

KNOW YOUR RIGHTS



Recognize the Human Race as One

WWW.UNITEDSIKHS.ORG
CONTACT@UNITEDSIKHS.ORG
Tel: 1-646-688-3525

KNOW YOUR RIGHTS



Knowing your rights empowers you as an individual and strengthens the Sikh community. If you feel that your rights have been violated or compromised there are many outlets to turn to including UNITED SIKHS.

Report online:

<http://unitedsikhs.org/reporthe.php>

or **CONTACT US** immediately at:

UNITED SIKHS' North America Address:
JAF, POB 7203, New York, NY 10116, USA
Tel: 1-646-688-3525
Toll-free: 1-888-243-1690 (U.S. Only)
Fax: 1-810-885-4264
Email: unitedsikhs-usa@unitedsikhs.org

Your rights are very important. Never compromise them or remain silent. There are many organizations and advocates ready to fight for you!

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AIRPORTS – YOUR RIGHTS WHILE TRAVELING

Although it is illegal for law enforcement officers to perform any stops, searches, detentions or removals based solely on your race, national origin, religion, sex or ethnicity, Customs and Border Protection officials have the authority to stop you based on citizenship or travel itinerary, and search all bags. However, learning about your rights when traveling can make going through security checkpoints much easier.

Q: Can law enforcement officers stop and search me upon entering the United States?

A: Yes. Customs officers reserve the right to detain and search any person or item. However, such searches cannot be done based on race, gender, religion, or ethnic background. To ensure smooth traveling, be sure to carry any passport, green card, or valid immigration status documents with you at all times.

Q: What sorts of items may be searched and what procedures should I take?

A: Law enforcement officers can search any item in your bag, including but not limited to, your laptop and the files within. These officers also reserve the right to make copies of any information stored on your laptop. If you encounter a search that you believe to be too pervasive, write down the names, badge numbers, and agency of any officer involved in the search. A complaint with the agency should be filed shortly thereafter.

Q: Can I be searched after going through metal detectors?

A: Yes. Screeners reserve the authority to conduct any further search thought necessary to ensure safety.

Q: What rights do I have if I wear a religious head covering?

A: You have the right to wear religious head coverings; this includes a turban. You should assert your right to wear your religious head covering if asked to remove it.



Image 2

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Q: What if my head covering does cause the metal detector alarm at the airport?

A: The current TSA policy allows TSA officers to use a hand-wand around the head covering to confirm that it is not the cause of the metal detector alarm. The TSA officer has the right to conduct a pat-down search. You hold the right to have such a search conducted in a private area. If you do not want the TSA officer to pat down your religious head covering, you may conduct your own pat down in the presence of a TSA officer. The TSA officer would then rub your hands with a small cotton cloth and place it in a machine to test for chemical residue. If you pass this chemical residue test, you should be allowed to proceed to your flight.

Q: What if my head covering does NOT cause the metal detector alarm at the airport?

A: The TSA officer may still determine that additional screening is necessary, but only based on non-discriminatory reasons. If so, you have the same rights as stated in the answer above with regard to the search being conducted in a private area.

Q: Am I allowed to travel with other religious accessories?



A: You may request a hand inspection for important religious items. If it is decided that the item is prohibited from the cabin of the aircraft, the TSA officer will ask that you place it in your checked baggage. If the item is delicate or fragile, you should inform the TSA official so that he or she may handle it accordingly.

NOTE: Presently, the *kirpan* is not permitted through TSA security checkpoints. TSA advises that you place *kirpans* in your checked baggage.

Q: What if I am selected for a strip search?

A: A strip search must be supported by “reasonable suspicion,” and must be done in a private area. “Reasonable suspicion” cannot be based on age, gender, or religion.

Q: If I am on an airplane, can an airline employee interrogate me or ask me to get off the plane?

A: The pilot has the right to refuse transportation to any passenger if it is believed the passenger is a threat to the safety of the flight. The pilot’s decision must be reasonable and based on clear observations.

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Q: What do I do if I suspect I am on a “no-fly” or other “national security” list?

A: If you believe you are mistakenly on a list you should contact the Transportation Security Administration and file an inquiry at: <http://www.dhs.gov/dhs-trip>. You can also seek help with UNITED SIKHS.

Q: If I am selected for a longer interview when I am coming into the United States, what can I do?

A: If you are a U.S. citizen, you have the right to have an attorney present for any questioning. If you are a non-citizen, you generally do not have the right to an attorney when being questioned about your immigration status. However, you do have the right to an attorney for questions regarding any other matter. If you are not a U.S. citizen and are told that you cannot come into the U.S., but you fear that you will be persecuted or tortured if sent back to the country you came from, tell the officer about your fear and request asylum.



Q: What else should I do if I believe I am being discriminated against because of my race, ethnicity, or religion?

A: The most important thing is to record all details of the incident immediately. Be sure to note the airport, airline, flight number, and the names and badge numbers of any law enforcement officers or airline personnel involved. Also, write down the treatment, types of searches conducted, length and conditions of detention, and information of any witnesses you may have. This will greatly assist any individual who investigates your complaint, enhancing your odds of receiving a satisfactory resolution. Lastly, file a complaint with the U.S. Department of Transportation at:

<http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>.

If you need additional help, feel free to contact UNITED SIKHS for assistance.

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INTERACTING WITH POLICE

Generally, the presence of law enforcement is a great thing. Their job is to protect and serve the public. However, at times, an encounter with police may not be a good experience and it may be important to know of your specific right. Just remember, regardless of what you believe your rights to be, always remain calm and polite. If the officer still becomes aggressive or intimidating, be sure to ask for an attorney.

STOP AND FRISKS

Q: What should I do if law enforcement officers stop me on the street?

A: If an officer questions you, you DO NOT have to answer any questions. Simply state, “I do not want to talk to you.” You may then ask the officer if you are free to go. If they answer yes, then just walk away. Never run from police. If the officer states that you are not free to go, then you are being detained. This is not an arrest and should not last for an unreasonable length of time.

Q: What should I do if law enforcement officers stop me in my car?

A: Keep your hands where the officer can see them. If asked to provide documents, you must show the officer your driver’s license, registration, and proof of insurance. In some instances, officers may ask you to step out of your car or they may separate all passengers and question them individually. In these instances you DO NOT have to answer any questions. If an officer asks to search your car, you DO NOT have to consent. Without a warrant or consent, a car can only be searched if there is probable cause that you have been or are likely to engage in a criminal activity.

Q: Can law enforcement officers perform a search and frisk?

A: If the police detain you and have a “reasonable suspicion” that you may be carrying a weapon, they have the authority to perform a pat down. This should simply be a patting of your outside clothing. If the officer goes further, clearly state “I do not consent to a search.” If the officer



Image 5

continues searching despite what you have stated, DO NOT physically resist. The officer is now in violation of the law and a lawyer can later assist you in filing a proper claim against the officer. However, if you struggle or are uncooperative it will be much more difficult to fight the officer’s wrongful actions.

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Q: Can law enforcement officers take off my turban?

A: When conducting a search and frisk, officers may pat down a religious head covering. If there are no safety concerns or needs to retrieve evidence, then officers cannot remove religious head coverings during a search. If it is necessary to remove the head covering, state that your religion requires you to wear the head covering at all times and request special accommodations for religious reasons. In these instances, the officers removing your religious head covering must be of the same sex and must conduct the removal in private and respectfully. Once the search is complete, officers must allow you to replace your head covering at the earliest convenience.

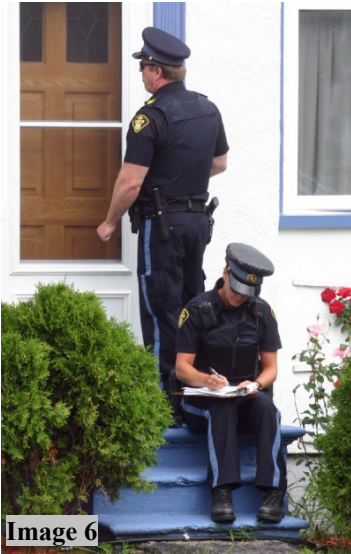


Image 6

Q: Do I have to answer questions if I have been arrested?

A: If you have been arrested, you DO NOT have to answer any questions. The arresting officer is required to inform you of your rights. UNITED SIKHS highly suggests that you exercise these rights fully. You should ask for a lawyer right away, and repeat this request to every officer that talks to or questions you. It is usually a good idea to talk to a lawyer before answering any questions.

Q: What should I do if I am treated badly by law enforcement officers?

A: Keep a record of important details. Write down the badge number, name, and any other identifying information of all officers involved. If there are any witnesses, ask for their names and phone numbers. If you have been injured, seek immediate medical attention and take pictures of the injuries as soon as you can. As soon as possible, contact a lawyer and make a complaint to the law enforcement offices that were involved. If you would like assistance, feel free to contact UNITED SIKHS.

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SEARCH WARRANTS

Q: Can law enforcement officers search my home without my consent?

A: Officers can only search your home if they have a warrant or consent. If you are not home, police can get consent from anyone in the house whom has the authority to expressly consent to a search. However, if any cohabitant objects to the search, at any time, then the search is no longer consensual and police must stop and return with a warrant.

Q: Can law enforcement officers search my office without my consent?

A: Again, officers can only search with a warrant or consent. However, at any place of employment, only the employer can give consent. You're your employer gives consent police will be allowed to continue their search, even if you refuse consent.



Q: What is a warrant?

A: A warrant is a legal document signed by a judge that authorizes law enforcement officers to enter a home or building, without consent, in order to conduct a search or make an arrest.

Q: Are there limitations to a warrant?

A: Yes. Warrants are very precise in the authority being granted and law enforcement officers must strictly abide to the restrictions listed within. A search warrant will allow officers to enter a specified home or building to look for and seize specific items identified in the warrant. An arrest warrant will authorize law enforcement officers to take a specific person into custody. If you are being searched or arrested based on a warrant, remain calm and politely ask to see the warrant. If you notice that any information is wrong, respectfully inform police of the error.

Q: What kind of information should be on the warrant?

A: The warrant should contain the judge's name, your name and address, the date, the address and specific area that will be searched, description of items being searched for, and the agency's name that is instating the search and/or arrest.

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Q: Does my name need to appear on the warrant or is a description suitable?

A: Your name need not appear on a warrant for it to be carried out. If the description of the suspect has enough detail that identifies you, than an arrest warrant can be carried out. Similarly, if the correct address and description of building are listed, a search warrant can be carried out without a name.

Q: What steps should I take if law enforcement officers come to my place of residence?

A: You should never open the door without asking who is on the other side first. If it is a law enforcement officer, do not be scared to ask if they have a search warrant. If the officer does not, kindly let them know you do not want to talk to them. If they do have a warrant, ask to see it and check to ensure that all information is accurate. If the warrant is complete and accurate, you can request to watch the search and take copious notes of the officers' actions.



Q: Does a warrant submit me to answer questions presented by a law enforcement officer?

A: No. You have the right to an attorney and will never be required to answer police questioning.

Q: What if law enforcement officers come without a warrant and insist on searching my residence without consent?

A: It is generally suggested that you not interfere with law enforcement officers as you could become subject to an arrest. Rather, continue to clearly state that you have not given consent to any type of search. If there is a witness present, let it be known to them that you are not authorizing the search. Monitor all police action and keep a record of all names, badge numbers, and agencies involved. Afterwards, call a lawyer as soon as possible. You can also contact UNITED SIKHS for assistance.

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HATE CRIMES

Reporting hate crimes assists local authorities in tracking violence towards specific social groups. The FBI is also required to keep specific stats on all reported hate crimes after the passage of the Matthew Shepard and James Byrd, Jr. Act in 2009. It is important that all hate crimes are reported so that authorities can allocate the necessary resources to protect the affected groups. Do not continue to be a victim, report hate crimes immediately.

Q: What is a hate crime?

A: Hate crimes are any threats or acts of violence that are intended to intimidate a particular group or community. The attacker must have acted with malice and with specific intent based on a certain trait (e.g. religion, race, etc.) The intimidation can take several forms, such as physical violence, destruction or defacing of private property, or a simple threat.

Q: What should I do if I have been the victim of a hate crime?

A: Report the crime and its underlying reasoning to local authorities immediately. Nearly all states (except for Arkansas, Georgia, Michigan, South Carolina, and Wyoming) have hate crime laws that provide enhanced penalties for crimes that target particular social groups. Even if you live in a state that does not have a hate crime statute, there are still criminal charges that can be filed against your attacker. Do not allow targeted violence to go unreported. Call your local police precinct immediately.

Q: Do I have any other options?

A: You may also have several options of pursuing a civil action against your attacker. This is if you are wishing to receive payment for injury or damages to property. You can always contact UNITED SIKHS if you feel that you have been a victim of a hate crime, as well as many other organizations, which can assist you in reporting or filing suits where necessary.



Image 9

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DISCRIMINATION

DISCRIMINATION AT WORK

Discrimination against Sikhs can take several different forms. Examples of discrimination in the workplace can include not being hired, not given the same opportunities as others, or even being forced to go against your faith in numerous ways. Perhaps you also face hostility from your co-workers. All of these are valid forms of discrimination. However, you are not powerless. Federal law makes it illegal for an employer to discriminate against an employee on the basis of religion, race, or national origin.

Q: What does Title VII of the 1964 Civil Rights Act guarantee me?

A: Several things!

1. Reasonable religious accommodations

This may include wearing a turban, having a beard, or the need for prayer breaks. As long the request does not impose an undue hardship on your employer, Title VII ensures that an employer has a legal obligation to grant the request.

2. Fairness in hiring, firing, and promotions

Employers are prohibited from considering race, national origin, or religion when making decisions affecting you at work.

3. Non-hostile work environments

Your employer must ensure that you are not subjected to insults, harassment or unwelcome activities.

4. No retaliation - Federal law

Guarantees your right to report an act of alleged employment discrimination. It is illegal for your employer to retaliate against you for your complaint.



Q: How should I report employment discrimination?

A: Often, the quickest solution to the situation can be found within your company. Remain calm and polite while you inform the offending party that their actions are discriminatory and unwelcome. This can be a quick solution if the offender is understanding. If this is unsuccessful or you feel uncomfortable confronting the offending party, report the discrimination in writing to company management with detailed descriptions of the discrimination.

NOTE: DO NOT sign any documents or resign from your position without first consulting an attorney.

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Q: Is there anyone outside my company that I can report employment discrimination to?

A: Yes. If you are in an environment where your employer may be the one performing the harassment or is encouraging your co-workers, you can contact the EEOC at <http://www.eeoc.gov/employees/charge.cfm> to file a charge of discrimination. You may also contact UNITED SIKHS with all of your questions concerning EEOC claims.

Q: Can anything make reporting and investigating employment discrimination easier?

A: Yes. Always document the discrimination by saving memos, keeping a detailed journal, noting the presence of witnesses, and making written complaints. Make sure to keep copies of all materials, as it is important to keep a paper trail of evidence.



Image 11

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DISCRIMINATION AT SCHOOL

Many of this country's youth face unfavorable conditions daily when they go to school. Whether this is due to discrimination from a school official or bullying from the student's classmates and peers, it can often leave both students and parents feeling hopeless. Therefore, it is important to know your rights in order to speak out and act against discrimination within the education system.

ALSO, be careful of deadlines! If you are disciplined for a reason that you believe to be unjust, you typically must request a hearing to challenge the disciplinary action very quickly. In many schools you are required to file this challenge within three days or you could lose your right to a hearing.

Q: Where can I find my school's policy on discrimination and harassment?

A: Every school is required to have a written procedure for responding to these types of complaints. There should be information posted in your school and also printed in the school's handbook about how you can report discrimination and harassment. If you cannot find the information or have a specific question about your rights and cannot find an answer, talk to your school counselor or teacher to see if they can help you. You can also contact UNITED SIKHS to see if we can help.



Q: Can a school prohibit a student from wearing religious articles?

A: Schools may not prohibit religious attire in general, and they cannot single out a specific religion by forbidding certain attire. As a student, you have a right to express religious viewpoints and wear religious symbols, as long as those expressions don't disrupt school activity. For example, Sikh children wear a turban and some carry the *kirpan*. Schools cannot ban Sikh attire in general, but some schools have banned the *kirpan*, citing safety reasons. Other schools have made exemptions to allow the *kirpan* if it is within a certain size and worn discreetly. Educational facilities should never prohibit the turban.

Q: What if I am being forced to participate in the activities of another religion?

A: Schools are not allowed to conduct or promote religious activities, including prayer or religious devotionals. Schools may teach about religion in the context of literature, history, or culture, but they cannot favor one religion over another, or, force anyone to believe in, observe, or practice a religion. You have the right to be excused from class discussions or activities that you find to be religiously objectionable. You also have the right to be excused from school for religious holidays. You should be sure to inform the school in advance of the reason for your absence.

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Q: Can I start a religious or political organization at my school?

A: Yes. You have the right to inform others about your religion or political views as long as you exercise this right in a manner that is not disruptive to the normal school day. You should be allowed to start a student group or even organize student-led prayer on campus. Religious and political activity, however, can never be intended for a captive audience, such as school assemblies, football games or graduations. No one should ever feel compelled to participate in religious or political activity. In addition, school



staff, cannot be involved in student prayer or it becomes an endorsement by the school and therefore unconstitutional.

Q: If I encounter a problem at school, whom should I go to for help?

A: If you want help in understanding something you think is unfair, you might start with a teacher or counselor. If your problem involves a teacher, school employee, or school activity, you should go to the principal or school counselor. If your problem is with the principal, or if the principal is not helping you, your next step may be to contact the superintendent or the school board. If at any point the school gives you anything in writing or if you submit anything in writing yourself, be sure to keep copies. This information can later be helpful if complaints with the Department of Justice and the Department of Education become necessary. UNITED SIKHS can help you file these complaints.

Q: What if I am seeking to change a specific district policy?

A: Only the school board can make changes to district policies. A great way to begin this process is to speak with your school's principal or the superintendent for your child's school district.

Q: What is considered bullying?

A: Bullying can be physical, verbal, or indirect. If an act is frightening, threatening, or harmful to a student, it is more than likely to be considered bullying. Federal law ensures that schools are required to address this type of conduct, especially if it is severe, extensive, or persistent. No student should ever face a hostile environment at school. If the bullying is sufficiently serious that it interferes with or limits a student's ability to participate in any school activity, then immediate action should be taken so as to guarantee that every student receives an opportunity at education.

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Q: What can I do about bullying as a student?

A: The most important thing to realize as a student is that you have rights and there are people willing to fight for those rights. Never be scared of reporting school bullying. If you feel comfortable enough, report the harassment to a teacher or other school official that will listen. If that teacher does not want to assist you, tell a parent or guardian. Lastly, if you do



Image 14

not want to speak with family about your troubles at school, there are numerous organizations, including UNITED SIKHS, which are available to help.

NOTE: There are many new laws in place to protect students. After you report the harassment, your school should implement measures that will ensure your safety and prevent retaliation from the bullies.

Q: What can I do as a parent?

A: As a parent of a student who is being bullied, it is often distressing to see their pain. However, realize that you have many possible routes in assisting your child and can often be their greatest ally. Speak with your child's teachers and principals. Demand that the school review its anti-bullying policies. Ask the teachers to identify the bullies and demand protection from those identified individuals. If the school is unaware of the bullying, ask them to keep a closer watch on your child's situation. If necessary, express your concern about your child's safety to the superintendant and school board.

Q: What if the school appears unwilling to help my student?

A: If the school is deliberately indifferent, is not trying very hard to stop the harassment, or is performing the discrimination, then the school itself may be violating the law. At this point you should file a complaint with the Department of Justice and the Department of Education. You can always contact UNITED SIKHS for assistance.

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