

28th July 2013

Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh

Dear President / General Secretary,

Re: Same Sex Marriage Law

As you will be aware, the Marriage (Same Sex Couples) Act 2013 passed into law by the bill receiving Royal Assent on 17th July 2013. Following this the Sikh Council UK has prepared guidance for Gurdwaras to allow Gurdwaras to remain within the law whilst following the Sikh Rehat Maryada and 2005 Akal Takhat Sandesh on this subject.

Background

Since 2005, same-sex couples have been allowed to enter into civil partnerships - a separate union which provides the legal consequences of marriage. However they cannot be performed in a place of worship.

In February 2011, the Conservative and Liberal Democrat Coalition Government expressed its intention to begin a consultation to allow both religious same sex ceremonies and civil marriage for same sex couples. In September 2011, the Government announced its intention to introduce same sex civil marriage by the next general election. On 7th December, 2012, the BBC announced that the Coalition Government was going to extend the right to have a same sex marriage conducted in a place of worship provided the religious body approved, thus making it optional for a place of worship to carry out same sex marriages if they wanted to do so. Following a lengthy process, the Marriage (Same Sex Couples) Act 2013 passed into law by the bill receiving Royal Assent on 17th July 2013.

Sikh Council UK Viewpoint

We have no objection to same sex couples wanting to make commitments/vows to each other, as they currently do so when they enter civil partnerships. Nor do we object to same sex couples having all legal and other rights, similar to a married couple within a civic union. However, we object to the word marriage being used to replace civil union.

The word marriage and its concept is sometimes also used to describe or used as a translation of the 'Anand Karaj' ceremony. The 'Anand Karaj' is specifically a Sikh ceremony, when union between a man and a woman is solemnised in the presence of Guru Granth Sahib. The Sikh Rehat Maryada (Sikh Code of Conduct and Conventions)", clearly states that the 'Anand Karaj' ceremony can only take place in the presence of the Guru Granth Sahib in a Gurdwara between a male and female.

In January 2005, the Jathedar (custodian) of Sri Akal Takhat Sahib, Amritsar, Punjab, India, the highest seat of Sikh temporal-religious (miri-piri) authority for interpreting Sikh teachings, issued an edict denouncing same-sex marriages, and urging the worldwide Sikh community not to allow such marriages to take place at any Gurdwara. This was in response to

clarification sought from Sikhs in Canada as similar legislation was being discussed and consulted on in Canada.

Action Required for Gurdwaras

The Marriage (Same Sex Couples) Act 2013 contains what has been described as a 'quadruple lock' to protect religious places of worship from being forced to carry out same sex marriages. Government Ministers have given written assurances that no Gurdwara will be forced to carry out same sex marriages against their wishes. There are three parts of the 'quadruple lock' that are relevant to Gurdwaras (the fourth applies only to Church of England and the Church in Wales). These contain the following provisions:

1. Ensures that no religious organisation or individual minister can be forced to marry same sex couples or to permit this to happen on their premises. A same sex couple could not successfully take a Gurdwara to court for refusing to carry out same sex marriage ceremonies on their premises.
2. Provides an opt-in system for religious organisations who wish to conduct marriages for same sex couples. For religious organisations to opt-in their governing body would have to give consent. For Gurdwaras this means the Akal Takhat Sahib would have to give consent.
3. Amends the Equality Act 2010 to reflect that no discrimination claims can be brought against religious organisations or individual ministers for refusing to marry a same-sex couple.

The Sikh Council UK believes for Gurdwaras to remain within the law whilst following the Sikh Rehat Maryada and 2005 Akal Takhat Sandesh they should adopt the following resolution at a meeting of their Management Committee:

We, the Management Committee of Gurdwara Sahib note that whereas the Anand Karaj ceremony can only take place at a Gurdwara between a man and a woman in accordance with the Sikh Rehat Maryada and whereas the Akal Takhat issued a Sandesh in January 2005 confirming the prohibition of same sex marriages from taking place at any Gurdwara, in keeping with the tenets of the Sikh faith we resolve the following -

- 1. same sex marriages shall not be permitted to take place on any of our Gurdwara's premises***
- 2. we shall not permit the taking of Guru Granth Sahib from our Gurdwara to other non-Gurdwara premises for the purposes of conducting same sex marriages***
- 3. none of our members, employees, visiting ministers of faith, wedding registrars, volunteers or other persons with any relevant authority as the case***

may be shall be permitted to conduct same sex ceremonies at our Gurdwara or in any other private or public property

4. we would be opposed towards the establishment of any institution for carrying out of same sex marriages according to Sikh traditions

Once this resolution is passed and recorded in the Gurdwara Minutes Book it will ensure the Gurdwara has a robust policy that complies with the provisions of the law whilst maintaining the accepted principles within the Sikh Rehat Maryada and 2005 Akal Takhat Sandesh.

Legal Challenge to Civil Ceremonies

The Sikh Council UK understands there is some concern regarding possible legal challenge to Gurdwaras offering Civil Marriage Ceremonies. We would urge Gurdwaras to be cautious when considering advice to stop Civil Marriage Ceremonies at the Gurdwara premises as the advice clearly betrays a lack of understanding of the legal framework and the actual practice of Anand Karaj ceremony and the associated civil registration procedure.

The Sikh community (and other religious communities) has been given written guarantees by Ministers following consideration of our concerns. The 'quadruple lock' that has been introduced is a clear indication of intention and there are clear statements of intent from Ministers giving categorical assurances that no faith organisation will be forced to carry out same sex marriages. A copy of a letter containing these assurances is attached for your information from Helen Grant MP, the Minister for Women and Equalities, Parliamentary Under Secretary of State.

Also attached is a copy of an email received from Melanie Field, Deputy Director of the Equal Marriage Team – the team at the Department of Culture, Media & Sport which oversaw the passage of the law. The email clarifies in detail the legal framework and the practice of civil and religious marriages within Gurdwara's and further clarifies the legal protections for religious places of worship.

If, at any time, there is a legal challenge to a Gurdwara offering Civil Marriage Ceremonies or indeed the Anand Karaj ceremony it would be clearly against the spirit and the word of the guarantees and the Sikh Council UK will robustly hold politicians to account.

If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,

Gurmel Singh
Secretary General