

Report of the Legal Conference

“How to Ensure Sovereign Functioning of Sri Akal Takht Sahib”

[Organised by International Sikh Confederation & Institute of Sikh Studies, Chandigarh, on 11th Oct, 2014]

One view was that some issues are better left alone, but the other view was that the topic of the conference is one such issue in which the risks of not debating might surpass those of debating. Brushing issues under the carpet for too long can only lead to adverse consequences. The very expression ‘*Jathedar, Akal Takht Sahib*’ arouses an emotional response, which, therefore, needs to be handled with all the sensitivity that it deserves. The joint effort of International Sikh Confederation and the Institute of Sikh Studies to organise this discussion amongst the Sikh legal luminaries and thinkers was a sincere attempt in this direction.

The deliberations proved extremely meaningful, as the issue at hand was discussed threadbare from a variety of angles. All the concerns raised by participants, as well as those by the Sikh diaspora through emails, were studied at length. In the light of these, further discussions were held and views sought from the experts, yet again, at individual levels for further consolidation. The outcome of this conference, along with the entire follow-up exercise, has been summed up under: legal points, options available, food for thought, and summing up. Kindly find below a list of each of these:

Legal Points

Some issues in the legal framework related to the post of Jathedar, Akal Takht Sahib, which escaped the attention of the legislature, are:

- In the Sikh Gurdwaras Act, 1925, the word ‘*Jathedar*’ does not find mention. An amendment of the Act, therefore, is required to create a post of “Jathedar, Akal Takht Sahib”.
- In practice, the incumbent of the post of ‘Jathedar, Akal Takht’ is an employee of SGPC. But, there are no guidelines defined for various aspects of the post, such as, qualifications for candidature, appointment, service rules, powers and duties, rules for pay-scale, etc. The secretariat, security, perks, facilities, etc., attributed to the post of a Jathedar, Akal Takht Sahib are not mentioned. The limit and the nature of authorised rights and duties performed by a Jathedar, Akal Takht Sahib, in observance are beyond those of the rights and duties specified in the Act.
- In 1997, the SGPC Executive Committee passed a Parbandh Scheme, in which it was mentioned that ‘Head Ministers’ of Sri Akal Takht Sahib and Takht Sri Keshgarh Sahib would be known as ‘Jathedars’ of these Takhts, respectively. But, in the Sikh Gurdwaras Act, 1925, ‘Head Minister’ is not defined; only ‘Minister’ is defined. Also, the duties of a ‘Minister’ and those of a ‘Head Minister’ are not differentiated.
- The passing of a Parbandh Scheme is to be done by the General House of the SGPC, and not by the Executive Committee of SGPC.
- Changing nomenclature (such as, from ‘Head Minister’ to ‘Jathedar, Akal Takht’), is to be done by an amendment to the Sikh Gurdwaras Act, 1925.
- Any amendment to the Sikh Gurdwaras Act, 1925, can only be done by the approval of the Union Government.

- In the List of Gurdwaras to which this Act applies, Sri Akal Takht Sahib is mentioned as a Gurdwara at Serial No. 27 as: 'Sri Akal Takht Sahib [Akal Bunga]'. A 'Takht' is not defined to distinguish it from a 'Gurdwara'.

Options Available

The issue of management of gurdwaras is to be viewed distinctly from safeguarding Sikh concepts/institutions. The neglect of the latter has not only baffled the community but also caused immense damage to the image of *Sikhi* world wide. It was felt by most that:

- Given the fact that Sikhs today are spread across the globe, the concept of Panth itself has to be redefined. At the time of Guru *sahiban*, Sikhs were in Punjab only; there was no diaspora. More importantly, there was no political democracy, and there were no competing political parties. The Sikhs are now members of almost every political party, each with its own ideology. Hence, no single political party can claim to be custodian of Panth.
- To ensure that a political position and that of a gurdwara management do not influence each other, any sitting member of any party should be ineligible to contest SGPC election, and vice versa. Nor should the SGPC membership be used as a springboard for gaining political status.
- Sikhs worldwide must have a central body, which should be autonomous, and free from political influence, interference. But views on the sovereignty of the Jathedar, Akal Takht Sahib were divided. One view: The institution of Jathedar, Akal Takht Sahib unites the Panth dispersed across the globe. It has been a tradition for long and, as such, should continue to exist. The Other View: Given the Sikh Ideology, the concept of Panj Pyarae should be adopted, so that supremacy/decisive power does not rest with one individual. One of the Five could, by rotation, be known as the Jathedar/Mukh Sewadar, and be the spokesperson who pronounces the collective decisions taken by the Five.
- The Body should provide leadership and guidance to the Sikh community regarding ideological, academic, social and moral issues, etc. Issuing of edicts to excommunicate was considered to be an anti-*Sikhi* practice.

Various thoughts/ suggestions were put forth for giving concrete shape to the aspirations of the Panth:

- 1) The role of SGPC needs to be redefined. Elections should be free from politics – the elections to the SGPC must not be allowed to be contested on ticket of the political parties. The role of the SGPC should be confined to management of gurdwaras, *dharma parchar*, and functions like education, health, and aid to poor and needy, etc. Selection/ election of Jathedar, Akal Takht Sahib should be independent of SGPC. The Jathedar should not be an employee of the SGPC, though his salary and other perks should be paid from the SGPC funds.
- 2) Constitute an 11- or 31- or 51-member body comprising of representatives from major Sikh organisations worldwide, with a varying degree of participation of SGPC and other similar elected bodies. The body could also be formed by representatives from a variety of institutions/ disciplines. Number of representatives could be allotted country-wise, depending upon their size, Sikh population therein, and degree of active participation in Sikh affairs. This Body shall then select from amongst themselves, or otherwise, a 5-Member Committee as Panj Pyarae, Akal Takht Sahib; or Panj Pyarae, Akal Takht Sahib and a Jathedar, Akal Takht Sahib.

3. Whatever the process adopted for forming a central body, the collegium, so formed, should confine itself to a conference room till unanimity is arrived at for one name for Jathedar, Akal Takht Sahib. This post should carry religious authority similar to the one that the Pope commands on Christians.
4. The General House of SGPC comprises of [approx] 170 elected members, and 15co-opted members, approx. There could be created another House comprising of an equal number of nominated members from all over the world, belonging to various fields of study. Each and every major Issue should then have to be passed by both the Houses [say, Miri House & Piri House] for it to be accepted/ adopted by the Panth. [Like, the Parliament of India has Rajya Sabha and Lok Sabha.]
5. Invite nominations/ applications from one and all to create Sikh Intellectual Pools, which could be categorised country-wise as well as subject-wise, so as to identify experts of all fields from different countries and places. This could also be the world parliament of Sikhs. Technology can handle this task easily. Irrespective of the size of data of Sikhs worldwide, the senior-most one hundred *gursikhs* could form the selection panel to shortlist, say 31 or 51 Sikh scholars, which would form the permanent advisory body to the Jathedar/ Panj Pyarae, Akal Takht Sahib. Specific advisory committees could be chosen from time to time, as per need of an issue to be addressed, from the intellectual pools already identified.

Kindly Note: The options mentioned above have Three ways, each, of getting executed:

- a. Independently of the SGPC, by all Sikh organisations coming together voluntarily;
- b. Through the SGPC – (i) by seeking Amendment(s) to the desired effect in the existing Act;
 - (ii) By getting a New Act passed by Parliament for the purpose, to the satisfaction of the Panth.
6. As an immediate response, like-minded organisations, which feel concerned about the recent handling of Sikh affairs, should come together and start airing their views on the issues at hand, simultaneously.
7. As a long-term approach, *Gursikh* workers/ volunteers to be motivated in every state, city, village to educate the Sikh masses to handle their affairs as per Sikh values, which would in turn cleanse the electoral system as well as politics. Also, stress should be laid on quality education for character-building of the coming generations.

Food for Thought

All options available must be weighed and evaluated comprehensively in terms of their long-term implications. For narrowing down to the most suitable course of action, we request you to delve deeply upon and keep in mind the following points:

- If representatives are to belong to only gurdwara managements and/or Sikh organisations, then many wise, well-educated *gursikhs* outside these, who could qualify for the post of Jathedar, Akal Takht Sahib may never get considered for the same.
- The feasibility of all Sikh organisations voluntarily coming together on a single platform has to be assessed carefully for its practicality, and there is need to consider if a body formed of a few like-

minded organisations would enjoy the confidence of the Panth – as there may appear another group of similar nature, and more organisations or more elected bodies may form, over time.

- Customary practices adopted by Sikhs during the course of history need to be differentiated from Sikh concepts. The Gurus, in their wisdom, gifted us unique concepts [*miri-piri, guru granth-guru panth, panj pyarae*], empowering us to be in a position to make decisions from time to time, as per need, in the light of *gurmat*. These must not be disregarded nor distorted to match practices of the day or, for that matter, to match practices of other religions.
- In our day and age and democratic countries, any demand remains unfulfilled till it is introduced into the statutes. The passing of an Act not only meets the demand but also puts the entire state machinery into operation to ensure its implementation.
- If something has to be achieved through the legal route, then legal framework of India provides for it. If we want to achieve our Goal outside the legal framework, then there has never been any one stopping us. Flaws can be removed, and desired features can be introduced into statutes through amendments.
- The electoral system does not force elections upon the electorate. It offers the option of unanimous selection of candidates. It is possible, therefore, to unanimously select members of SGPC within the scope of the enactment. Also, the enactment can be rendered redundant by the Panth sidestepping the same, and managing its affairs collectively on its own.
- Sikhs are not the only community to have legislation for management of their shrines. Even Hindus, Jains, Buddhists have Acts to manage their shrines, for example, Bodh Gaya Temple Act, 1949, Madras Hindu Religious and Charitable Endowment Act, 1959, and so on. There are also shrine-specific enactments, such as, for Sri Jagannath Temple, Sri Venkateswar Temple, Mata Vaishno Devi Shrine, to name a few.

It may look like ‘Food for Thought’ tilts to one side; this may be disregarded. It is requested that, while proposing/supporting an option, keep these factors in mind, so as to assess the viability of implementation of that option. Basically, unless we fully grasp the factual position on the ground, we may pick an option which may not be feasible.

If this crucial matter is settled, we would be better placed for resolving all outstanding controversial issues through this body/institution. As such, this is an issue of colossal significance. Such an exercise may be replicated at different forums worldwide, and needs to be debated even in drawing rooms, gurdwaras and other Sikh organisations and institutions.

We, once again, request your participation, and seek your views on the options [you may add an option to the list] listed above, so as to narrow down towards the precise, practical, visionary solution to the basic issue. To save time, you could just convey a number from the list of ‘Options Available’ [1 to 7] to depict your choice; you could also prioritise your options. Finer details, of course, would still have to be worked out for the shortlisted option in the next stage, may be in another round of brain storming. This exercise has set the ball rolling; and the ball is in the Panth’s court. If we cannot collectively envision our goal and realise the same, then there is none to blame, but us.

Summing Up

If the entire exercise is to be summed up to prepare ground for the next meet, then we need to delve upon and arrive at a consensus upon the following:

- i) Composition of the central body authorised to finalise the leadership;
- ii) How to realise this central body on the ground;
- iii) Nature of leadership – individual or collective leadership or a mix of both;
- iv) Mode for execution of the plan– voluntarily coming together on one platform, or through amendments of the existing Act, or a new Act;
- v) Methodology to achieve the same, as per the mode of execution shortlisted– educating the masses, or pressure from public/Sikh organisations/elected bodies on the legislature, or relay hunger strikes, etc., to catch attention of media, or through court, or a combination of these;
- vi) Criteria for searching leadership of stature, such as, knowledge and practise of *gurmat*, academic excellence, works published, travels worldwide and exposure to world affairs, background of selfless service, and/or so on;
- vii) Role and status of leadership –area of performance, nature of jurisdiction; and the like.

We are, and will remain, at the service of the Panth. We shall shoulder, to the best of our ability, any responsibility specified for us.

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PS: It is proposed that we give ourselves six months to share the information contained herein through discussions, seminars, gurdwara stages, social networking sites, discussion groups online, pamphlets, and so on, so as to narrow down to the most favoured option, and another six months to allow the experts to prepare the blueprint as well as the roadmap for giving practical shape to the same.

If every Sikh – individual, organisation, institution, elected body performs its duty towards this cause then, within a year from now, we could well begin our march toward our well-studied goal.
