



**Date: 2024**

***Re: The Sikh Kirpan***

Dear Sirs,

We write to provide you with information regarding the Kirpan, its significance for Sikhs, the legal framework surrounding its possession, and the rights of individuals to wear it, particularly in the workplace.

*What is a Kirpan?*

The Kirpan is a ceremonial blade, carried by initiated Sikhs as one of the five articles of faith, collectively known as ‘the Five Ks’. It holds a deep religious and symbolic significance for Sikhs, representing the duty to protect the oppressed and uphold justice. It is worn by ‘Amritdhari’, or baptised Sikhs. It may also be worn by Sikhs who are planning to take Amrit (be initiated) soon.

*What does the Law say about Kirpans?*

The laws of the United Kingdom permits the possession and wearing of a Kirpan.

In England and Wales, section 139(5) of the Criminal Justice Act 1988 sets out a complete defence to a possession of bladed article charge for a person to show that they had the article with them for religious reasons.

In Scotland, section 49(4) of the Criminal Law (consolidation) (Scotland) Act 1995 provides a complete defence for a Sikh wearing the Kirpan.

### *Kirpans in a workplace / public space*

Religion, belief and the manifestation of any beliefs are a protected characteristic in the United Kingdom, specified in section 10 of the Equality Act 2010. This means that employees have the right to wear religious symbols and articles of faith, including the Kirpan in their daily lives, including at work, employees are not to be punished or prohibited from doing so.

Employers should engage in a dialogue with employees who wear a Kirpan to understand their religious obligations and agree accommodations. Discrimination against employees based on their religious beliefs, including the wearing of religious articles such as the Kirpan is unlawful and compensation awards for acts of discrimination are uncapped.

Therefore, it is imperative for employers to adopt inclusive policies that respect the religious diversity of their workforce and ensure that individuals are not unfairly treated or discriminated against based on their religious beliefs. There is a comprehensive body of case law which already establishes that policies which are applied in a blanket fashion to all employees are likely to be indirectly discriminatory and not capable of being proportionate or justified.

We hope this information clarifies the legal framework surrounding the wearing of the Kirpan and underscores the importance of respecting religious freedoms in the workplace.

If you require any further assistance in dealing with any Kirpan queries in the first instance, please do not hesitate to contact Sikhs in Law.

Yours Faithfully,



THE COUNCIL OF SIKHS IN LAW

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