

CTL7001 Fireside Chat

Case Study: *Paramvir*

In response to increased violence in its schools, an Ontario school board adopted a policy prohibiting carrying weapons on school grounds. Shortly thereafter, a school administrator learned that Paramvir, an orthodox Khalsa Sikh student at their school, was wearing a *kirpan* each day. In the interest of maintaining safety, the school wanted to implement its “no weapons” policy. The principal instructed Paramvir that because of the new board policy, he would no longer be allowed to bring the kirpan to school.

Of the estimated 250,000 Sikhs living in Canada at the time, more than 10% were Khalsa Sikhs who had gone through the Amrit ceremony, which symbolizes spiritual commitment. One of the duties of the Khalsa Sikh is to carry – at all times on their person – a kirpan, an article of faith symbolizing a spiritual commitment to law, morality, justice and order. A kirpan is a steel knife, encased and secured in a sheath, generally worn out of sight under one’s clothing.

After prolonged discussions with Paramvir's family and Sikh organizations, the school board amended its weapons policy to include kirpans. However, the revised policy still forbade Sikh students from wearing genuine, metal kirpans to school; they could only wear symbolic, non-metal representations of the kirpan (e.g., wood or plastic) that could not be used as weapons.

A Sikh teacher took the case to an Ontario Human Rights Tribunal. At the hearing, it was argued that Sikh religious practices dictate that the kirpan must be made of iron or steel and worn at all times, otherwise the Khalsa would break their holy vows. It was shown that, while the kirpan has the appearance of a weapon, it had never been used in Canada as a weapon. Furthermore, it was argued that other school boards did not have a similar policy that restricted the wearing of kirpans.

In response, the school board argued that:

- Education was not a service covered by the Ontario *Human Rights Code* but was instead under the jurisdiction of the *Education Act*
- The kirpan posed a risk as it looked like, and could be used as, a weapon
- Others could perceive the kirpan as an invitation to violence.

Possible discussion topics

- Should the *Code* prevail (or have “primacy” over) the *Education Act*?
- Did the school board’s weapons policy discriminate against Khalsa Sikhs? If so, how?
- Inarguably, the school board’s policy presented a limit to Paramvir’s freedom of religion. But was the limiting policy reasonable? Was it necessary?
- Might the policy have any unintended consequences? If so, what?
- Are there any ways the school board could accommodate Khalsa Sikhs without undue hardship – for example, without posing a safety risk?

Adapted from <http://www.ohrc.on.ca/en/students%E2%80%99-handouts/case-study-1-darlene>