

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

Please provide information on the following:

- 1. Formation, history, leadership, ideology, affiliations, activities, structure and membership of Akali Dal (Mann) / Akali Dal (Amritsar);**
- 2. Treatment of leaders, activists, ordinary members and supporters by the authorities and/or opposition parties; and**
- 3. Feasibility of internal relocation for members of the party.**

RESPONSE

1. Please provide information on the formation, history, leadership, ideology, affiliations, activities, structure and membership of Akali Dal (Mann) / Akali Dal (Amritsar).

The Election Commission of India lists the Akali Dal party led by Simranjit Singh Mann as SAD(M), Shiromani Akali Dal (Simranjit Singh Mann). The party is usually named in media reports as Shiromani Akali Dal (Mann) (SAD(M)) or Shiromani Akali Dal (Amritsar) (SAD(A)). According to *The Political Handbook of the World*, the party is a splinter Akali Dal group, formed in the mid-1990s by Simranjit Singh Mann, a former Indian Police Service (IPS) officer. Further background on Mann and his party is given below. The main stance of the party and Mann appears to be an independent Sikh nation (Khalistan). The party merged in 2006 with Shiromani Khalsa Dal, led by Daljit Singh Bittu, a former militant. Bittu became vice-president of SAD(A). In 2007, Mann dismissed Bittu from the party, stating in a subsequent letter that Bittu and others were making the party the vehicle for their violent actions, and that he (Mann) did not want the party to become the targets of state violence. A number of leaders resigned in protest at Bittu's dismissal. Bittu formed a SAD(A) splinter

group, Shiromani Akali Dal Amritsar (Panch Pardhani). An article written after the split reports Bittu's allegations that SAD(A) had become a "one-man show". Mann's group is often described as "radical", and included with other "radical Akali groups", although exactly what radical activities the group engages in, aside from "raising pro-Khalistan slogans", is not explained. A September 2007 *Hindu* article features an ex-militant (Navtej Singh) discussing his militant past and his present "political work for the small SAD faction led by Simranjit Singh Mann". Navtej Singh states that these days he hopes to persuade "people through ideas, not guns". Mann tends to emphasise that the fight for Khalistan should be done in a non-violent manner. *Express India* reported him saying in a speech during the June 2008 anniversary of Operation Bluestar that "Sikhs would not fight for separate state with bullets but with ballot" (Election Commission of India 2007, 'Statistical Report on General Election, 2007 to the Legislative Assembly of Punjab', Election Commission Of India website, p. 1 http://www.eci.gov.in/StatisticalReports/SE_2007/Stat_rep_2007_PB.pdf – Accessed 20 February 2009 – Attachment 1; Banks, A.S. & Muller, T.C. & Overstreet, N.R. (eds) 2007, 'India', in *Political Handbook of the World* (2007), CQ Press, Washington D.C., pp. 539&541 – Attachment 2; 'SKD merges with SAD (Amritsar)' 2006, *The Tribune* website, 7 June <http://www.tribuneindia.com/2006/20060608/punjab1.htm#6> – Accessed 8 January 2007 – Attachment 3; for information on the dismissal of Bittu, see: 'Text of S. Simranjit Singh Mann's letter' 2007, Shiromani Akali Dal Amritsar website, August http://www.akalidalamritsar.com/punjab/Aug_2007/qhs20070825.htm – Accessed 6 September 2007 – Attachment 4; see also: Mehak, G. 2007, 'Ghulumajra Becomes Officiating President Of SAD(Amritsar) In Fatehgarh Sahib', *Punjab Newslines*, 1 September <http://www.punjabnewslines.com/content/view/5473/38/> – Accessed 6 September 2007 – Attachment 5; for description of SAD(A) as "one man show", see: Singh, J. 2007, 'Bhai Daljit Singh extricates Akali Dal (Amritsar) from one-man party system', Sikh Sangat News website, 8 December <http://www.sikhsangat.com/index.php?showtopic=32813> – Accessed 21 April 2009 – Attachment 6; for examples of reportage describing Mann's party as "radical", see: Pubby, V. 2009, 'Last two faces of guilt: why Cong decided to cut its losses', *Indian Express*, 10 April <http://www.indianexpress.com/news/last-two-faces-of-guilt-why-cong-decided-to-cut-its-losses/445289/> – Accessed 21 April 2009 – Attachment 7; Singh, G. 2009, 'Sleeping With The Enemy', *World Sikh News*, 1 April <http://worldsikhnews.com/1%20April%202009/Sleeping%20With%20The%20Enemy.htm> – Accessed 21 April 2009 – Attachment 8; 'Mann announces to celebrate Sant Bhindrawala's birthday [sic] in big way' 2008, *Punjab Newslines*, 14 January <http://www.punjabnewslines.com/content/view/7829/38/> – Accessed 21 April 2009 – Attachment 9; Swami, P. 2007, 'The road home from Khalistan', *The Hindu*, 27 September <http://www.hindu.com/2007/09/27/stories/2007092756051200.htm> – Accessed 21 April 2009 – Attachment 10; Rataul, D. 2008, 'Bluestar anniversary: Mann raises pro-Khalistan slogans', *Express India*, 6 June <http://www.expressindia.com/latest-news/bluestar-anniversary-mann-raises-prokhalistan-slogans/319532/> – Accessed 21 April 2009 – Attachment 11).

A Nationalism and Ethnic Politics paper gives early background on Akali Dal:

Shiromani Akali Dal (henceforth the Akali Dal) has been the most prominent Sikh political organization. It was formed (albeit under a different name) on 14 December 1920 at the Akal Takht, within the Golden Temple complex at Amritsar. The leader of the Akali Dal is called a "Jathedar." Since its inception, it has controlled the Shiromani Gurdwara Parbandhak Committee (Central Gurdwara Management Committee, or SGPC). Between 1930 and 1940, the Akali Dal struggled for communal Sikh rights. In 1946 it launched agitation for an independent, sovereign Sikh State but obviously failed to achieve this goal. In subsequent decades, some of the voting block of the Akali Dal was ceded to the Congress party. The

Akali Dal launched two agitations for the formation of a Punjabi-speaking province, Punjabi Subah, in 1955 and 1960. The Akali Dal also supported the movement for Khalistan between 1980 and 1992. By the early 1990s, the Akali Dal had fragmented into a number of groups that argued for varying degrees of sovereignty and/or integration within federal India (Fair, C. 2005, 'Diaspora involvement in insurgencies: Insights from the Khalistan and Tamil Eelam movements', *Nationalism and Ethnic Politics*, vol. 11, p. 151

http://home.comcast.net/~christine_fair/pubs/Diasporas.pdf – Accessed 21 April 2009 – Attachment 12).

The Political Handbook of the World (2007) gives some background on Akali Dal, stating:

Prior to the June 1984 storming of Amritsar's Golden Temple, leadership of the Sikh agitation had effectively passed from the *Akali Dal* to the more extremist followers of Jarnail Singh Bhindranwale. In July 1985, a year after Bhindranwale's death, the moderate *Akali Dal* leader, Harchand Singh Longowal, concluded a peace agreement with Prime Minister Rajiv Gandhi, but he was assassinated in August.

In May 1986 a number of *Akali Dal* leaders, including Parkash Singh Badal, a former chief minister, withdrew to form a separate party that was recognized as a distinct formation within the state assembly. In February 1987 the two breakaway factions agreed to reunification under the leadership of **Simranjit Singh Mann**, a former police official. Factionalism nevertheless persisted. In 1994-1995 the Sikh religious leadership, under Manjit Singh, attempted to unify the party, with half a dozen of the more distinctly nonsecular factions – the most notable exception being the Badal group – adopting an "Amritsar declaration" and briefly appending "Amritsar" to their collective identity. However, Mann, asserting that other party leaders were not abiding by the declaration, subsequently formed a separate party (Banks, A.S. & Muller, T.C. & Overstreet, N.R. (eds) 2007, 'India', in *Political Handbook of the World (2007)*, CQ Press, Washington D.C., p. 539 – Attachment 2).

Further,

Shiromani Akali Dal (Mann) – SAD(M). The SAD(M) was formed by radical *Akali Dal* faction leader S.S. Mann in the mid-1990s because, he claimed, other leaders had failed to adhere to the 1994 Amritsar declaration...At the time, the party was also known as the SAD (Amritsar). Mann successfully competed for a *Lok Sabha* seat in 1999. In 2004 the party ran six candidates, all unsuccessful. In June 2005 Mann was arrested for sedition for advocating establishment of Khalistan, a Sikh homeland.

Leaders: Simranjit Singh Mann, Jagmohan Singh (General Secretary) (Banks, A.S. & Muller, T.C. & Overstreet, N.R. (eds) 2007, 'India', in *Political Handbook of the World (2007)*, CQ Press, Washington D.C., p. 543 – Attachment 2).

Some background to Akali Dal and Simranjit Singh Mann is given in *Revolutionary and Dissident Movements of the World*. This details how Mann, accused as the "co-ordinating mastermind behind the plot" to assassinate Indira Gandhi, was arrested in 1984. In 1989 he "was elected by a large majority while still in prison and his Akali Dal (Mann) faction won six out of the 13 Punjabi seats. One of the last actions of the outgoing Congress (I) government was to release Singh Mann on Dec. 2 and drop all conspiracy charges against him" (Curtis, Tim 2004, 'India', in *Revolutionary and Dissident Movements of the World*, 4th edition, ed. B. Szajkowski, John Harper Publishing, London, pp. 180-181 – Attachment 13).

When Mann was arrested on charges of sedition in 2005, *Rediff News* reported the following:

Mann, now in his sixties, resigned from the Indian Police Service in protest against Operation Blue Star in June 1984.

He was named in the assassination of former prime minister Indira Gandhi, but investigations could not substantiate the charges and hence he was not prosecuted in that case.

Mann contested on an Akali Dal ticket from Tarn Taran constituency in 1989 from jail and he won his seat with the highest margin. He refused to enter the parliament on the ground that he was not allowed to carry his Kirpan inside the house.

Mann's latest words give a new twist to the now non-existent Khalistan movement. He is talking of forming the state by merging areas of Punjab from both Pakistan and India.

"Whenever he is short of money, he resorts to these gimmicks, but he knows that nobody would take him seriously except those in power," said a senior journalist of a leading newspaper of Punjab.

When Chandershekhar was the prime minister, he invited Mann to hold talks. But before anything concrete could take shape, the Chandershekhar government fell and Mann was found struggling to keep his party alive. Now his SAD is known as SAD-Amritsar (Singh, O. 2005, 'Simranjit Singh Mann held for Sedition', *Rediff News* website, 14 June <http://www.rediff.com/news/2005/jun/14onk.htm> – Accessed 5 July 2006 – Attachment 14).

Punjab Newslines provides a brief history of Akali Dal factions and splinter groups:

Akali Dal's history is also full of divisions and factionalism. Each faction claims to be the real Akali Dal. As of 2003, the SAD headed by Parkash Singh Badal was the largest faction and the one recognized as having the name SAD by the Election Commission of India. Other factions have included Sarb Hind Shiromani Akali Dal led by Gurcharan Singh Tohra, Shiromani Akali Dal (Simranjit Singh Mann) (also called SAD (Amritsar)), and Shiromani Akali Dal (Panthik) led by Amarinder Singh (which later merged with Congress), Shiromani Akali Dal Delhi, Shiromani Akali Dal (Democratic), Haryana State Akali Dal and the Shiromani Akali Dal (Longowal) and Shiromani Akali Dal Amritsar (Punj Pardhani).

The basic philosophy of Akali Dal is to give political voice to Sikh issues (Panthic cause) and it believes that religion and politics go hand in hand. It's major vote bank is majority of 65 percent Sikh population in the state (Bains, S. 2008, 'Sukhbir Badal becomes youngest president of Shiromani Akali Dal', *Punjab Newslines*, 31 January <http://www.punjabnewslines.com/content/view/8203/38/> – Accessed 21 April 2009 – Attachment 15).

The Shiromani Akali Dal (Amritsar) website, which appears to be under construction, states that the party is "fighting for Sikh's rights and independent, sovereign, buffer state between nuclear Hindu India and nuclear Islamic Pakistan" ('Welcome to the Official Website of Shiromani Akali Dal (Amritsar)' (undated), Shiromani Akali Dal (Amritsar) website <http://www.akalidalamritsar.org/> – Accessed 21 April 2009 – Attachment 16).

The website gives a list of office bearers ('Office Bearers' (undated), Shiromani Akali Dal (Amritsar) website http://www.akalidalamritsar.org/office_bearer.html – Accessed 21 April 2009 – Attachment 17) and a list of district Jathedars (religious leaders) ('District Jathedar' (undated), Shiromani Akali Dal (Amritsar) website <http://www.akalidalamritsar.org/jathedar.html> – Accessed 21 April 2009 – Attachment 18).

During an interview in June 2008, Punjab Chief Minister Parkash Singh Badal disparages Mann, saying his party "hardly exist[s]" ('Govt has a rule that only a fixed percentage can join Army from a state. This quota must go' 2008, *Indian Express*, 30 June <http://www.indianexpress.com/news/govt-has-a-rule-that-only-a-fixed-percentage-can-join->

[army-from-a-state.-this-quota-must-go/329055/1](http://www.indianexpress.com/news/army-from-a-state.-this-quota-must-go/329055/1) – Accessed 21 April 2009 – Attachment 19).

A June 2008 *Express India* article states that Mann had “faced successive defeats in the elections” (Rataul, D. 2008, ‘Bluestar anniversary: Mann raises pro-Khalistan slogans’, *Express India*, 6 June <http://www.expressindia.com/latest-news/bluestar-anniversary-mann-raises-prokhalistan-slogans/319532/> – Accessed 21 April 2009 – Attachment 11).

A recent *Indian Express* article states:

Again in 2007, when the Akalis – in alliance with the BJP – won the Assembly elections, radical leaders were conspicuous by their absence in the Assembly. The Akali Dal faction led by Simranjeet Singh Mann was trounced with none of its candidates, including Mann, able to save even their security deposits. Almost all radical leaders had contested under Mann’s Akali Dal (Pabby, V. 2009, ‘Last two faces of guilt: why Cong decided to cut its losses’, *Indian Express*, 10 April <http://www.indianexpress.com/news/last-two-faces-of-guilt-why-cong-decided-to-cut-its-losses/445289/> – Accessed 21 April 2009 – Attachment 7).

An article from *The Tribune* found on the party website states the following in regard to the national Lok Sabha elections being held in India:

Mann said his party would contest LS elections on several issues, including war against poverty and unemployment, injustice to minorities and development of the state. He said his party had been increasing its base as workers of the Shiv Sena (Hindustan) and the Lok Bhalai Party (LBP) had today joined the SAD (A) here (‘Mann offers ticket to Jarnail’ 2009, Shiromani Akali Dal (Amritsar) website, source: *The Tribune*, 9 April http://www.akalidalamritsar.org/news/news.php?subaction=showfull&id=1239282042&archive=&start_from=&ucat=& – Accessed 21 April 2009 – Attachment 20).

2. Please provide information on the treatment of leaders, activists, ordinary members and supporters by the authorities and/or opposition parties.

Most information on the treatment of members of the SAD(M) party focuses on the treatment of its leader, Mann. As noted above, one article describes the party as a “single-window one-man show that the Akali Dal (Amritsar) had been reduced to for quite some time” (Singh, J. 2007, ‘Bhai Daljit Singh extricates Akali Dal (Amritsar) from one-man party system’, Sikh Sangat News website, 8 December <http://www.sikhsangat.com/index.php?showtopic=32813> – Accessed 21 April 2009 – Attachment 6). Recent reports on incidents involving Mann are set out below, as are previous research responses which look at the treatment of Mann and of ordinary members and activists of the party. These are set out below. The most recent information on treatment of SAD(M) party members comes from an Immigration and Refugee Board of Canada research response from April 2008, which contains somewhat conflicting advice from academics on whether SAD(A) members are harassed by authorities (Immigration and Refugee Board of Canada 2008, IND102547.E – *India: Whether members of the Akali Dal (Mann) / Akali Dal (Amritsar) party are harassed and arrested for participating in party gatherings, for publicly complaining about the treatment of Sikhs by Indian authorities or for calling for the creation of Khalistan (separate homeland for Sikhs); whether police regard members of the Akali Dal (Mann) party with suspicion and monitor them for signs of any links with terrorism (2005 – 2008)*, 15 April – Attachment 21). Little

more recent information on the situation for ordinary members and activists was found in a search of the available sources.

Simranjit Singh Mann

Available information suggests that Mann has been arrested and jailed numerous times, with the most recent arrest occurring in March 2009. Most of these incidents appear to relate to his demands for an independent Sikh state. A selection of recent media reports relating to arrests and violent incidents involving Mann follows below:

- On 21 March 2009 *Indopia* reports that Mann had been booked by police for “violating model code of conduct”, by addressing a public meeting without permission (‘Police book Mann for violating model code of conduct’ 2009, *Indopia*, 21 March <http://www.indopia.in/India-usa-uk-news/latest-news/529434/National/1/20/1> – Accessed 21 April 2009 – Attachment 22).
- According to a 2008 *Panthic Weekly* article, Mann “has been denied his passport by the Indian courts unless he agrees not to raise the demand for Khalistan when abroad” (Srai, R. 2008, ‘Highlights from International Sikh Conference (UK)’, *Panthic Weekly*, 9 May <http://www.panthic.org/news/124/ARTICLE/4083/2008-05-09.html> – Accessed 21 April 2009 – Attachment 23).
- In June 2008 Mann and other SAD(A) leaders were again arrested for raising pro-Khalistan slogans on the anniversary of Operation Bluestar (‘Two more SAD(A) leaders booked, Mann’s house raided’ 2008, *Outlook India*, 15 June http://www.outlookindia.com/pti_news.asp?id=304623 – Accessed 21 April 2009 – Attachment 24; Rataul, D. 2008, ‘Bluestar anniversary: Mann raises pro-Khalistan slogans’, *Express India*, 6 June <http://www.expressindia.com/latest-news/bluestar-anniversary-mann-raises-prokhalistan-slogans/319532/> – Accessed 21 April 2009 – Attachment 11).
- A February 2008 reports on tensions growing between Mann and activists of a branch of Shiv Sena (Mehak, G. 2008, ‘Tension brews between SAD (Amritsar), Shiv Sena(Hindustan) over Sant Bhindrawala issue’, *Punjab Newslines*, 10 February <http://www.punjabnewslines.com/content/view/8461/38/> – Accessed 21 April 2009 – Attachment 25).
- In January 2008 *Chennai Online News* reported that Mann’s car had been “allegedly attacked by some unidentified persons and his driver was thrashed” (‘Simranjit Singh Mann vehicle attacked’ 2008, *ChennaiOnline News*, 5 January <http://news.chennaionline.com/newsitem.aspx?NEWSID=%7BC85306F3-1CC5-40D2-AD3D-F33CB3A23351%7D&CATEGORYNAME=NATL> – Accessed 21 April 2009 – Attachment 26).
- On 11 January 2008, *Express India* reported that the “High court today released on bail Simranjit Singh Mann, president of Shiromani Akali Dal, Amritsar. Mann was arrested after he had gheraoed orbit buses of the Chief Minister of Punjab. His defence counsel, advocate Ranjan Lakhanpal had contended that Mann was illegally sent to jail as he was never produced before the SDM and given an opportunity to apply for bail” (‘City cops rescue one from drowning’ 2008, *Express India*, 12 January <http://www.expressindia.com/latest-news/City-cops-rescue-one-from-drowning/260589/> – Accessed 21 April 2009 – Attachment 27).

- In December 2007 *The Hindu* reported that activists of both SAD(A) and from a branch of Shiv Sena (Shiv Sena (Hindustan)) were taken into custody as a precaution over fears there would be tensions between the two groups. The article reports “SAD(A) chief Simranjit Singh Mann along with his supporters was arrested in Sangrur, official sources said... ‘Our marches were successful and very peaceful. Still police took us into custody for allegedly violating prohibitory orders,’ Mr. Mann said after his arrest” (‘Partial response to bandh’ 2007, *The Hindu*, 15 December <http://www.hindu.com/2007/12/15/stories/2007121551910300.htm> – Accessed 21 April 2009 – Attachment 28).

A previous research response, dated 11 September 2007, provides details of the arrests of Mann and his followers in 2005 and 2007 (RRT Research & Information 2007, *Research Response IND32228*, 11 September – Attachment 29).

Other party members

Three previous RRT research responses have looked at the treatment of SAD(A) activists and members, as have an April 2008 research response from the Immigration and Refugee Board of Canada and an August 2008 UK Home Office country of origin information report on India. Little further information was found on the recent treatment of activists, ordinary members and supporters by the authorities and/or opposition parties.

A January 2008 article from the *Times of India* reports on the arrest of an executive member of SAD(A) for allegedly plotting terrorist activities (‘Father defends Babbar Khalsa activist’ 2008, *Times of India*, 5 January http://timesofindia.indiatimes.com/India/Father_defends_Babbar_Khalsa_activist/articleshow/2676816.cms – Accessed 21 April 2009 – Attachment 30).

An April 2008 research response from the Immigration and Refugee Board of Canada provides information on: “Whether members of the Akali Dal (Mann) / Akali Dal (Amritsar) party are harassed and arrested for participating in party gatherings, for publicly complaining about the treatment of Sikhs by Indian authorities or for calling for the creation of Khalistan (separate homeland for Sikhs); whether police regard members of the Akali Dal (Mann) party with suspicion and monitor them for signs of any links with terrorism”. The response is reproduced at length:

The Panthic Weekly suggests bias within the police force as members of the Akali Dal (Amritsar) were charged under the penal code during a clash between the Akali Dal (Amritsar) and another political party, the Shiv Sena, in December 2007, while members of the Shiv Sena were allegedly not arrested (*The Panthic Weekly* 19 Dec. 2007).

According to an article in *The Tribune*, several persons participating in a Sikh march were charged under the Indian penal code for “anti-national activities” which included slogans in favour of Khalistan (26 June 2007).

Regarding whether the police regard Akali Dal (Amritsar) party members with suspicion, two academics are of the opinion that members of the Akali Dal (Amritsar) are not, in general, ill-treated (Professor of Anthropology 13 Mar. 2008; Professor Emeritus (Missouri) 27 Mar. 2008). More specifically, a professor of Anthropology at the University of Texas whose area of research includes India stated that, to his knowledge, members of the Akali Dal (Mann) are no longer subject to ill-treatment unless the individual is suspected of terrorism or violent activities by police (13 Mar. 2008). Similarly, a professor emeritus of Political Science at the University of Missouri with extensive knowledge on India stated that outspoken members of

the Akali Dal (Amritsar) are not harassed or arrested for participating in party gatherings, publicly complaining about the treatment of Sikhs by authorities or calling for the creation of Khalistan (27 Mar. 2008).

In 16 July 2007 correspondence, an associate professor of social and cultural anthropology specializing in India noted that

In instances where Akali Dal (Mann) members are suspected of extremism or alleged to have links with extremists and terrorists, state and police closely monitor and, in [some] instances, control their actions, and the treatment accorded [to] them is reportedly severe, including illegal detention and torture, including sexualized violence.

The Associate Professor added that Akali Dal (Amritsar) members are harassed and/or arrested “at certain times” for participating in party gatherings, publicly complaining about the treatment of Sikhs by Indian authorities or calling for the creation of Khalistan (16 July 2007) (Immigration and Refugee Board of Canada 2008, IND102547.E – *India: Whether members of the Akali Dal (Mann) / Akali Dal (Amritsar) party are harassed and arrested for participating in party gatherings, for publicly complaining about the treatment of Sikhs by Indian authorities or for calling for the creation of Khalistan (separate homeland for Sikhs); whether police regard members of the Akali Dal (Mann) party with suspicion and monitor them for signs of any links with terrorism (2005 – 2008)*, 15 April – Attachment 21).

Three previous RRT research responses also provide information on the treatment of SAD(A) members and activists:

- Question 1 of *Research Response IND32228*, dated 11 September 2007, provides background on Mann and Chief Minister Badal, some information Mann’s arrests and treatment of party members, and information on Mann’s split with Bittu (RRT Research & Information 2007, *Research Response IND32228*, 11 September – Attachment 29);
- Question 2 of *Research Response IND32623*, dated 27 November 2007, provides brief information on treatment of SAD(A) party members (RRT Research & Information 2007, *Research Response IND32623*, 27 November – Attachment 31);
- Question 4 of *Research Response IND30331*, dated 12 July 2006, also provides information on the treatment of SAD(A) members (RRT Country Research 2006, *Research Response IND30331*, 12 July 2006 – Attachment 32).

Also of relevance may be the collated information in the section on Sikhs and the Punjab in the most recent UK Home Office country of origin information report for India. This includes sections on militant violence in Punjab and human rights concerns in the state (UK Home Office 2008, *Country of Origin Information Report: India*, 12 August, Sections 20.38-20.58 – Attachment 33).

3. Please provide information on the feasibility of internal relocation for members of the party.

Question 3 of *Research Response IND33034*, dated 13 March 2008, looks at internal relocation for Sikhs (RRT Research & Information 2008, *Research Response IND33034*, 13 March – Attachment 34).

UK Home Office has the following collated information on Internal Relocation for Sikhs, including those who are wanted for suspected militancy:

20.59 As noted in an Immigration and Refugee Board (IRB) of Canada Response to Information Request, dated 18 January 2006, the Indian Constitution allows for freedom of movement of citizens. A human right activist stated that “theoretically, Sikhs can, like others, move and relocate themselves in any part of India that does not come under excluded or restricted zones like some parts in the northeast of India.” [4c]

20.60 After consulting various sources, the same source recorded that:

“Although the majority of Sikhs in India reside in Punjab state...there are many Sikh communities in India located outside of Punjab state... In correspondence to the Research Directorate, a specialist in Indian affairs reported that Sikhs are located in every state in India, and in 579 districts out of a total of 593 districts (23 Nov. 2005). After Punjab state, the next greatest numbers of Sikhs reside in northern Haryana state (1,170,662 persons), northern Rajasthan state (818,420 persons), north central Uttar Pradesh state (678,059 persons), northern Delhi union territory (555,602 persons), northern Jammu and Kashmir state (207,154), central Maharashtra state (215,837 persons), north central Uttaranchal state (212,025 persons) and central Madhya Pradesh state (150,772 persons). Statistics on the Sikh population in India received by the Research Directorate from the World Sikh Organization (WSO), which are drawn from the results of the 2001 Indian census, corroborate the information that most Sikhs live in the states cited above by the specialist in Indian affairs, though the numbers of Sikhs reported by WSO are slightly lower in each state, except for Jammu and Kashmir state, in which the number of Sikhs is considerably higher at 500,000 people... Minorities at Risk, a University of Maryland research project that monitors and analyzes ethnic conflict worldwide, also indicates the presence of Sikhs in the capital Delhi, as do news articles...A professor of Asian studies, with extensive experience in India, commented in a telephone interview with the Research Directorate that Sikh communities are ‘doing quite well’ in various states in India and that they consider these places their home (14 Nov. 2005).” [4c]

20.61 The IRB response continued “Citizens are not required to register their faith in India. Several oral sources consulted for this response commented that Sikhs are able to practise their religion without restriction in every state of India. The central Indian government recognizes Sikhs as one of five religious minority groups and, as such, Sikhs are provided access to ‘various Constitutional guarantees’ for the protection of the rights of religious minorities.” Sikhs hold prominent positions in India, Manmohan Singh is India’s first non-Hindu Prime Minister. (Immigration and Refugee Board of Canada, 18 January 2006) [4c]

20.62 There were no checks on a newcomer to any part of India arriving from another part of India, even if the person is a Punjabi Sikh. Local police forces have neither the resources nor the language abilities to perform background checks on people arriving from other parts of India. There is no system of registration of citizens, and often people have no identity cards, which in any event can be easily forged. “Sikhs relocating from Punjab state to other parts of India do not have to register with the police in their area of relocation, unless they are on parole...” (Immigration and Refugee Board of Canada, 18 January 2006) [4c]

20.63 The Danish Immigration Service fact-finding mission to Punjab, dated March to April 2000, noted “The Director of the South Asia Human Rights Documentation Centre believed that a high-profile person would not be able to move elsewhere in India without being traced, but that this would be possible for low-profile people.” Sources from foreign diplomatic missions in India considered that there was no reason to believe that someone who has or has had problems in Punjab would not be able to reside elsewhere in India. Reference was made

to the fact that the authorities in Delhi are not informed about those wanted in Punjab. [37] (p53)

20.64 The US Citizenship and Immigration Services, in a response to a query (updated on 22 September 2003), noted that:

“Observers generally agree that Punjab police will try to catch a wanted suspect no matter where he has relocated in India. Several say, however, that the list of wanted militants has been winnowed [whittled] down to ‘high-profile’ individuals. By contrast, other Punjab experts have said in recent years that any Sikh who has been implicated in political militancy would be at risk anywhere in India. Beyond this dispute over who is actually at risk, there is little doubt that Punjab police will pursue a wanted suspect. ‘Punjab police and other police and intelligence agencies in India do pursue those militants, wherever they are located, who figure in their lists of those who were engaged in separatist political activities and belonged to armed opposition groups in the past,’ a prominent Indian human rights lawyer said in an e-mail message to the Resource Information Center (RIC) (Indian human rights lawyer 4 May 2003).” [76] (p1)

20.65 The Immigration and Refugee Board (IRB) of Canada indicated in a response paper dated 18 January 2006 that “A professor of Asian studies, commented that in pursuing a wanted individual, it is unlikely that the central Indian authorities will attempt to locate the person in another state, and this is the case with Sikhs...such pursuits have more to do with the profile of the individual than with the faith the individual subscribes to.” A human rights activist consulted said he was not aware of any police sweeps or searches of Sikhs in India on the basis of their religion. [4c]

20.66 The same source indicated that Punjabi, which is the Sikh language, closely resembles Hindi and is also spoken by Hindus and Muslims living in Punjab state. Opinion differs as to whether Sikhs would be understood in all other states as they would understand Hindi, Urdu or English; however others argue that Sikhs would only be understood in certain areas and if the individual only spoke Punjabi then they would only be understood in northern and eastern parts of India, so would have to learn the local language. [4c]

20.67 Sikhs would have unlimited access to housing in localities outside Punjab state to whatever extent they could afford it, as the main factor limiting access to housing is financial rather than religion, according to two sources consulted by the Canadian IRB in their response dated 18 January 2006. The report continues to state that Muslims experience the greatest discrimination in housing, not Sikhs, and although there may be isolated instances of discrimination against Sikhs in terms of housing, it is by no means a common occurrence. Citizens may buy agricultural land only in their state of residence except for Punjab state, where agricultural land may be purchased by Indian citizens living in any Indian state. It was thought by one source that the application of this law was mainly used against Sikhs and other religious minorities. (Immigration and Refugee Board of Canada, 18 January 2006) [4c]

20.68 Upon relocation Sikhs would have indiscriminate access to employment dependent on their skill level. There may be isolated instances where an individual feels discriminated against because of a tendency by some firms to employ locally born and educated people. Sikhs would also have indiscriminate access to health care in states outside of Punjab although access depends largely on their financial situation and their proximity to an urban location. It was also agreed by two sources that Sikhs would have access to education outside of Punjab and again poverty is the main obstacle to education and proximity to an urban area affects the availability of education. (Immigration and Refugee Board of Canada, 18 January 2006) (UK Home Office 2008, *Country of Origin Information Report: India*, 12 August, Section 20.59 – Attachment 33).

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