



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## India

### India – IND39966 – Nai/Rai/Jatt Sikh Castes – Inter-Caste Couples – Relocation – Tracing of Individuals

4 April 2012

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- 1. Do the Nai Sikh, Rai Sikh, and Jatt Sikh castes exist? If so, please provide general information on each, including whether Nai Sikh and Rai Sikh are ever described as being Backward Classes or Other Backward Classes?**

Yes, Nai Sikh, Rai Sikh and Jatt (also Jat) Sikh castes exist.

#### **Nai**

Nai caste is a Hindu caste.<sup>1</sup> According to comments posted on a discussion forum on the website India Culture, which the author claims are from a book published in 1970 titled *Sikhs* by A.H. Bingley, 'Nai Sikh' describes those members of the Nai caste who follow the Sikh religion.<sup>2</sup> Traditionally, Nais are associated with hairdressing, cutting nails, shaving etc., and are described in *People of India: Punjab* as being "just above the Scheduled Castes" but nonetheless a 'low caste'.<sup>3</sup>

Nai caste is listed as an Other Backward Class (OBC), according to the central list of OBCs for the State of Punjab.<sup>4</sup>

#### **Rai Sikh**

The Rai Sikh caste is associated with the Mahatam and Sirkiband Hindu castes.<sup>5</sup> One report was found in which Sirkiband is described as being synonymous with Rai Sikh.<sup>6</sup> This seems to be supported by the existence of an All-India Rai Sikh, Mahatma and Sirkiband Welfare Association.<sup>7</sup>

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<sup>1</sup> Bansal, IJ.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, p.330.

<sup>2</sup> 'Facts about Nai Sikhs' (2003), India Culture.net website, 2 May <http://indiaculture.net/talk/messages/128/9578.html?1051875864> – Accessed 15 March 2012. Note that 'Nai Sikh' appears on the website of the Sikh Coalition: 'Sikh Castes Incident Reports' (undated), The Sikh Coalition website <http://www.sikhcoalition.org/HumanRights3c.asp> – Accessed 15 March 2012.

<sup>3</sup> Bansal, IJ.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, p.328.

<sup>4</sup> 'Central List of OBCs for the State of Punjab' (undated), National Commission for Backward Castes website <http://www.ncbc.nic.in/Pdf/punjab.pdf> – Accessed 15 March 2012. It should be noted that, although the list is undated, it must have been created after 2007, as 'Rai Sikh' is listed as deleted (see note 14 below).

<sup>5</sup> Bansal, IJ.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, p.367; 'Mahatam, Rai Sikh to Figure in SC List' 2005, *The Times of India*, 17 February [http://articles.timesofindia.indiatimes.com/2005-02-17/chandigarh/27842331\\_1\\_castes-scs-economic-backwardness](http://articles.timesofindia.indiatimes.com/2005-02-17/chandigarh/27842331_1_castes-scs-economic-backwardness) – Accessed 9 March 2012.

<sup>6</sup> 'SC status for Rai Sikhs' 2007, *The Times of India*, 17 August [http://articles.timesofindia.indiatimes.com/2007-08-17/chandigarh/27957808\\_1\\_rai-sikh-castes-list-rana-gurmit-singh-sodhi](http://articles.timesofindia.indiatimes.com/2007-08-17/chandigarh/27957808_1_rai-sikh-castes-list-rana-gurmit-singh-sodhi) – Accessed 9 March 2012.

<sup>7</sup> Singh, G. 2000, 'Rai Sikhs still Stigmatised: Accuse Police of Bias', *The Tribune*, 15 August <http://www.tribuneindia.com/2000/20000816/punjab.htm#2> – Accessed 9 March 2012.

Members of the Rai Sikh caste tend to be situated in Punjab and Haryana, especially along the border with Pakistan.<sup>8</sup> There are reportedly two million Rai Sikhs residing in Punjab.<sup>9</sup> Under British rule, Rai Sikhs were characterised as a ‘criminal tribe’, being socially and politically maligned. After the British withdrawal in 1952, the Rai Sikh caste was officially labelled a ‘denotified tribe’.<sup>10</sup> Despite the change in designation, reports indicate that Rai Sikhs continue to be stigmatised as criminals.<sup>11</sup> In 2002, according to a *Times of India* report, high caste members of a small village in Punjab: “boycotted Rai Sikhs for their alleged involvement in criminal activities.”<sup>12</sup> The report states:

...one Hari Chand, who claimed to be the head of the Rai Sikhs in the village, Said that some prejudiced people of the high caste wanted them to leave the village.

“There is a ban on our consuming water from common sources. We have been barred from cremating our dead in the village cremation ground. Every morning, scathing speeches are delivered against us from the gurdwara loudspeaker,” rued Rakha Ram, sitting beside Hari Chand.

A high caste elder of the village said that the campaign against Rai Sikhs was the result of their involvement in anti-social activities.

However, so bitter is the hate campaign that a tap from which Rai Sikhs were getting water was uprooted and a mason working in the house of a Rai Sikh was asked either to stop the work or leave the village.

The committee has even warned villagers against giving their houses on lease to Rai Sikhs migrating from border areas.<sup>13</sup>

According to the website of the Punjab Scheduled Castes Land and Development and Finance Corporation, ‘Rai Sikh’ is currently listed as Scheduled Caste (SC) in the State of Punjab, having been removed from the OBC list in 2007 after the passing of *The Constitution (Scheduled Castes) Order (Amendment) Bill, 2006*.<sup>14</sup> It should be noted,

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<sup>8</sup> Singh, G. 2000, ‘Rai Sikhs still Stigmatised: Accuse Police of Bias’, *The Tribune*, 15 August <http://www.tribuneindia.com/2000/20000816/punjab.htm#2> – Accessed 9 March 2012; Banerjee, A. and Gupta, A. 2006, ‘Liquor Brewing takes a Backseat in Border Belt’, *The Punjab*, 12 November <http://www.tribuneindia.com/2006/20061113/punjab1.htm> – Accessed 9 March 2012.

<sup>9</sup> ‘SC status for Rai Sikhs’ 2007, *The Times of India*, 17 August [http://articles.timesofindia.indiatimes.com/2007-08-17/chandigarh/27957808\\_1\\_rai-sikh-castes-list-rana-gurmit-singh-sodhi](http://articles.timesofindia.indiatimes.com/2007-08-17/chandigarh/27957808_1_rai-sikh-castes-list-rana-gurmit-singh-sodhi) – Accessed 9 March 2012.

<sup>10</sup> Bansal, I.J.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, pp.367-368; Singh, G. 2000, ‘Rai Sikhs still Stigmatised: Accuse Police of Bias’, *The Tribune*, 15 August <http://www.tribuneindia.com/2000/20000816/punjab.htm#2> – Accessed 9 March 2012; Banerjee, A. and Gupta, A. 2006, ‘Liquor Brewing takes a Backseat in Border Belt’, *The Punjab*, 12 November <http://www.tribuneindia.com/2006/20061113/punjab1.htm> – Accessed 9 March 2012.

<sup>11</sup> Singh, G. 2000, ‘Rai Sikhs still Stigmatised: Accuse Police of Bias’, *The Tribune*, 15 August <http://www.tribuneindia.com/2000/20000816/punjab.htm#2> – Accessed 9 March 2012; Banerjee, A. and Gupta, A. 2006, ‘Liquor Brewing takes a Backseat in Border Belt’, *The Punjab*, 12 November <http://www.tribuneindia.com/2006/20061113/punjab1.htm> – Accessed 9 March 2012.

<sup>12</sup> Garg, B. 2002, ‘Villagers Ban Rai Sikhs’, *The Times of India*, 19 August [http://articles.timesofindia.indiatimes.com/2002-08-19/chandigarh/27295952\\_1\\_rai-sikh-village-tension](http://articles.timesofindia.indiatimes.com/2002-08-19/chandigarh/27295952_1_rai-sikh-village-tension) – Accessed 14 March 2012.

<sup>13</sup> Garg, B. 2002, ‘Villagers Ban Rai Sikhs’, *The Times of India*, 19 August [http://articles.timesofindia.indiatimes.com/2002-08-19/chandigarh/27295952\\_1\\_rai-sikh-village-tension](http://articles.timesofindia.indiatimes.com/2002-08-19/chandigarh/27295952_1_rai-sikh-village-tension) – Accessed 14 March 2012.

<sup>14</sup> For a list see: ‘List of Scheduled Castes of Punjab State’ (undated), Punjab Scheduled Castes Land and Development and Finance Corporation website [http://pscfc.gov.in/pscfc\\_castesList.html](http://pscfc.gov.in/pscfc_castesList.html) – Accessed 14 March 2012. For removal from the OBC list see: ‘Resolution 12011/16/2007 – BCC’ (2007), *The Gazette of India*, Part 1, Section 1, 12 October <http://socialjustice.nic.in/pdf/bc121007.pdf> – Accessed 14 March 2012. For the relevant

however, that 'Rai Sikh' is absent from a list of SCs in Punjab which was found on a different government website.<sup>15</sup>

## Jatt Sikh

According to a 2004 article in the journal *Asian Survey* by Ronki Ram, a senior lecturer in Political Science at Punjab University, the: "highest percentage of Sikhs comes from the Jat[t] caste".<sup>16</sup> Jatt Sikh is the predominant caste in Punjab, and its members are the major land owners.<sup>17</sup> According to a 2007 article in the journal *Economic and Political Weekly* by the same author, Jatt Sikhs also control the most important religious institutions in Punjab:

All the Sikh organisations like gurdwaras, Sikh deras, SGPC, and Shiromani Akali Dal are under the control of the jat Sikhs. In a recent empirical study of the caste background of the members of the SGPC, conducted by Narinderpal Singh, it is found that 80 per cent of its administrative posts are under the control of the jat Sikh...

...Dalits are often heard complaining that the jat Sikhs refused to consider them equal even after death by disallowing cremation of their dead in the main cremation ground of the village. This has forced them to establish separate gurdwaras, 'janjghars' (marriage centres) and cremation grounds. It is against this backdrop of social exclusion that a large number of dalits have been veering away from the mainstream Sikh religion and enrolling themselves into various forms of non-Sikh deras in Punjab.<sup>18</sup>

'Jatt Sikh' is not listed as an SC or OBC. Question 2 of *RRT Research Response IND34231* of 6 February 2009 provides three pages of information on the Jatt (including Jatt Sikhs) caste, including a history of the community in Punjab, its religious beliefs and other basic anthropological information.<sup>19</sup>

## 2. Is there such a document as Punjab Government's letter No.1/88/93 RC-1/1016 dated 2.2.94?

Yes. Although a copy of the document in question was not found, a Certificate of Other Backward Class, issued by the Punjab government, was found which refers to a Punjab Government letter no. 1/88/93 – RCI 1016 dated 2-2-1994. The Punjab Government letter appears to set out those social groups which are recognised as Backward Classes.<sup>20</sup>

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legislation see: *The Constitution (Scheduled Castes) Order (Amendment) Bill* (introduced 31 July 2006) , PRS Legislative Research website, [http://www.prsindia.org/uploads/media/1167468163/1167468163\\_The\\_Constitution\\_Scheduled\\_Castes\\_Order\\_Amendment\\_Bill\\_2006.pdf](http://www.prsindia.org/uploads/media/1167468163/1167468163_The_Constitution_Scheduled_Castes_Order_Amendment_Bill_2006.pdf) – Accessed 14 March 2012. The PRI website states that the Bill has been passed: 'Progress of The Constitutional (Scheduled Castes) Order Amendment Bill, 2006' (undated), PRI Legislative Research website <http://www.prsindia.org/billtrack/the-constitution-scheduled-castes-order-amendment-bill-2006-479/> – Accessed 14 March 2012.

<sup>15</sup> 'List of Scheduled Castes in Punjab and Other Backwards Classes' (undated), India.gov.in website [http://www.india.gov.in/howdo/service\\_detail.php?formid=19&service=4](http://www.india.gov.in/howdo/service_detail.php?formid=19&service=4) – Accessed 14 March 2012.

<sup>16</sup> Page 896 of: Ram, R. (2004), 'Untouchability in India with a Difference: Ad Dharma, Dalit Assertion, and Caste Conflicts in Punjab', *Asian Survey*, Vol. 44, No.6, p.895-912.

<sup>17</sup> Pages 897-898 of: Ram, R. (2004), 'Untouchability in India with a Difference: Ad Dharma, Dalit Assertion, and Caste Conflicts in Punjab', *Asian Survey*, Vol. 44, No.6, p.895-912.

<sup>18</sup> Pages 4066-4067 of: Ram, R. (2007), 'Social Exclusion, Resistance and Deras: Exploring the Myth of Casteless Sikh Society in Punjab', *Economic and Political Weekly*, Vol. 42, No.40, pp.4066-4074.

<sup>19</sup> RRT Research and Information (2009), *RRT Research Response IND34231*, 6 February.

<sup>20</sup> 'Certificate of Other Backward Class for State of Punjab' (undated), Punjab Government website [http://www.punjabsewa.gov.in/citizen-services/service\\_forms/c1\\_1.2\\_OBC.doc](http://www.punjabsewa.gov.in/citizen-services/service_forms/c1_1.2_OBC.doc) - Accessed 3 April 2012.

**3. Are people targeted in Faridkot, Punjab, for marrying outside their caste? Please provide current information.**

According to *People of India: Punjab*, all three castes – Nai, Rai Sikh and Jatt Sikh – practice endogamy (i.e., marriage within the caste).<sup>21</sup> Inter-caste relationships are hence generally disapproved of in Punjab.<sup>22</sup> Two reports were found which refer to honour killings taking place in Faridkot, though it should be noted that neither report specifically refers to an inter-caste relationship:

- On 13 September 2011, the *One India News* website reported that a man was murdered by his girlfriend's mother, who: "confessed to pushing [the victim] into a canal as she was against her daughter's relationship with the youth."<sup>23</sup>
- On 20 September 2009, *The Times of India* reported that a man was murdered by four members of his wife's family for: "marrying the village girl against [the] wishes of her family".<sup>24</sup>

The following reports were located on the targetting of inter-caste couples and couples in relationships lacking parental approval, in other parts of Punjab.

- On 12 March 2012, NDTV reported on its news website that a Dalit man was murdered in Ludhiana by members of his Jatt girlfriend's family.<sup>25</sup>
- On 23 December 2011, Daily Bhaskar.com, an Indian news website, reported that a woman was found murdered after she had married: "against the wishes of her family members". At the time the report was written, the woman's husband was: "still missing".<sup>26</sup>
- On 6 July 2011, *The Times of India* reported that a 20 year old Dalit youth was found murdered in Punjab for an alleged affair with a Jat Sikh girl.<sup>27</sup>
- On 22 December 2010, *The Indo-Asian News Service* reported that a couple murdered their son and daughter-in-law. The son, a Jat Sikh, had married a Dalit girl against the wishes of his family.<sup>28</sup>
- On 20 August 2010, the *Hindustan Times* reported that a man and woman were killed

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<sup>21</sup> For Nai and Rai Sikh see: Bansal, I.J.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, pp. 328, 369. For Jatt Sikh see: Bansal, I.J.S. and Singh, S. ed. (2003), *People of India: Punjab*, Vol. 37, pp.235-236.

<sup>22</sup> Page 4068 of: Ram, R. (2007), 'Social Exclusion, Resistance and Deras: Exploring the Myth of Casteless Sikh Society in Punjab', *Economic and Political Weekly*, Vol. 42, No.40, pp.4066-4074.

<sup>23</sup> 'Punjab: Girlfriend's mother murders youth' (2011), One India News website, 13 September <http://news.oneindia.in/2011/09/13/punjab-girlfriend-mother-murders-youth.html> – Accessed 16 March 2012.

<sup>24</sup> 'Honour killing, girl's four relatives awarded death sentence' (2011), *The Times of India*, 28 October [http://articles.timesofindia.indiatimes.com/2011-10-28/india/30331968\\_1\\_death-penalty-faridkot-local-court](http://articles.timesofindia.indiatimes.com/2011-10-28/india/30331968_1_death-penalty-faridkot-local-court) – Accessed 16 March 2012.

<sup>25</sup> 'Suspected 'honour killing', three held in Punjab' (2011), NDTV website, source: *Indo-Asian News Service*, 7 July <http://www.ndtv.com/article/cities/suspected-honour-killing-three-held-in-punjab-117452> – Accessed 16 March 2012.

<sup>26</sup> 'Girl Killed for 'honour', husband missing' (2011), Daily Bhaskar.com, source: *Bhaskar News*, 23 December <http://daily.bhaskar.com/article/CHD-girl-killed-for-honour-husband-missing-2668056.html> – Accessed 16 March 2012.

<sup>27</sup> 'Girl rejects old hubby, strangled' 2011, *The Times of India*, 6 July.

<sup>28</sup> 'Parents kill son, wife' 2010, *Indo-Asian News Service*, 22 December.

by the woman's father. The woman was a Jatt Sikh, the man was a Dalit.<sup>29</sup>

- On 17 August 2009, the *Hindustan Times* reported that a Dalit boy was murdered in Chandigarh for being in a relationship with a Jatt Sikh girl. The boy was murdered by one of the girl's family members.<sup>30</sup>

In its 2010 *Country Reports on Human Rights Practices – India*, the US Department of State (USDOS) stated that:

So-called honor killings continued to be a problem, especially in Punjab and Haryana, where as many as 10 percent of all killings were honor killings. Although statistics for honor killings are difficult to verify, on October 10, *The Guardian* reported police officially recorded 19 honor killings in the northern part of the country between April 19 and June 30. According to the same report, one recent study estimated more than 1,000 honor killings every year, most of them occurring in the northern states of Haryana, Punjab, and Uttar Pradesh. The most common justification for the killings offered by those accused or by their relatives was that the victim married against their family's wishes.<sup>31</sup>

#### **4. Could an educated couple in an inter-caste marriage relocate from the Punjab to another part of India?**

In theory, people, including inter-caste couples, can relocate from Punjab to another part of India. In its 2010 *Country Reports on Human Rights Practices – India*, USDOS stated that:

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.<sup>32</sup>

In December 2011 *The Times of India* reported that a couple relocated from Rajasthan to Delhi in order to marry, against the wishes of their parents. The couple reportedly received police protection and were given space in a shelter home.<sup>33</sup> According to a May 2010 report in *The Times of India*, an inter-caste couple relocated to Hyderabad from a village in Andhra Pradesh after the parents criticised the marriage. The couple were murdered on returning to the village.<sup>34</sup> However, a report was found which indicates that relocation in cases involving 'family honour' may not ensure the protection of those being targeted. On 18 June 2010, *The Times of India* reported that an inter-caste couple from the state of Bihar, having fled to Punjab, were murdered while sleeping. Police reportedly charged the women's father.<sup>35</sup> The report does not explain how the couple were traced, but it should be noted that Bihar is, according to Google Maps, approximately 1,300 km from Punjab.<sup>36</sup>

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<sup>29</sup> 'Father shoots daughter and boyfriend in Punjab' 2010, *Hindustan Times*, 20 August.

<sup>30</sup> 'Dalit youth in love with upper cast girl murdered' 2009, *Hindustan Times*, 17 August.

<sup>31</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – India*, 8 April.

<sup>32</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – India*, 8 April.

<sup>33</sup> Yadav, S. 2011, 'Runaway' couple sent to shelter home', *The Times of India*, 9 December

[http://articles.timesofindia.indiatimes.com/2011-12-09/gurgaon/30497364\\_1\\_shelter-home-runaway-couple-police-protection](http://articles.timesofindia.indiatimes.com/2011-12-09/gurgaon/30497364_1_shelter-home-runaway-couple-police-protection) – Accessed 3 April 2012.

<sup>34</sup> 'Andhra couple stoned to death for 'honour'' 2010, *The Times of India*, 28 May.

<sup>35</sup> 'Bihar couple tracked down to Punjab, killed' 2010, *The Times of India*, 18 June

[http://articles.timesofindia.indiatimes.com/2010-06-18/india/28312244\\_1\\_bihar-couple-punjab-police-young-couple](http://articles.timesofindia.indiatimes.com/2010-06-18/india/28312244_1_bihar-couple-punjab-police-young-couple) – Accessed 16 March 2012.

<sup>36</sup> 'Maheru Punjab to Bihar' (undated), Google Maps website <http://maps.google.com.au/maps?ie=UTF-8&hl=en&tab=wl> – Accessed 16 March 2012.



**5. Are there systems in place that would enable a policeman from the Punjab to be able to trace family members anywhere in India?**

Information was found which indicates that, in possession of certain information, police can trace people across India.

The Zonal Integrated Police Network Project is a shared database by which police departments across 8 states share information regarding, inter alia, missing persons. The participating states include: New Delhi, Haryana, Uttar Pradesh, Rajasthan, Punjab, Himachal Pradesh, Chandigarh, and Uttarakhand.<sup>37</sup> The information includes a photo of the missing person.<sup>38</sup>

Reports were found which refer to police working with mobile service providers to locate individuals suspected of criminal activity. A March 2012 report in *The Times of India* refers to a “special team which tracked cell phones”<sup>39</sup>, while a January 2012 article on the website *Daily News and Analysis* refers to police tracking a phone’s International Mobile Equipment Identity number. The article states that the mobile service provider informed police: “as soon as the accused changed the SIM card and activated the mobile phone”.<sup>40</sup> A March 2012 report in *The Indian Express* suggests that police officers must follow certain procedures before an individual’s mobile phone can be traced, though no information was found on the precise nature of those procedures.<sup>41</sup> According to a February 2012 report in *The Indian Express*, the Indian government is introducing regulation that will force mobile service providers to provide to the Department of Telecommunications (DoT): “real-time details of users’ locations in latitudes and longitudes”. The report further states that: “the planned increase in mobile phone surveillance comes as the DoT sets up a centralised monitoring system to tap mobile phones instantly”.<sup>42</sup>

According to a report by The Centre for Internet and Society (CIS), an Indian based think-tank, police in India have located individuals by tracing their Internet Protocol (IP) address.<sup>43</sup> A December 2011 report in *The Indian Express* refers to a Cyber Cell within the police force, which is tasked with investigating internet related crime. The report provides the following description of the methods used to trace an individual:

The Cell compiled a detailed report about his posts and requested the facebook headquarters to provide them the IP address from where these messages were posted. After sending them a reminder the police finally got a list of the IP addresses from the office on November 1. The IP address w[as] of a Vodafone and a Tata Docomo number.

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<sup>37</sup> ‘Zonal Integrated Police Network’ 2010, ZIPNET website, March <http://www.zipnet.in/index.php?page=about> – Accessed 3 April 2012.

<sup>38</sup> ‘Zipnet form for missing persons’ (undated), ZIPNET website [http://www.zipnet.in/index.php?page=missing\\_person\\_search&criteria=zoom&Page\\_No=1&state=025&state\\_name=PUNJAB&status1=Untraced](http://www.zipnet.in/index.php?page=missing_person_search&criteria=zoom&Page_No=1&state=025&state_name=PUNJAB&status1=Untraced) – Accessed 3 April 2012.

<sup>39</sup> ‘Mobile phones lead cops to Tirupur burglars’ 2012, *The Times of India*, 7 March [http://articles.timesofindia.indiatimes.com/2012-03-07/coimbatore/31131893\\_1\\_gold-jewellery-special-team-mobile-phone](http://articles.timesofindia.indiatimes.com/2012-03-07/coimbatore/31131893_1_gold-jewellery-special-team-mobile-phone) – Accessed 3 April 2012.

<sup>40</sup> ‘Mobile thieves caught through IMEI number’ 2012, *Daily News and Analysis*, 21 January [http://www.dnaindia.com/india/report\\_mobile-thieves-caught-through-imei-number\\_1640515](http://www.dnaindia.com/india/report_mobile-thieves-caught-through-imei-number_1640515) – Accessed 3 April 2012.

<sup>41</sup> ‘Cops arrest woman for theft’ 2012, *The Indian Express*, 23 March <http://www.indianexpress.com/story-print/927240/> – Accessed 3 April 2012.

<sup>42</sup> ‘Soon, govt will keep track of where every mobile user is’ 2012, *The Indian Express*, 16 February <http://www.indianexpress.com/story-print/912681/> – Accessed 3 April 2012.

<sup>43</sup> Iyengar, P. 2011, ‘IP Addresses and Expeditious Disclosures of Identity in India’, The Centre for Internet and Society website, 22 August <http://cis-india.org/internet-governance/ip-addresses-and-identity-disclosures> – Accessed 3 April 2012.

The police then sen[t] the IP addresses to the Telecom companies requesting them to provide the name and the address of the accused.<sup>44</sup>

According to a June 2011 report in *The Times of India*, police also trace IP addresses to locate individuals who are declared missing. The article describes how a youth who had run away from home was located by police:

The police were able to trace the boy – a Navy officer’s son – after he logged onto a popular social networking site and updated his ‘status’ message. Investigators had been tracking the student’s online, social networking and email accounts from the moment the missing person’s report was filed.

An investigating officer involved in the probe said that initially the team had many false starts. “During our investigations, we found activity on the boy’s email account. It had been accessed from a cyber cafe in Bhopal. But then we were told that the boy’s relatives, who had access to the account’s password, were logging in regularly in the hope of tracing him. A similar incident took place in Delhi. We had been working on the case round the clock but there was no breakthrough,” said the officer.

At the same time, investigators were also monitoring the boy’s profile page on the social networking site he was member of. The officer added: “We saw that his ‘status’ message had been updated recently.” The police found out that the user had accessed his account from a mobile phone internet service. “From the service provider, we learnt the name of the person who had registered the SIM card.”

On procuring the relevant information, the police got the SIM card owner’s address and laid a trap.

This is not the first time the cyber cell has traced missing people by following their internet footprint. Himanshu Roy, joint commissioner of police (crime) said: “We now make it a point to ask for a missing person’s credit/debit cards and online account details from the complainants.”

Deven Bharti, additional commissioner of police (crime) said that such details are passed on to CCIC investigators. “If the person is active on the internet, and logs onto his email account or any social networking site, we can trace him or her,” said Bharti.<sup>45</sup>

According to the CIS report, despite the existence of procedures to prevent police from abusing an individual’s privacy:

...police departments in the various states do not seem to need to invoke these powers in order to obtain IP address information from I[n]ternet S[ervice] P[rovider]s or websites. This information appears to be available to them merely for the asking.<sup>46</sup>

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<sup>44</sup>‘Man who posted abuses on UT Traffic Police’s Facebook page traced’ 2011, *The Indian Express*, 1 December <http://www.indianexpress.com/story-print/882734/> – Accessed 3 April 2012.

<sup>45</sup> Hafeez, M. 2011, ‘Police find runaway student online’, *The Times of India*, 17 February <http://timesofindia.indiatimes.com/city/mumbai/Police-find-runaway-student-online/articleshow/7511472.cms?prtpage=1> – Accessed 3 April 2012.

<sup>46</sup> Iyengar, P. 2011, ‘IP Addresses and Expeditious Disclosures of Identity in India’, The Centre for Internet and Society website, 22 August <http://cis-india.org/internet-governance/ip-addresses-and-identity-disclosures> – Accessed 3 April 2012.

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