



Sikhs Challenge Discrimination in Courts

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by: *William Fisher* | **Inter Press Service** | **Report**

New York - A North Carolina man is joining a growing group of Sikhs who are looking to U.S. courts to remedy the "ignorance and intolerance" faced by practitioners of the religion, especially since the attacks of Sep. 11, 2001, which they say "unleashed a torrent of discrimination".

Latest to file a legal complaint is Surjit Singh Saund, who charges that M.M. Fowler, Inc., which owns and operates the Family Fare Convenience Store chain, denied him employment because he is a Sikh and wears a turban and beard, as required by the Sikh religion. If proven, this would be a violation of federal and state civil rights laws.

The federal lawsuit was filed last week by the public service law firm Public Justice and several private law firms.

Saund, a U.S. citizen who has worked in other convenience stores for nearly eight years, applied for a store operator position with Fowler in early 2008.

He was qualified for the position, but the company refused to hire him because of its alleged grooming policy. The company told Saund it would hire him, but only if he first removed his turban, cut his hair, and shaved his beard.

The lawsuit alleges that Fowler violated civil rights laws when it refused to make accommodations to its alleged grooming policy to allow him to work for the company with a turban and beard.

"I came from India to find a better life for me and my family in America, and I was looking for a better job," said Saund. "M. M. Fowler wanted me to choose between a job and my religion. What they did was not right, and is not allowed in America."

Sikhism is the fifth largest religion in the world. A monotheistic faith with origins in South Asia, it teaches honesty, compassion, humility, universal equality, and respect for all religions. Sikhs maintain uncut hair throughout their lives, and the turban as a head covering is a mandated article of their religious faith.

Approximately 500,000 Sikhs live in the United States. About 1,000 Sikhs live in North Carolina. **Victoria Ni, a Public Justice senior attorney representing Saund, told IPS, "Nothing about Mr. Saund's turban and beard would interfere with his ability to run the cash register and manage a convenience store."**

"M. M. Fowler had a duty to try to accommodate Mr. Saund's religious beliefs. It didn't even try," she added.

Fowler has approximately 70 convenience stores, located throughout North Carolina, which offer gasoline at self-service fuel dispensers.

Kavneet Singh, a board member and managing director of the Sikh American Legal Defense and Education Fund, the nation's oldest Sikh American civil rights and advocacy group, said, "Every day, Sikh Americans face employment discrimination, hate crimes, school bullying, and harassment due to misconceptions about the Sikh identity."

"Religious intolerance is un-American, and even at a time of economic crisis, we must make sure to not lose sight of the ideals that our country was founded on," he said.

Although Sikhism is often confused with Islam, Sikhism and Islam are entirely unrelated religions.

In accordance with Sikhism, Saund, 59, has not cut his hair since birth, and has covered his hair since he was a young boy. Although he earned a college degree in chemistry in his native India, Saund could not find white-collar work after he relocated to the U.S. Since 2002, he has worked in convenience stores in New York and North Carolina.

Saund is permitted to wear an under-turban, called a patka, at his current job. A patka is a Sikh head covering which is worn by many Sikh children in preference to its bigger brother, the turban.

Saund now joins other Sikhs who are seeking relief through the U.S. justice system. For example, in December 2009, a federal lawsuit was brought by Inderjit Singh, an Indianapolis man who was denied a job as an airport shuttle bus driver because he wears a turban and beard.

In 2007, Singh, a U.S. citizen, applied for the job with Air Serv as at the Indianapolis International Airport. He passed a drug test and background check, but the company refused to hire him. At that time, the position paid \$9.90 an hour.

"An investigation by the federal Equal Employment Opportunity Commission has already determined that there is a reason to believe that Air Serv violated the law," according to lawyer Ni, who added, "The company should make this right."

Public Justice's lawsuit is still pending.

Following the attacks of 9/11, the U.S. Department of Justice, under the leadership of then attorney general John Ashcroft, conducted widespread sweeps of major U.S. cities, arresting people thought to be Muslims and others whose appearance led law enforcement authorities to conclude they were "Middle Eastern" types.

This racial profiling led to hundreds of people being arrested and detained in federal prison facilities, without access to family members or legal counsel for long periods of time. Many were physically abused by prison guards.

While some of the detainees were deported for immigration violations, a civil abuse, none was ever charged with a criminal act.

The Leadership Conference on Civil Rights reported a sevenfold increase in hate crimes against Sikhs, Muslims and Arabs in 2001.