

# **The Kirpan**

**A submission to the Department of Communities and Local  
Government (UK)**

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## **THE KIRPAN IN BRITAIN TODAY**

BSCF welcomes the opportunity to put forward its views on the Kirpan and public policy towards those Sikhs who wear it. The patchwork of policies and practices which presently prevails is a source of concern to Sikhs as it does not permit any certainty. As both the public and private sectors are unclear on this issue, there is a lack of clarity and coherent policy. The present situation means that Sikhs do not always know where they stand and has led to a number of avoidable and regrettable incidents. Creating coherent national guidelines across government would establish a greater degree of certainty about our rights and duties. It would also simplify the task of public sector managers and security personnel.

### **The significance of the Kirpan**

Crucial to proper consideration of the Kirpan is an understanding of its spiritual status and historic meaning for Sikhs.

The Sikh Code of Conduct known as the ‘Sikh Rehat Maryada’ is the standard binding on all Amritdhari (initiated) Sikhs and by which millions of other Sikhs across the world are guided. This defines Sikhs as ‘any human being who faithfully believes in One Immortal Being (God), the ten Gurus and Guru Granth Sahib, their teachings, and who believes in the initiation ceremony originated by Guru Gobind Singh Ji and does not owe allegiance to any other religion’. At Amritsanchar (initiation) a Sikh accepts a simple discipline of conduct and prayer. He or she vows to keep this discipline unto death. One of the essential features of this discipline is the wearing of the 5 K’s including the Kirpan.

Historically, the Kirpan of the Sikhs has been of great service to humanity and just causes. The Kirpan has served democratic aspirations of the world well during the two world wars. The credibility, the discipline and the strength of Khalsa (Amritdhari Sikhs) was well known and recognised by the British as long ago as 1851 when the Governor General of India issued an order that ‘all Sikhs entering the Sikh regiments of the British army should receive the Pahul (initiation) and observe strictly the code of Sikh conduct.’

In the time of the British Raj, in 1922, the British introduced legal provision to officially accommodate Sikhs wearing the Kirpan. In a well-documented case in the 1930s, the British Court in Jalandhar upheld this right.

Much of the misinformation and misunderstanding about the Kirpan has stemmed from the mistranslation of the word Kirpan into dagger / sword / knife. We believe there is no equivalent word in English for

Kirpan. . They do not convey the full significance of the Kirpan in the mind of an Amritdhari Sikh. Words such as ‘sword’, ‘dagger’ or knives’ imply aggression, fighting and killing. This completely ignores the spiritual aspect of this essential object in the way of life of an initiated Sikh.

The root words of Kirpan include: 'kirpa' - blessings and benevolence, and 'aan' meaning honour and dignity. The Kirpan is seen to bestow blessings, by upholding the honor and dignity of friend and foe alike.

Guru Gobind Singh Ji, the tenth Guru of the Sikhs, who created the Khalsa Order, ordained that Sikhs should wear the Kirpan as a constant reminder of the duties, undertaken at initiation, to uphold justice, to defend the weak and oppressed and to behave with mercy and compassion. The Kirpan is categorically not to be used for aggression.

A Kirpan is worn in a gaatra by a Sikh. The gaatra regulates the wearing of the kirpan, and has a spiritual significance. Guru Nanak Dev Ji, the first Guru of the Sikhs, explains that the cloth of the gaatra should be metaphorically spun from the cotton of Daya (mercy); woven with a loom of Santokh (contentment and unselfishness); knotted with Jat (chasteness, loyalty, allegiance, virtuousness, purity, morality and abstinence); and entwined with Sat (sincerity devoid of hypocrisy, and truthfulness.)

The historical record of the Sikh nation which stood up against oppression and religious persecution is well documented.

The Guru granted the gift of a Kirpan as part of the discipline of being a *Khalsa (initiated Sikh)*. Wearing of the Kirpan on one’s person at all times, is a constant reminder of not forsaking one’s principles (even momentarily). It places a perpetual responsibility upon the Sikh that he or she is ultimately the keeper of his/her own conscience and cannot abrogate that decision to some other authority.

From the *legal* perspective, the Kirpan is an issue of the right to believe in and practise one’s religion. It is enjoyed under religious freedom, a freedom guaranteed by Article 18 of the Universal Declaration of Human Rights. We recognise and appreciate the work of the present Government and their predecessors in supporting religious freedom and the work of the faith communities in this country. However, as noted by various Government departments, we are often affected by the lack of a coherent policy towards the Kirpan which sometimes encroaches on our freedom to wear the Kirpan. We welcome this opportunity to discuss with Government what steps can be taken to deal with the problems which have arisen.

The right to wear a Kirpan while going about one's ordinary business is fundamental for an Amritdhari (initiated) Sikh. One cannot be indifferent to the needs of people with different religious practices, because doing so will mean exclusion of citizens from a nation or state's community life. Sikhs' distinctive culture should be preserved and developed. Sikhs have a unique history, legacy and distinctive identity which we believe adds to the cultural and religious richness of the UK.

Religious freedom demands not only tolerance of religious conviction, but also a duty to take positive steps to establish the conditions necessary for the effective exercise of religious freedom. Pluralism and cultural diversity is a reality of today's society, constituting a source of immense enrichment. Diversity implies recognition of others – outlawing intolerance and discrimination.

It is acknowledged that the Government has security concerns. But we believe the evidence and logic shows that these concerns are not substantiated by any incidents and should not override our freedom to practice our religion. One cannot change the fact that there are and will remain wicked and evil people in the world, who use guns, machetes, safety matches, hammers, knives, broken bottles – indeed the most unlikely of things and objects to maim and murder fellow humans in significant numbers. Since these artefacts and objects are also used for law-enforcement and for saving of lives, in hospitals, in farms, for cutting firewood, harvesting crops, clearing land, and for numerous cooking purposes in homes, and bottling variety of liquids – banning them is not an option on the basis of hypothetical perceived threats. What is important is not the article but the mind and the person behind it. An Amritdhari (initiated ) Sikh lifestyle and understanding of Sri Guru Granth Sahib's teachings brings a considerable discipline and spiritual piety to the wearing of the Kirpan.. This is never misused because this would be breaking a bond and vow with the Gurus.

### **The Kirpan: The Evidence**

- The Kirpan is central to the beliefs and practice of Sikhi.
  - The Kirpan is one of the five K's that all Amritdhari (initiated) Sikhs are enjoined to wear at all times. The 10<sup>th</sup> Guru, Guru Gobind Singh Ji with the ceremony of Amritsanchar created the Khalsa, an order of Amritdhari (initiated) Sikhs.
  - All Amritdhari (initiated) Sikhs are required to wear the five K's, the Kanga, the Kara, the Karchera, the Kes and the Kirpan. <sup>1</sup>The Kirpan is worn in a Ghatra, a baldric which holds the Kirpan in place. It is important to remember that the Kirpan is only one of the five Ks that every Sikh is

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<sup>1</sup> The Kanga is a comb, the Kara a bangle, the Karchera , breeches, the, Kes is unshorn hair and the turban) and the Kirpan.

committed to wearing. It must not be seen in isolation from the other five Ks.

- This is crucial to understanding the nature of the Kirpan. It is an external mark of a coherent, rational and positive philosophy, belief system and way of life. It is central to the Amritdhari (initiated) Sikh way of life and belief. It is as essential to us as the turban, and the other five K's.

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- If seen as a physical object, the Kirpan can obviously be viewed as a weapon that potentially could be used for offensive or illegal purposes. The fact that it is not so used is the best indicator that the Kirpan must be understood in its full spiritual, cultural and psychological dimensions.
- The evidence shows that offensive use of the Kirpan is virtually unknown in the UK. Government should also reflect on the fact misuse is also unknown in Canada and the United States, both countries with a significant Sikh community. This suggests that there are common factors connected to the Kirpan itself at work. It is not just British Sikhs that maintain extreme discipline in the wearing of the Kirpan, our colleagues in other jurisdictions are just as careful not to bring the Kirpan into disrepute. In fact there are powerful factors which prevent the misuse of the Kirpan.
  - The Kirpan is closely associated with the Sikh Gurus, whose teachings are the basis of our faith. The Kirpan is often described as the Guru's Gift to the Sikhs. Misuse of the Kirpan would be directly contrary to the teachings of the Guru. It would be a betrayal of the Guru.
  - As a result, the Kirpan is treated with extreme reverence by its wearers. Misuse is therefore viewed with extreme hostility by Sikhs as individuals and by the Sikh Panth (community) as a whole.
  - Before Amritsanchar, the initiation ceremony, Sikhs undergo extensive preparation, training and guidance. As Sikhs follow a doctrine of self-improvement, this process of training and guidance is one of lifelong learning.
- There is an absence of evidence, either domestic and international, that the Kirpan poses a threat to anyone. It is, of course, our responsibility as Sikhs to ensure that this fact is communicated to our non-Sikh fellow citizens, colleagues and neighbours.
  - We recognize that we live in a society which has been at peace longer than most and in which the carrying of weapons has been highly restricted for over a century. Some of our fellow citizens may feel uncomfortable with the wearing of the Kirpan. It is for the Sikh community, with the support of the authorities, to explain that our practices and beliefs ensure that they have no cause for concern.

- It would also be helpful if those in positions of authority in public organizations ensured that their staff were informed that the Kirpan poses no threat and it is precisely for this reason that Sikhs can legally carry the Kirpan.

### **What are the physical attributes of the Kirpan?**

- This is an important question as there are differences in Sikh practices among our various traditions. The Kirpan is a curved blade. The term ‘dagger’ is an extremely misleading translation.
  - There are a variety of views within the Sikh community on the length and size of the Kirpan. We believe that the existing diversity of practices should continue. The data shows that the Kirpan has not been misused so attempts to regulate the dimensions or composition of the Kirpan are unnecessary. This is also made clear by the code of practice (the Rehat Maryada) that all strands of Sikhi collectively agreed to live by.
  - However, every Sikh school of thought agrees that the Kirpan is a blade made of steel or iron.
  - It therefore follows that miniature replicas, Kirpans made of plastic or wood cannot be considered to be Kirpans. Any policy that seeks to substitute the steel or iron Kirpan with another material is totally unacceptable to all Sikhs.

### **Who can wear the Kirpan<sup>2</sup>**

- The Kirpan is not abused because of the spiritual preparation of its wearers. It is self-evident to us that wearing the Kirpan is a privilege, both in terms of Sikhi beliefs and British law. It is crucial to bear in mind that the Kirpan issue is essentially a question of who is permitted to wear it.
- BSCF believes that the Kirpan should only be carried by Amritdhari (initiated) Sikhs.
  - Amritdhari Sikhs are those who have taken part in the ceremony of Amritsanchar.

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<sup>2</sup> In the interests of a comprehensive analysis, it should be pointed out that some orthodox Sikhs find the wearing of Kirpans by non-Amritdharis offensive as well as inappropriate and would support the banning of such behaviour.. There is also a small minority, some of whom are clearly anti-social elements, that believes the Kirpan is primarily an ethnic rather than a religious symbol and therefore claims the right of all Sikhs to wear it. BSCF clearly does not share this view.

Obviously non-religious Sikhs cannot avail themselves of the religious defence in the criminal law. As far as we aware, the right to use the national costume defence has not been tested in the courts in such a case.

- Traditionally, Amritdhari has been translated into English as baptized. However, this does not adequately reflect the level of commitment and understanding that Amritsanchar involves. It takes place, in general, at a much later age and it is a requirement that the person undergoing the ceremony can demonstrate their ability to understand the commitment he or she is making. In fact, it is much more akin to the Christian sacrament of confirmation. The term “initiated” conveys the meaning of Amritdhari more effectively.
- We recognize that the British authorities cannot be expected to police such a distinction between Sikhs. But it is an important distinction within the Sikh community that is essential to consider. The vast majority of all Sikhs, irrespective of their religious views, consider it inappropriate for non-Amritdhari (initiated) Sikhs to wear the Kirpan.
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- BSCF believes that it is highly unlikely that anyone who has not taken Amrit would be in a position to rely on the religious defence in the criminal law. Whether non-Amritdhari individuals can rely on the national costume defence is a matter for the police, Crown Prosecution Service and the Courts to decide. The Sikh community in general and BSCF in particular cannot accept responsibility for any misbehaviour by such persons.

### **The appearance of Sikhs**

A related issue which should be taken into account is that not all Sikhs are of South Asian origins and appearance. Although most Sikhs trace their origins to the Punjab, there are some who originated in Afghanistan. There are also a number of Sikhs of Caucasian, East Asian, African and Afro-Caribbean appearance.

### **Kirpan and everyday life**

- BSCF believes that the existing criminal law is an appropriate method for dealing with the Kirpan. It has advantages for both the authorities, to whom it gives reasonable discretion, and to Sikhs, for whom it permit the diversity of traditions within the community.
- However, we believe that the introduction of standard policies across the public sector, implemented by properly trained managers and personnel, will eliminate the problems faced by Sikhs in everyday life.
- As a law-abiding and productive community, we believe that Sikhs have a right to know what to expect and what is expected of them when coming into contact with public services. Such certainty would eliminate the humiliation and embarrassment sometimes caused by the absence of coherent policies across the public sector.
  - There are a number of issues involving the private sector as well. The problem is particularly acute for places of public entertainment. There have been problems at the Wembley Arena, the London Eye and

football grounds around the country. The evidence of incoherence, indeed randomness, in the private sector is a major dissuasive factor for Sikhs who wish to participate fully in British life.

BSCF believes that it is important that Government takes the lead. If the public sector shows the way, the private sector would quickly follow. Good practice in the public sector would spread to the private sector.<sup>3</sup>

### A COHERENT POLICY

BSCF strongly believes that there should be a coherent policy. We do not confuse this with a uniform policy. We recognize that there are a variety of situations which government must consider and to which policies must be adapted. We do argue that policy should only vary when and where there is good reason for variation. All institutions of the same type should have identical policies, implemented in a standardized manner.

BSCF recognizes that which is acceptable and appropriate for one environment may not be feasible in another. It is self-evident that there are some extreme situations where more restrictive policies would apply. However, we would argue strongly that such extreme situations should be very limited in number and scope. **Above all we reject any attempt to abuse this recognition of reality by imposing unnecessary restrictions. The extreme situations must not dictate the rules for everyday life.** While restrictions may be countenanced in some situations, they would be highly objectionable to Sikhs in others. Context-specific solutions will become context-specific problems if mistakenly applied to other situations.

In particular, while we recognize the great effort the Prison Service, the Home Office and the Sikh Chaplaincy have devoted to resolving the Kirpan issue in prisons, we do not believe that the rules for such an extreme situation involving dangerous people and people in dangerous jobs can be applied in everyday life.

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<sup>3</sup> The case of the nonagenarian marathon runner, Fauja Singh, being refused access to the London Eye because he was wearing the Kirpan, highlights the absurdity of the present situation. The case generated much anger and bemusement within the Sikh community. To where would one hijack the London Eye with a Kirpan was a frequently asked question.

Another example which has caused some concern is the practice of Wembley Arena where security staff may wear Kirpans but Sikh concert-goers cannot. We fail, like most Sikhs, to see the logic of this distinction.

A standard policy across the public and private sector would eliminate such arbitrary policies.

We have therefore identified a variety of situations in the public sector bodies which may need specific rules. We have sub-divided the analysis to distinguish between Sikh members of the public and Sikh employees of public sector bodies.

### **Access to public buildings by Sikh members of the public.**

For many public premises, we do not see that there should be a problem. Once it is accepted that Sikhs are permitted to wear the Kirpan, it is illogical to suggest that there should be restrictions on access to places where any members of the public can enter. Anywhere a member of the general public is permitted to enter without restrictions, the Kirpan should be permitted. We have in mind such premises as council offices, HMRC offices, and a great variety of public agencies.

### **Access to public buildings where access is controlled**

BSCF recognizes that access is controlled to many public premises for good security reasons. We have considered the situation in the following contexts.

- Government offices where the public are permitted to enter after undergoing security scanning should not, in our view, present any specific problems.
  - While we appreciate there are situations in which discussions between public servants and members of the public can become quite heated, it is behaviour rather than the Kirpan that constitutes the problem. Public servants have the right to remove members of the public who are behaving offensively. BSCF has no issue with this right being preserved.
- Prisons
  - As we previously stated, we appreciate the efforts that have been made by the Home Office, Prison Service and the Sikh Chaplaincy to develop a reasonable solution.
  - BSCF recognises that, as a general rule, a convicted offender may have forfeited the right to be considered Amritdhari and therefore is not required to wear a Kirpan. However, there are certain cases where people are detained in prison for reasons which are less than transparent.
  - BSCF accepts that a symbolic interpretation of the Kirpan in prisons for convicted offenders may be an acceptable solution. In the interests of rehabilitation, with appropriate religious dispensation, Sikh prisoners should not be completely cut off from their community or the practice of their faith. The right to admit guilt, repent and seek re-admission into the community (the Panth) is an essential part of the Guru's teachings.
  - However, there is a problem with Sikhs who wish to visit prisoners as they are required to remove Kirpans for security reasons. This dissuades visitors and hinders rehabilitation and is therefore detrimental to the interests of society. BSCF believes that it would be possible to address the security

concerns and those of the Sikh community without great expense or disruption of the Prison Service if the political will is there.

- There is one sub-section of those affected by Prison Service policy that deserves separate consideration, Sikh solicitors visiting clients in prison. As officers of the Court, they are in a sense public officials as well as members of the public. At present, they are required to remove their Kirpans. We believe the need to do so could be obviated if a sensible solution is found for Sikh visitors in general.
- The Courts Service.
  - A number of incidents have come to our attention. We believe that magistrates, court officials and lawyers and all those involved in civil cases as plaintiffs, defendants and witnesses should not be prevented from wearing the Kirpan.
- Schools
  - BSCF recognizes that the Kirpan is a sensitive issue for schools given the problem of knife crime among young people and the Government's laudable concern to make schools safe for children and staff. However, experience and the data show us that the misuse of the Kirpan is not a problem even with the younger children. The international data confirm this point.
  - We note with satisfaction that a number of local authorities have adopted guidelines, in consultation with local Sikh communities, governing the wearing of the Kirpan. However, BSCF does not see the logic in making every local education authority re-invent the wheel. Agreement should be reached on national guidelines.
  - These guidelines should incorporate the principles included in the existing guidelines agreed by local authorities and Sikh communities in places such as Wolverhampton, Redbridge and Sandwell. These acknowledge the right of Amritdhari (initiated) school pupils to wear the Kirpan provided the school is informed that they are doing so, that the Kirpan be concealed and made extremely difficult to remove from its sheath by the bearer, or anyone else. We recognise that special arrangements have to be made for physical education and swimming arrangements. BSCF is prepared to advise the Government on possible solutions to the outstanding questions.
- Airports
  - BSCF recognizes that the rules governing the wearing of the Kirpan by airline passengers is not within the sole competence of the British Government. However we would like to make it clear that the present legislation banning the wearing of the Kirpan on flights is not acceptable to us and we are prepared for a long-term campaign on this issue. We will be working with Sikhs in other countries in order to secure changes in the

legislation. In line with our guiding principle that the Kirpan is not a threat in the hands of Amritdhari (initiated) Sikhs, we believe the present ban is misguided. We would hope that, eventually, the position of the Indian Government permitting the Kirpan on domestic flights be adopted internationally by the world community.

- We find it particularly offensive that the detailed annexe to the European Regulation specifying what cannot be carried on flights is not a public document. We have followed with interest the Gottfreid Heinrich case (Case C-345 06 ) and note with satisfaction the judgment of the European Court of Justice of March 10 2009 ruling that the annex has no binding force. We hope that the British Government will use the opportunity created by this judgment and the consequent need for a European Union response to renegotiate the terms of the implementing legislation.
- Railway Stations.
  - BSCF is particularly concerned about the implications of the introduction of scanners into railway stations. While scanners themselves are not a problem, the training of screening personnel and British Transport Police is. It is clear from a number of cases which have been brought to the attention of BSCF members that British Transport Police do not have the same level of cultural awareness and knowledge of the legal situation of the Kirpan as the mainstream police forces. The introduction of scanners must therefore be accompanied by a systematic training programme for personnel involved in protecting and policing the railways.
- Hospitals
  - A number of issues have arisen in hospital both with patients and visitors. BSCF would like national guidelines throughout the NHS that would ensure that patients and visitors would be allowed to wear their Kirpans at all times. It is particularly important for the emotional condition of Sikh patients that their Kirpans not be removed during their stay in hospital.
  - BSCF recognises, of course, that this principle cannot apply to those who are being treated for serious mental health issues and can no longer be considered mentally competent and responsible for their actions. In such situations, both the authorities and the Sikh community would have the duty to ensure that such patients were in no position to harm themselves or others.

### **Sikh employees and public officials**

- After much reflection and having considered the various possibilities, BSCF has concluded that the only logical position that can be defended by ourselves

and the Government is that a Sikh authorised and trusted to work in a specific location should be allowed to wear the Kirpan.

- For a Sikh official in an environment with no security implications the Kirpan should not be an issue. The only concern must be to ensure that management and co-workers are aware of the ability of Sikhs to wear the Kirpan and, preferably, the reasons they do so. Sikhs themselves have a duty to make sure that their co-workers do not feel threatened. BSCF would hope that the correct training and procedures are put in place to ensure that all public employees, Sikh and non-Sikh can go about their business in peace.
- BSCF recognises that there are certain places of work where serious security concerns exist. But we re-iterate that if a person is trusted to work in such places, whether or not they wear a Kirpan is immaterial. For example, we believe that there are approximately 100 Kirpan-wearing Sikhs who are vetted regularly to work airside at Heathrow Airport. If they are trusted to do so, they can be trusted with a Kirpan. It also seems absurd to entrust a Sikh surgeon with a scalpel but seek to limit his right to wear a Kirpan.
- We would also like to present a hypothetical example to clarify the logic of our argument. If a Kirpan-wearing Sikh civil servant was appointed to a high-security clearance level post in the Prime Minister's Office, it would seem absurd if he or she was not also trusted to wear the Kirpan.
- BSCF is, of course, aware that there are certain extreme cases that require special consideration. For example, an Amritdhari prison officer would potentially be at risk if violent offenders knew he or she carried a Kirpan on duty. Again we believe solutions can be found if the goodwill on all sides is present. But we do not believe that these special cases can form the basis for general rules.

### **Policy and Implementation**

- BSCF hopes very much that a coherent standardised policy can be adopted by the public sector.
- We note, however, that a good policy can be undermined by bad implementation. Indeed, many of the problems our community has faced are due to inept implementation of otherwise reasonable policies.
- BSCF therefore urges that sufficient resources be devoted to training management and staff, particularly security staff, to ensure that a rational policy is implemented rationally. We are ready to advise Government on the necessary measures and look forward to continuing discussions with officials and ministers.