

AS INTRODUCED IN LOK SABHA

Bill No. 101 of 2019

THE SIKH GURDWARAS (AMENDMENT) BILL, 2019

By

SHRI RAVNEET SINGH, M.P.

A

BILL

further to amend the Sikh Gurdwaras Act, 1925.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikh Gurdwaras (Amendment) Act, 2019.

Short title and commencement.

(2) It shall be deemed to have come into force from 8th October, 2003.

Punjab Act
VIII of
1925.

5 2. In section 2 of the Sikh Gurdwaras Act, 1925 (hereinafter referred to as the principal Act), for clause (10-A), the following clause shall be substituted namely:—

Amendment of section 2.

"(10-A). 'Sahajdhari Sikh' means a person—

(i) who may be born into a non-Sikh family but chooses to follow the Sikh religion;

- (ii) who faithfully believes in the *Guru Granth Sahib*;
- (iii) who follows the teachings of the ten Gurus;
- (iv) who does not have long hair with turban;
- (v) who has not gone through the *Amrit Sanchar* Ceremony;
- (vi) who does not use tobacco or *Kutha* (halal meat) in any form; 5
- (vii) who does not take alcohol or any other intoxicants;
- (viii) who is not a patit in any way; and
- (ix) who can recite the *Mul Manter*".

Amendment of 3. In section 49 of the principal Act, for the existing proviso, the following proviso shall
section 49. be substituted, namely:— 10

" Provided that no person shall be registered as an elector who —

- (a) trims or shaves his beard or *keshas*, except for Sahajdhari Sikhs;
- (b) smokes; and
- (c) takes alcoholic drinks.".

Amendment of 4. In section 92 of the principal Act, for the existing proviso, the following shall be 15
section 92. substituted namely:—

"Provided that no person shall be registered as an elector who —

- (a) trims or shaves his beard or *keshas*, except for Sahajdhari Sikhs;
- (b) smokes; and
- (c) takes alcoholic drinks.". 20

STATEMENT OF OBJECTS AND REASONS

Article 25 gives our citizens the power to freely profess their religion. This fundamental right was given to an individual by the Constitution to choose the religion to practice which they believe is closest to connecting with his spiritual self, not necessarily the religion they were born into. Keeping with this principle, Sahajdhari Sikhs in Punjab had the right to vote in the elections to the Shiromani Gurudwara Parbandak Committee (SGPC). However, under section 45 of the Sikh Gurdwaras Act, 1925 only Amritdhari Sikhs could contest the elections.

The Act of 1925 was applicable to undivided Punjab which now consists of Punjab, Haryana, Himachal Pradesh and the Union territory of Chandigarh. According to the 2011 Census, 1.75 crore Sikhs are present in these 4 States. Out of these, seventy lakhs are Sahajdhari Sikhs in Punjab alone. Surprisingly, the Government amended the Sikh Gurdwaras Act, 1925 to remove the exemption given to Sahajdhari Sikhs to vote in the SGPC. This has meant the rights of more than seventy lakh people who have been voting to be removed, thus, creating a sub-minority. It also has a retrospective effect from the 8th day of October, 2003 which is neither fair, just nor reasonable.

The Sikh Gurdwaras (Amendment) Act, 2016 brought by the Government was also done in pursuance of notification No. S.O. 1190(E) dated 08th October, 2003. However, that very notification was quashed by the High Court of Punjab and Haryana in 2011 in the case of *Sahajdhari Sikh Federation vs. Union of India & Ors.* The matter is still sub-judice and awaiting a decision by the Supreme Court. The Government did not wait for the Supreme Court's decision and went ahead with removing the voting rights of Sahajdhari Sikhs. The need is to restore the Sikh Gurdwaras Act of 1925 to its original version to await the judiciary's decision. The need is also to make the Act applicable retrospectively to nullify the original amendment of the Government.

There was a valid argument of not comprehensively defining what a Sahajdhari Sikh is as there is no definition in the textual doctrine of the Sikh religion. The present Bill amends the definition of a Sahajdhari Sikh, in line with the *Mahan Kosh*, to provide a strict meaning as to who a 'Sahajdhari' is and gives them back the right to vote in the SGPC elections. There is no intelligible reason why seventy lakh Sahajdhari's who faithfully donate to the Gurdwaras and have been voting peacefully for the last seventy years are being excluded from participating in the management of their own religious institution.

Hence this Bill.

NEW DELHI;
June 10, 2019.

RAVNEET SINGH

ANNEXURE

EXTRACTS FROM THE SIKH GURDWARAS ACT, 1925

(PUNJAB ACT VIII OF 1925)

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2. (10-A) 'Sahajdhari Sikh' means a person—

- (i) who performs ceremonies according to Sikh rites;
- (ii) who does not use tobacco or Kutha (Halal meat) in any form;
- (iii) who is not a Patit; and
- (iv) who can recite Mul Manter.

* * * * *

49. Every person shall be entitled to have his name registered on the electoral roll of a constituency constituted for the election of a member or members of the Board who is a resident in that constituency and—

(i) * * * * *

(ii) is a Sikh more than twenty-one years of age, who has had his name registered as a voter in such manner as may be prescribed:

Provided that no person shall be registered as an elector who—

- (a) trims or shaves his beard or keshas;
- (b) smokes;
- (c) takes alcoholic drinks

* * * * *

92. Every person shall be entitled to have his name registered on the electoral roll of a constituency for the election of a member or members of a Committee who is a resident in the constituency and is a Sikh more than twenty-one years of age and has had his name registered as a voter in such manner as may be prescribed:

Provided that no person shall be registered as an elector who—

- (a) trims or shaves his beard or keshas;
- (b) smokes; and
- (c) takes alcoholic drinks

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(*Shri Ravneet Singh, M.P.*)