

## **Members' update on disability discrimination case at Guru Nanak Gurdwara Wolverhampton**

20 February 2017

Dear colleague

Waheguru Ji Ka Khalsa  
Waheguru Ji Ki Fateh

As you may be aware a claim alleging disability discrimination was filed in the courts by five individuals against Guru Nanak Gurdwara Sedgley Street Wolverhampton in 2014. We are pleased to report the matter has been resolved amicably through an out of court settlement.

The claimants had alleged the Gurdwara's particular application of the Sikh Rehit Maryada (Sikh code of conduct) in respect of seating arrangements in the Darbar (prayer) and Langar (food) halls was unlawful as they argued they were discriminated against on the grounds of disability. They had sought £150,000 in damages.

In accordance with Sikh tradition the institutions of Sangat and Pangat (offering congregational prayers and eating ceremonially prepared food in the Darbar and Langar halls of the Gurdwara respectively) require members of the congregation to be seated on the floor.

The Sikh Rehit Maryada precludes sitting on chairs or other such distinctive seating arrangements in a Gurdwara for these purposes. This tradition and practice dates back to the time of the Sikh Gurus and the principles underpinning it within the Sikh faith include equality, humility and reverence.

The Akal Takhat, the highest temporal seat of authority in the Sikh faith, has issued edicts providing supplementary guidance on making provision for the disabled whilst maintaining the requirements of the Sikh Rehit Maryada.

The Sikh Council UK arranged a meeting of Gurdwaras in July 2016 at Sri Guru Singh Sabha Gurdwara Southall in connection with the ongoing case in Wolverhampton. In that meeting there was unanimous support for safeguarding the requirements of the Sikh Rehit Maryada and at the same time making appropriate adjustments for individuals who cannot sit on the floor due to a disability.

The Sikh Council UK subsequently consulted on and produced guidance to assist Gurdwara managements in respect making reasonable adjustments for individuals with disabilities whilst

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seeking to maintain the requirements of the Sikh Rehit Maryada. Our guidance was premised on the understanding that the Equality Act 2010 under which the claims for disability discrimination arose in this case does not apply to acts of worship but nevertheless in line with good practice that appropriate adjustments should be made to accommodate those with disabilities.

The Sikh Council UK was in communication with both the claimants and members of the Gurdwara management committee since the commencement of the legal proceedings and sought to mediate between the parties with a view to seeking a mutually agreeable resolution and settle the matter out of court.

The Sikh Council UK made various recommendations to the Gurdwara management committee with a view to reaching a middle ground between the parties in this regard which were accepted by the management committee and implemented. Unfortunately however the claimants remained dissatisfied with the changes and the legal proceedings continued.

It became clear as the matter progressed that the disability discrimination claim was tied into a wider dispute between the parties relating to selection process of the management committee of the Gurdwara and a separate legal claim was initiated in connection with that too. As a consequence of these additional proceedings the position was that Gurdwara management committee was effectively prevented for the time being from accessing its funds to defend the disability discrimination claim part way through the case.

Last month the claimants made a formal offer to settle the disability discrimination claim as part of the legal process involving the removal of the screens to the seating arrangements within the Darbar and Langar halls of the Gurdwara. The Gurdwara management committee not being in receipt of funds to defend the proceedings any longer made a decision last week to accept the claimants' offer. The claimants will receive a nominal 1p compensation each as part of the settlement.

As a consequence the claim for disability discrimination has been concluded and we are of course relieved the matter has been concluded and further costly proceedings avoided. It is unfortunate that the matter of interpretation and application of Sikh tradition and practice was subject to legal proceedings in the first place.

Whilst ultimately it is a matter for the management committee and congregation of the Gurdwara as to what arrangements will be put in place going forward, the Sikh Council UK will recommend making those arrangements which accord with the Sikh Rehit Maryada whilst also making reasonable provision for those members of the congregation with disabilities. We remain as ever willing to mediate and to bring parties together.

We remain of the view that the provisions of disability discrimination law in this country do not strictly interfere in matters of religious doctrine concerning acts of worship but that in accordance with good practice suitable adjustments should be made for people with disabilities so that those

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who are not able to sit on the floor can feel imbued in the religious services of the Gurdwara in a mutually respectful and dignified manner whilst safeguarding the requirements of the Sikh Rehit Maryada.

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