issued from time to time and will surely strangulate the passion of the Sikhs for establishing Gurdwaras and preaching of Sikhism. The Bill can only be termed as anti-Sikh.

The need for the SGPC was felt as it was necessary to liberate the historical Gurdwaras in Punjab from the control of the *mahants* who were indulging in all sorts of corruption and were aligning with the then British Government. There is no such need now to have an All India legislation.

Government Control?

If the Bill comes into effect, every Sikh, from the Jathedars of the Takhts to the ordinary Sikh, will be bound by the provisions of the Bill, and detailed rules and regulations, which may further impose direct or indirect restrictions. The Sikhs will not be able to act freely even in the religious sphere. They will not be able to establish Gurdwaras without permission from an agency which may be located hundreds of kilometers away. The fear of prosecutions and harassment will haunt them. They will be able to preach only among themselves. They will, indirectly, lose even the fundamental right to practise and preach their religion. The Sikhs will cease to be a vibrant, free society. They will be hedged in from all sides by the restricting provisions of the Bill and Rules and Regulations framed thereunder. The Bill will surely be one important step to kill the spirit of the Sikhs and enslave their religion. The whole Sikh Samaj will be transformed into - and reduced to - a rigidly controlled glorified registered society.

To the knowledge of this writer, these are no All India Acts creating All India bodies to administer and control Hindu Temples, Mosques, Churches and other places of worships. The other religious communities in India are not sought to be so rigorously controlled in regard to their places of worship, religions practices and traditions followed by them. Why to single out the Sikhs for preferential but tortuous treatment?

The Sikh Gurdwara Bill, 1999 spells a psychology of fear amongst the Sikhs by laying stress on prosecutions and interferences of the authorities of State Governments in matters concerning Sikhs and Sikhism. The Bill is a disaster in waiting for the Sikhs. It should be abandoned once for all.



