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Article 19(1)b w.r.t. Article 25 of the Indian Constitution (Kirpan)

Muskaan Halani

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INTRODUCTION

The Constitution of India provides its citizens with fundamental rights embodied in Part III of the Constitution from articles 12 to 35. Fundamental rights are basic human rights given to every citizen, applied irrespective of caste, creed, color, religion, gender, etc. The Fundamental Rights, guarantee civil rights to all Indians and prevent the State from encroaching an individual's liberty while simultaneously placing upon it an obligation to protect the citizens' rights from encroachment by society. Dr. Ambedkar has said that the responsibility of the legislature is not just to provide fundamental rights but also and rather, more importantly, to safeguard them¹. This paper is based on safeguarding the Fundamental Right provided in Article 25 of the constitution with respect to the Fundamental Right provided in Article 19 (1b) of the constitution. Article 19 (1b) of the constitution states "All citizens shall have the right to assemble peaceably and without arms"². Therefore, every citizen in India has the right to assemble with others provided that it is done peacefully and without arms. Article 25 states "(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law.— (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion"³.

Therefore, every citizen has the right to practice and propagate their religion however the state can put reasonable restrictions on it with respect to public order, morality, health, etc. The section clearly in its explanation even states that Sikhs have the right to carry a kirpan even though it would ordinarily violate Article 19 (1b). The kirpan is a sword or dagger of any size and shape carried by Sikhs. It is also part of a religious commandment given by Guru Gobind Singh in 1699, in which he demanded that Sikhs must wear the five articles of faith (the five Ks) at all times, the kirpan is one of five Ks.⁴ The sword of the Khalsa was never a symbol of aggression. It stands for the defense of righteousness, truth, and virtue. The sword is considered synonymous with God. Unlike a dagger, which is associated with a secret attack, the sword is associated with open combat, governed by certain ethical principles. Thus, the sword of the Khalsa is the assertion of this right

¹ Constituent Assembly debate on Fundamental Rights", Pranay Kotasthane 6 June 2014

² The Constitution of India, 1950, Art. 19(1)(b).

³ The Constitution of India, 1950, Art. 25.

⁴ Singha H.S., The encyclopedia of Sikhism, (2000)

to freedom⁵. But even though the Constitution allows Sikhs to carry the kirpan and the kirpan is an exception made to arms which can be carried by citizens there have been several cases and incidents in which Sikhs have been prohibited from carrying their kirpan or been arrested because of it. The freedom of religion is not an absolute right and the state can put reasonable restrictions on it because of public order, which in many cases has been put where the kirpan was carried by a Sikh however the absolute ban of it would be a complete violation of fundamental rights of millions of Sikhs who believe that carrying the kirpan is an essential practice of their religion. There have been several cases in which without putting reasonable restrictions a Sikh is arrested or not permitted to carry the kirpan for example in case Dsgmc And Ors vs Union Of India And Ors, students appearing for NEET examination were not permitted from carrying their kirpan with them inside the examination hall. The court while giving its judgment has stated “ Public order is not a mechanical incantation, to justify every restriction, but refers to proximity to a real threat, which has to be correspondingly dealt with a proportionate response by the State”⁶. The State has several times used the excuse of public order to stop the Sikhs from carrying a Kirpan thereby violating their fundamental right given under article 25.

This prohibition has been going on for centuries and Constitution makers had to specify that kirpans are an exception to article 19 (1b). The prohibition on kirpan does not only exist in India but also in many countries across the globe. There are only a few countries like Canada which have allowed the kirpan to be carried in public places. But this was also after a very long legal battle between the state and the Sikhs. To know how the prohibition on the kirpan is a violation of the rights to Sikhs not just in India but across the globe this paper will be addressing why the kirpan is an essential practice of a Sikhs religion and the history of prohibitions and restrictions put on the kirpan. The paper will also talk about the present legal position of the kirpan in India and the unreasonable restrictions put on it irrespective of it being allowed by the Constitution as an exception to article 19 (1b). The paper will also talk about the legal position of the kirpan in other countries across the globe along with the struggle faced by the Sikhs to acquire rights to carry the kirpan in some of these countries along with why certain countries still prohibit the kirpan from being carried in public places.

⁵ Dilawar Singh vs the State Of Haryana, 2016 SCC P&H 1442

⁶ Dsgmc And Ors vs Union Of India And Ors, MANU/DE/1651/2018

KIRPAN: ESSENTIAL PRACTICE FOR SIKHS

The kirpan is a synthesis of two words 'kirpan' (compassion or kindness) and 'aan' (honor), which signify and highlight the purpose for which it is to be used. In Sikh religious parlance, the word conveys two-dimensional meaning. First, Bhagauti (Sword) is an attributive name of the Almighty. Thus, the wearer feels that he or she is ever under the protection of Bhagauti. Second, and which is, in fact, a derivative of the first, it symbolizes the manifestation of shakti or divine power, which is to be used in favor of the righteous against the unrighteous as a last resort when all other means fail.⁷ Sikhs who have made a public commitment to the faith by going through a special baptism, known as the Amrit Ceremony, are called members of the Khalsa (the community of baptized Sikhs). They adopt five symbols. These symbols (the Five K's) are not only a means of showing the Sikh identity, but they also have spiritual meanings and are powerful symbols of the faith. Most Sikhs, through customs and culture, follow the traditions of the Khalsa. The Five Ks are the five items of dress and physical appearance (a sort of uniform) given to Sikhs by Guru Gobind Singh when he gathered together the first members of the Khalsa. The Five Ks are Kesh, Kanga, Kachhehra, Karha, and Kirpan. The kirpan is a sword worn by Sikhs. The Sikh community does not like the kirpan to be referred to either as a dagger or as a knife as both of these terms suggest violence and an intent to cause injury. The kirpan is worn as a reminder of the courage of the first five Sikhs who were willing to sacrifice their lives for the sake of their religion. The kirpan is, therefore, a symbol of bravery and faith in God. For many, the most important meaning is that the kirpan symbolizes the commitment to fight the enemy within, which is weaknesses in one's character and behavior. This injunction to wear the 5Ks appears in the Reht Maryada (The Official Sikh Code of Conduct); "Have, on your person, all the time, the five K's: The Kesh (unshorn hair), the Kirpan (sheathed sword), the Kachhehra (drawers like garment), the Kanga (comb), the Karha (steel bracelet)."⁸ The Reht Maryada does not specify the length of the Kirpan or how it is to be worn by the devotee. Kirpans can be anywhere from 3-foot swords carried by Sikhs on religious festivals, marriages, and parades, to a few inches in length. They can either be worn over one's clothing or under clothing. The Kirpan is usually kept sheathed except when it is withdrawn from its casing on such occasions as a consecration of the ceremonial sweet pudding distributed during religious ceremonies

⁷ Khalsa, Sukhmandir. "Kirpan - Kakar - Sikh ceremonial short sword"

⁸ Reht Maryada, Ceremony of Baptism or Initiation, Section 6, Chapter XIII, Article XXIV, paragraph (p)

HISTORY OF RESTRICTIONS PUT ON KIRPANS IN INDIA.

The Sikh struggle for the right to carry Kirpan during British reign. Being thus enjoined to have on their person, it would be instructive to briefly note the struggle of the Sikhs, for the right to carry Kirpan to be legally recognized during the British Rule. The keeping and carrying off a kirpan was denied under the Indian Arms Act (XI) of 1878. Under this Act, no person could carry arms, except under special exemption or license. Whatever could be used as an instrument of attack or defense fell under the definition of "Arms." Thus the term included firearms, bayonets, swords, dagger heads and bows, and arrows. Under the Act, a kirpan could be bracketed with a sword.⁹ In the case *Kripal Singh vs Emperor*, Kirpal had been convicted under Section 62-A of the Calcutta Police Act. He was arrested by the police on the allegation that he was carrying a sword without any license or permission from the Commissioner of Police, Calcutta. Kirpal protested that he was carrying a kirpan which, according to him, was a part of the religious creed of every member of the Sikh community. However, the judge held that he had no right to carry a kirpan which according to the judge was a weapon without license¹⁰. Thousands of Sikhs were sent to jail for contravening the Indian Arms Act. At places, the kirpan factories were raided and their owners were arrested. On May 19, 1917, it was allowed throughout India. But in February 1921, the Deputy Commissioner of Jullundur issued an order requiring the local manufacturers not to manufacture Kirpans of greater length than nine inches. Consequent upon this Sikhs began to be arrested everywhere for wearing Kirpans which exceeded the length of nine inches, although there was no specific law or notification issued on the point. Some people were arrested for possessing Kirpans, while others were not arrested, even though they carried as long Kirpans as they could. A Sikh boy in Hoshiarpur district was going running to his school to avoid being late. As his Kirpan was hanging down his body, he could not run freely. So he took the Kirpan in his hand. The Commissioner of the Division who saw this ordered the boy to be disarmed. On the boy's refusing to give up his Kirpan, he was arrested and, being put before a Magistrate, was tried and sentenced to pay Rs. 55 as fine, or to go to jail for one month and a half in default¹¹. Therefore even though laws that prohibited the carrying of kirpans were removed Sikhs were still being arrested and convicted for carrying them. Proceedings in the Constituent Assembly, Shiva Rao, in his *Framing of India's Constitution- Study*, writes that the inclusion of a set of fundamental rights in India's Constitution had its genesis in the forces that operated in the national struggle during

⁹ The Arms Act, 1959

¹⁰ *Kripal Singh vs Emperor*, AIR 1924 Cal 231

¹¹ *Dilawar Singh vs the State Of Haryana*, 2016 SCC P&H 1442

British Rule¹². The struggle that the Sikhs faced during the British era was the reason that the makers of the constitution in the explanation to article 25 have stated that carrying off the Kirpan is a religious practice that is permitted by the Constitution. But even after this provision being there Sikhs are still subjected to unreasonable restrictions being on carrying off the kirpan. Even though the British left out country the restrictions put by them on Kirpans continues to date even though the supreme law in the country allows it.

LEGAL POSITION OF KIRPAN IN INDIA

As mentioned earlier, the explanation of article 25 of the constitution states “Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion”¹³ therefore the kirpan according to the provisions of the Constitution is an exception to Article 19(1b) which prohibits people from assembling with arms. However, there have been several cases in India where the state has tried to put unreasonable restrictions on this right given to Sikhs. In the case of Dilawar Singh vs the State Of Haryana, the petitioner went to the Court to give his statement as a prosecution witness. He being an Amritdhari Sikh was bearing a Kirpan on his person. Ld. Sessions Judge, Ambala objected to the same and directed him to remove the Kirpan in case, he wanted to appear as a witness. When the petitioner refused to do so on the plea of his religious freedom, Ld. Sessions Judge did not record his statement and directed him to appear in Court without wearing his Kirpan. This was a clear violation of his freedom of religion and a judge, who is a learned judicial officer had violated his fundamental right. Therefore Dilawar filed a petition against this and while giving the judgment the judge stated “It has to be recognized that, even in the absence of any law, rule or regulation, every Court would have an inherent power to ensure the orderly conduct of its proceedings and the Presiding judge would have absolute control of the court domain. But like any other power, the exercise of such inherent power, even in its widest amplitude, would be subject to the provisions of the Constitution. It is axiomatic that the Constitution is supreme and all organs of the State derive authority from it. The Constitution explicitly and in the plainest terms secures to the petitioner the right to wear and carry kirpan as being included in the profession of his religion. This right could only be subject to regulation in the interest of public order, morality, or health, which regulation could be only by the mandate of a statute. Hence, in the absence of any law or valid regulation prohibiting the carrying of a Kirpan in a Courtroom, the petitioner could not be restrained from wearing and carrying a kirpan in the

¹² Shiva Roa, Framing of India's Constitution- Study, 1968

¹³ The Constitution of India, 1950, Art. 25.

Courtroom”¹⁴. The case clearly shows even judicial officers have no right to violate a Sikh's fundamental right to carry the kirpan but it is still done not just by the state but sometimes by the judiciary too.

In another case, petitioners filed a PIL as Sikhs were not permitted to carry the Kirpan while appearing for NEET examinations. The court, in this case, has asked the authorities to take special security measures to ensure that the no Sikh candidate is carrying any suspected device along with the kirpan but the authorities were not permitted from putting a blank ban on carrying the kirpan. The court, in this case, has stated “Whilst our Constitution is neutral in religion, it at the same time, is benign and sympathetic of all religious creeds however unacceptable they may be in the eyes of the non-believers. Articles 25 and 26 embody a tolerance for all religions. It is in that spirit of tolerance that creeds like the petitioner with their practices must be accepted in our society. Subject to consideration of public order, health and morality, it is not open for anybody to question the tenets and practices of religion, however irrational they may appear to an outsider.”¹⁵ The court has time and again in several judgments stated that in a diverse country in India tolerance for different religions and their religious practices is very essential and even though restrictions can be put on religious practices in the name of public order there should be an actual threat to public order by that religious practice for it to be a reasonable restriction on that religious practice.

Therefore, in both, the cases cited above the court has stated that precautionary measures can be taken to ensure that there is no actual harm to public order by the kirpan but without any precautionary measure no ban can be put on the carrying of the kirpan. “Moreover, "public order" has a larger connotation than "law and order". Contravention of law to affect public order must affect the community or the public at large. A mere disturbance of law and order leading to disorder is not one which affects "public order”¹⁶. The State has time and again used the excuse of public order to put unreasonable restrictions on the use and carrying off a kirpan. The court in the above judgment has made it clear that a restriction cannot be put not the kirpan in the name of public order unless there is an actual and apparent threat to public order by a Sikh who is carrying the kirpan. The Supreme Court has held the "freedom to act and practice in pursuance of religious beliefs is as important as the freedom of believing in a religion. It was emphasized that to persons believing in a religious faith there are some forms of practicing the religion by outward actions which are as much a part of religion as the faith itself. Though the Article 25 rights were subject to public order, morality and health, but it was stressed that in every case the power of regulation must be exercised with the consciousness that the subject of regulation is the

¹⁴ Dilawar Singh vs the State Of Haryana, 2016 SCC P&H 1442

¹⁵ Dsgmc And Ors vs Union Of India And Ors, MANU/DE/1651/2018

¹⁶ Ram Manohar Lohia (Dr.) v. State of Bihar AIR 1966 SC 740

fundamental right of religion, and the regulation does not unduly infringe the protection given by the Constitution”¹⁷. This shows that the court includes all the practices essential for a religion to be continued as a right included in article 25 of the constitution and no person who is nonbeliever can question the question because according to them its against public order or morality or any other ground for restriction. A restriction can only be put if there have been precautionary measures taken and it is found that a certain religious practice is an actual threat.

The kirpan is allowed to be carried on domestic flights within India provided that it is an Indian registered aircraft. The dimensions of the 'Kirpan' must not exceed a total maximum length of 9 inches (22.86 cms), including the length of the blade not exceeding 6 inches (15.24 cms) and the length of the handle not exceeding 3 inches (7.62 cms). Carriage of 'Kirpan' is not permitted in the cabin of an aircraft either on a person or in the Hand Baggage on any International flight or any Domestic flight operating through an International Terminal Security Hold Area. The same must be carried by the passenger in the checked-in baggage only.¹⁸ But on domestic flights, even small knives are allowed in the checked-in baggage, therefore, there is no special exception which is made for the kirpan in India even though the constitution permits it to be carried. Therefore aircraft is a perfect example where reasonable restrictions are put on the kirpan, where they are permitted to be carried but certain rules need to be followed.

THE LEGAL POSITION OF THE KIRPAN IN OTHER COUNTRIES ACROSS THE GLOBE

Several legal battles have been fought by Sikhs across the globe to acquire the right to carry their kirpan on their person or along with them. Even though the kirpan is a religious symbol for the Sikhs, it is still seen as a dagger in many countries where the state either does not recognize it as a religious symbol or even though it recognizes it as a religious symbol it is not permitted as it is a weapon and it could be a threat to public order or security. Several countries now permit the kirpan to be carried in public places but this right was acquired by the Sikhs after a long legal battle between them and the state.

CANADA

One of the most prominent cases in which Sikhs won the legal battle is *Multani v. Commission scolaire Marguerite-Bourgeoys*.¹⁹ The Supreme Court of Canada, in this case, overturned a school board's prohibition on kirpans as part of the board's broader policy on weapons, holding that such

¹⁷ *Commr. of Police v. Acharya Jagadishwarananda Avadhuta*, (2004) 12 SCC 770

¹⁸ www.airindia.in

¹⁹ *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256, 2006 SCC 6

a prohibition infringed the student's freedom of religion in a way that could not be justified under section 1 of the Charter. Although the prohibition was motivated by the objective of ensuring a reasonable level of safety at school, the court held that options were available that would have less impact on the student's freedom of religion, such as allowing the student to wear the kirpan under restrictions that would have ensured that it was carefully sealed within his clothing. The court noted that there was no evidence of violent incidents related to kirpans in schools across Canada, and other objects such as scissors and baseball bats could be much more easily obtained by any student with violent intentions. The court has stated " A total prohibition against wearing a kirpan to school undermines the value of this religious symbol and sends students the message that some religious practices do not merit the same protection as others. On the other hand, accommodating Gurbaj Singh and allowing him to wear his kirpan under certain conditions demonstrates the importance that our society attaches to protecting freedom of religion and to showing respect for its minorities. The deleterious effects of a total prohibition thus outweigh its salutary effects."²⁰ Courts in British Columbia and Ontario have upheld similar policies²¹. Using similar reasoning, the British Columbia Court of Appeal also upheld the right to wear a kirpan in a hospital under section 3 of the British Columbia Human Rights Code prohibiting discrimination in the provision of accommodation and services²². As a matter of policy, Sikh members of Parliament are entitled to wear the kirpan to the Canadian House of Commons, and visitors may wear the kirpan in the public gallery.

But even though the right to carry is given to Sikhs in Canada there are certain restrictions put on it, for example, the Canadian Human Rights Tribunal has held that prohibiting kirpans during air travel is legitimate for the protection of passengers and staff²³. Similarly, to protect personal security, public order, and the administration of justice, the Manitoba Court of Appeal upheld the right of a judge to bar kirpans from the courtroom in *R. v. Hothi et al*²⁴. Nevertheless, individuals involved in the Multani case were permitted to wear the kirpan during the hearing before the Supreme Court. This shows a contrast between India and Canada where in India the court was not permitted from banning kirpans in the courtroom while in Canada the judge could do so as "its decision on the authority of a judge to maintain control of his or her courtroom"²⁵

²⁰ Supra 19

²¹ *Peel Board of Education v. Ontario (Human Rights Commission)* (1991), 80 D.L.R.

²² *British Columbia (Worker's Compensation Board) v. British Columbia (Council of Human Rights)* (1990), 70 D.L.R.

²³ *Najjar v. Canada 3000 Airlines Ltd.*, [1999] C.H.R.D. No. 3.

²⁴ *R. v. Hothi et al.* (1985), 35 Man. R. (2d) 159 (Man. C.A.).

²⁵ Supra 24

DENMARK

On 24 October 2006, the Eastern High Court of Denmark upheld the earlier ruling of the Copenhagen City Court that the wearing of a kirpan by a Sikh was illegal, becoming the first country in the world to pass such a ruling. The youth, 31-year-old scientist Ripudaman Singh, represented his case in the high court after the lower courts had held him guilty of violating the country's weapon law and had ordered the confiscation of the "knife" besides fining him DKK 3,000 (Denmark Kroners). The high court in Denmark held Ripudaman guilty of violating the weapon law and upheld the orders of confiscation of the "knife", it annulled the fine of DKK 3,000. The Danish law allows carrying of knives (longer than 6 centimeters and non-foldable) in public places if it is for any purpose recognized as valid, including work-related, recreation, etc. The High Court did not find religion to be a valid reason for carrying a knife²⁶. Therefore there are countries like Denmark who not believe that a religious symbol which is a weapon but is not intended to be used for violence should be allowed in public places. This is a violation of freedom of religion of the Sikhs but every country is allowed to make their laws for their citizens therefore even though fundamental rights are being violated not much can be done about it as the High Court itself has held the Kirpan an illegal weapon. The decision given by the court in Denmark is completely different from the past two jurisdictions seen in the paper. The earlier two countries even though the state had put unreasonable restrictions on the Kirpan the courts had held in favor of the Sikhs but this was not the case in Denmark.

USA

In 1994, the Ninth Circuit held that Sikh students in public schools have a right to wear the kirpan. In January 1994, three siblings, Rajinder, Sukhjinder, and Jaspreet Cheema, were observed to be wearing kirpans under their clothes while at school and were at once suspended on the ground that a kirpan was to be construed as falling within the definition of a weapon offered in the California Penal and Education Codes. District Judge ordered that the Cheema children be allowed to carry, subject to certain conditions, kirpans to school²⁷. However, matters were to not end there, as a Bill unanimously passed in the California Senate, that would have allowed Sikh children to carry kirpans to school on the ground that possession of such kirpans constituted an integral part of a recognized religious practice, was vetoed by Pete Wilson, Governor of California, who declared himself unable to "abandon public safety to the resourcefulness of a thousand school district." ²⁸

²⁶ No kirpan for Sikhs in Denmark!, Hindustan Times, Oct 25, 2006

²⁷ Rajinder Singh Cheema, v. Harold H. Thompson, 36 F.3d 1102 (9th Cir. 1994)

²⁸ Text of Governor Pete Wilson's veto message, September 30, 1994, on Senate Bill No. 89

This clearly shows a struggle for Sikhs as even though they were allowed by the court, the legislature of the state was not ready to pass a bill for the Sikhs were had been given the right by the Court. State courts in New York and Ohio have ruled in favor of Sikhs who faced the rare situation of prosecution under anti-weapons statutes for wearing kirpans, "because of the kirpan's religious nature and Sikhs' benign intent in wearing them." Criminal charges against 17-year-old Virender Singh were dismissed by the Criminal Court of the City of New York, County of Queens in 2015. Virender, an initiated Sikh, was arrested and charged with two counts of Criminal Possession of a Weapon in the Fourth Degree, while wearing a kirpan however the charges were dismissed²⁹. As of 2016, the TSA explicitly prohibits the carrying of "religious knives and swords" on one's person or in cabin baggage and requires that they are packed in checked baggage³⁰. Therefore mostly all countries allow kirpans to be carried in the checked-in baggage as small knives are allowed too. In 2008, American Sikh leaders chose not to attend an interfaith meeting with Pope Benedict XVI at the Pope John Paul II Cultural Center in Washington, D.C., because the United States Secret Service would have required them to leave behind the kirpan³¹. Even though the restriction put by the Secret Services would be reasonable to a certain extent, they could have still put additional security measures and allowed the Kirpan as it is not a weapon of offense or violence.

UK

The U.K. government has passed an amendment by which Sikhs in the country will be allowed to carry kirpans and use it during religious and cultural functions.³² The 'Offensive Weapons Bill' received the royal assent. The Bill had been amended in 2018 to ensure that it would not impact the right of the British-Sikh community to possess and supply kirpans, or religious swords. "We have engaged closely with the Sikh community on the issue of kirpans. As a result, we have amended the Bill to ensure that the possession and supply of large kirpans for religious reasons can continue," a U.K. Home Office spokesperson said³³. Even before this Bill, UK had recognized the right of a Sikh to carry a kirpan, for example, an official list of prohibited items at the London 2012 Summer Olympics venues prohibited all kinds of weapons, but explicitly allowed the kirpan.

²⁹ Eugene Volokh, Sikhs, knives, and religious exemptions, the Washington Post, Oct. 16, 2015

³⁰ "May I keep head coverings and other religious, cultural or ceremonial items on during screening?" (<https://www.tsa.gov/travel/frequently-asked-questions/may-i-keep-head-coverings-and-other-religious-cultural-or>). 3 March 2015.

³¹ "Feds say Sikhs can't meet pope due to dagger: Secret service won't allow representatives wear a ceremonial dagger, NBC News, 3/6/2008

³² Offensive Weapons Act of 2019

³³ U.K. law secures rights of Sikhs to carry a kirpan, The Hindu, MAY 18, 2019

CONCLUSION

Carrying the kirpan is an essential practice to the Sikhs. Even though it is a dagger, is it very essential to note that its purpose is not to cause violence or use it for any offense? The Sikhs use it as a reminder of spirituality and the constant struggle of good and morality over the forces of evil and injustice. The kirpan is no more a symbolic weapon than the cross is symbolic of an instrument of torture for the Christians. If the cross is allowed in every place so should the kirpan provided that it doesn't cause a threat to public order or security? But such a threat should be real and not just a situation made to put restrictions on the kirpan. The freedom of religion is not absolute but the restrictions put on it need to be reasonable, and not just reasonable to a single person but any ordinary prudent man. Therefore before putting any restriction of the kirpan in India its essential to know that the Constitution provides Sikhs the right to carry the kirpan and since several judgments have already stated, till there is no law or regulation in place the carrying of kirpans not completely banned and the restrictions that are put on it too need to rational and need to be put for reasonable and fair causes like public order. In a diverse nation like India, it's essential to learn acceptance and tolerance for other religions and their religious practices. This should be followed across the globe as well. Countries like Canada or USA have accepted the kirpan very openly and even though there have been a few situations where restrictions were put on the kirpan, it's essential to note that for a very long time these countries did not have laws that permitted the kirpan but kirpans were still allowed because of the judiciary there. Unlike in India the supreme law of the country, the Constitution allows the kirpan and yet the judiciary too, has to several times reinforce this fundamental right as unreasonable restrictions are put on it by the State. A Sikh shouldn't have to fight a legal battle to enjoy the rights which are already given to him by the Constitution. The right should be enjoyed by him inherently.