



The Sikh Turban Case

MANDLA and another V Dowell Lee
HOUSE OF LORDS

Sewa Singh Mandla & Gurinder Singh Mandla (Plaintiffs)
VS.

Dowell Lee (Defendant)
1983 1 All England Reports Page 1062

I have been asked by many people to write a brief overview and background history of the case that would not ordinarily appear in any Law report and to make it simple so as to enable people to have a better understand of the case and its importance. This was a historic case both for the Sikh Community and the Legal fraternity. It remains a leading authority in Racial and Religious Discrimination cases.

I came to Birmingham, in the United Kingdom, from Kenya, East Africa, with my family in July 1978. and sought admission for my son Gurinder Singh Mandla in a Private Independent School of Christian denomination called The Park Grove School in Edgbaston Birmingham, owned by the Headmaster Dowell Lee. I am a practising (Amardhari) Sikh and wear my 5 Ks which includes long hair and Turban. My son also wore long hair and a Turban. The Headmaster refused to grant my son admission unless he cut his hair and removed his turban to conform to the uniform rules of the school. I gave him examples of Sikhs in the British army in India, the Sikh in the British Army, Air Force and the Police in the U.K who wore matching Turbans instead of a hat or cap as part of their uniform. I suggested that my son would wear a matching Turban instead of a cap, but the Headmaster would not accept it. We felt aggrieved and deeply hurt at the suggestion of compromising the basic tenants and beliefs of our faith. This was a clear case of discrimination against my son. I felt that I had to seek redress to ensure that the Sikh community was able to retain its identity with dignity, pride and respect.

Early in 1979, with the assistance of a leading Barrister Mr Harjit Singh (now late), I commenced legal proceedings against the Defendant Dowell Lee in The Birmingham County Court before His Honour Judge Gosling. Our case was that the Defendant's "no Turban" rule amounted to discrimination under the provisions of the Race Relations Act 1976. The Defendant contended that Plaintiffs being Sikhs did not enjoy the protection of the Race Relations Act 1976 as they were not members of a "racial group" with reference to "ethnic or national origins" within the meaning of the Act. I called Mr. Inderjeet Singh, a former grammar school and a University student, now a radio broadcaster, editor of a quarterly Sikh magazine and a J.P. as a credible witness along with others in support of my case. On the 10th. December 1980 His Honour Judge Gosling in accepting the Defendants contention dismissed my claim.

In early 1982 my son and I appealed to the Court of Appeal. Lord Denning, on the 29th. July 1982 dismissed the appeal, holding that the Sikhs were not a "racial group" defined by ethnic origins under the Race Relations Act 1976 thereby up holding the rule of "no Turban" in a Christian school. Lord Denning further belittled the Sikhs by associating them with a cult such as hippies and monies. We felt heartbroken and in a state of utter despair

This decision did not only affect my son and I, but the entire Sikh community globally. I felt that I could not handle this case by myself. It became necessary to consult and involve the Community. I, in deference, approached Sant Baba Puran Singh Ji, an eminently revered holy person, a spiritual leader of the Sikh Community, and the founder of Guru Nanak Nishkam Sewak Jatha Birmingham U.K. for assistance to champion this most important cause.

Sant Baba Puran Singh ji invited the community to pray to the Almighty Lord for success, and instructed Bhai Sahib Norang Singh Ji of Guru Nanak Sewak Jatha Birmingham U.K. to take necessary steps to voice the concerns of the community. Guru Nanak Nishkam Sewak Jatha Birmingham U.K. mounted a major campaign to air the concerns of the Sikh Community. Literature about Sikhism and the importance of the Turban was sent far and wide.

A Petition signed by more than 75,000 people against this ruling was presented to the then Prime Minister The Right Honourable Margaret Thatcher at 10 Downing Street by Sant Baba Puran Singh Ji accompanied by other eminent Sikh Leaders. There were protest marches all over the U.K. against this ruling. A Public rally was organised in the Hyde Park London on Sunday the 10th. October 1982 which was attended by more than 40,000 protesters from all communities. Eminent people of diverse faiths, Political and spiritual leaders including Sant Baba Puran Singh Ji addressed this meeting.

Members of Parliament and other important persons were lobbied for support. Letters of support from major Sikh organisation locally and globally were received. It soon became a matter of major concern with the members of Parliament as Parliament had never intended that the Sikh community should not enjoy the protection of the Race Relations Act 1976. Members of Parliament began to make contingency plans that in the event the courts not supporting this matter, they would move to pass a Bill in Parliament seeking such amendments to the Act that would give protection to the Sikh community. They had to wait until the appeals procedure had been exhausted.

On the 18th. November 1982 leave was granted to us to Appeal to the House of Lords, and an Appeal filled. The points in issue were:-

1. Did the Sikhs enjoy the protection of the Race Relations Act 1976 as being a "racial group" defined by ethnic origins under the Act
2. Was there direct discrimination
3. Was there indirect discrimination
4. Was there discrimination other than by employers

The Appeal was heard by The Law Lords, Lord Fraser of Tullbelton, Lord Edmund Davies, Lord Roskill, Lord Brandon of Oakbrook and Lord Templeman. On the 28th. Feb, 1st. and 2nd. March 1983, and the Judgment was pronounced on the 24th. March 1983

The House of Lords allowed the appeal holding that the Plaintiff had been discriminated against under the Act and Defendant's rule of "no Turban" could not therefore apply. This meant that my son could go to any school with his Turban and uncut hair.

Lord Fraser said "The evidence in my judgement shows that the Sikhs are a distinct and self-conscious community. They have a history going back to the fifteenth century. They have a written language they were at one time politically supreme in the Punjab. The Sikhs are a "racial group" defined by reference to ethnic origins for the purpose of the 1976 Act."

Lord Templeman endorsed the finding and further stating that the Sikhs had been found to be "more than a religious sect, they were almost a race and almost a nation"

Legal history was made, and so was history made for the Sikh Community

Sewa Singh Mandla
29th January 2008

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