

# Responses to Information Requests - Immigration and Refugee Board of Canada

India: Situation of Sikhs outside the state of Punjab, including treatment by authorities and society; ability of Sikhs to relocate within India; treatment of Khalistan supporters or perceived supporters outside of Punjab (2017-October 2019)

## 1. Overview of Demographics and Historical Background

According to the 2011 census, India's most recent census (World Population Review [2019]), Sikhs constitute approximately 1.7 percent of the Indian population, or 20,833,116 persons among India's total population of approximately 1.21 billion (India 2011). The 2011 census indicates that Sikhs reside in every Indian state, with the majority residing in Punjab (approximately 16 million persons), and significant populations in neighbouring Haryana (1.2 million) and Rajasthan (872,930) (India 2011). Uttar Pradesh and the National Capital Territory of Delhi have Sikh populations of 643,500 and 570,581, respectively (India 2011). According to a joint response provided to the Research Directorate by a representative of the World Sikh Organization (WSO) of Canada and an associate professor of Indian religions at Carleton University, India has "several urban centres with sizable Sikh communities," such as Delhi and Udham Singh Nagar in the state of Uttarakhand, and "[a]lmost every major Indian city has a Sikh community," with large communities in the states that border Punjab, such as Jammu, Rajasthan, Haryana and Himachal Pradesh (WSO and Associate Professor 3 May 2019). In the same response, it was also noted that "[c]ommunities of Sikhs in other states may be ethnically homogenous such as Sikligar Sikhs or Assamese Sikhs" (WSO and Associate Professor 3 May 2019).

According to the US Department of State's *International Religious Freedom Report for 2018*, Indian federal law provides minority community status to Sikhs, which allows access to government assistance programs, while legislation refers to Sikhs under the same category as Hindus (US 21 June 2019, 6).

Australia's Department of Foreign Affairs and Trade (DFAT) country information report on India provides an historical overview of key events of Sikh separatism:

During an internal struggle within the Sikh community in 1982, separatist leader Jarnail Singh Bhindranwale and his followers moved into the Golden Temple complex in Amritsar. In June 1984[,] [t]he Indian government ordered the army to eject Bhindranwale and his followers from the complex in an offensive known as "Operation Blue Star". The army bombarded the Golden Temple complex, inflicting serious damage. Bhindranwale and many of his supporters were killed during the operation.

... In retaliation for Operation Blue Star, two of then-Prime Minister Indira Gandhi's Sikh bodyguards assassinated her at her home in New Delhi in October 1984. In the days that followed, mobs seeking revenge for the assassination attacked Sikh homes and businesses, including in New Delhi. Approximately 3,000 people, mostly Sikhs, were killed in the violence. Security forces carried out further operations to suppress

Sikh separatism during the late 1980s, during which allegations emerged of torture, extrajudicial killings and deaths in custody carried out by security forces. (Australia 17 Oct. 2018, para. 3.17-3.18)

## 2. Treatment by Authorities and Society

According to Australia's DFAT report, "since the late 1980s and early 1990s, Sikhs have lived peacefully in India and the majority of Sikhs do not experience societal discrimination or violence" (Australia 17 Oct. 2018, para. 3.19). In a telephone interview with the Research Directorate, an associate professor at Hiram College researching South Asian politics similarly stated that Sikhs outside Punjab are economically and socially integrated in the communities in which they live and are generally safe, although there is localized discrimination, such as the forced baptism of Sikhs, blocking of entry to public areas without removing articles of faith, such as being asked to remove turbans or kirpans for entrance tests to educational programs, but that these matters are usually dealt with by local courts or police (Associate Professor 26 Sept. 2019). According to the joint response by the WSO representative and the Associate Professor, Sikhs may encounter difficulties integrating in areas where a Sikh community does not exist and, especially for practicing Sikhs, "in other Indian states that are not as familiar with the Sikh identity" (WSO and Associate Professor 3 May 2019). The same source notes that some Sikhs have encountered "discriminatory behaviour because of their articles of faith, specifically the wearing of the kirpan," and that there are reports of "discriminatory treatment from law enforcement [as well as from] government officials" (WSO and Associate Professor 3 May 2019). According to the *Status of Policing in India Report 2018*, jointly published by Common Cause and the Centre for the Study of Developing Societies (CSDS) [1], who conducted a survey involving 15,562 interviews across 22 Indian states in June and July 2017 (Common Cause and CSDS 2018, 142-143), Sikhs have less trust in the police than any other caste group or minority, with 45 percent feeling "somewhat" or "high" distrust, and 51 percent are "highly fearful" or "somewhat fearful" of the police (Common Cause and CSDS 2018, 60, 93). The same source also notes that, at 49 percent, Sikhs are most likely to hold a negative perception of the police, compared to 33 percent of Hindus or 22 percent of Christians (Common Cause and CSDS 2018, 110).

According to the joint response by the WSO representative and the Associate Professor, "to some extent," Sikhs may be able to find help from local Gurdwaras to access housing and other services, and are "generally able to file police complaints and court cases like other citizens" (WSO and Associate Professor 3 May 2019).

Media sources report the following incidents involving Sikhs and the police:

- Following a road accident in Mukherjee Nagar Delhi, in July 2019, a violent argument broke out between a Sikh "tempo" driver and policemen, during which the policemen "thrashed" the Sikh driver (News Nation with PTI 25 July 2019). The policemen were first suspended and, further to an inquiry conducted by the senior police officer, they were dismissed from duty for "unprovoked, indiscreet and highly unprofessional" behaviour (News Nation with PTI 25 July 2019).
- A 2018 article by Sikh Siyasat News (SSN), a Punjab-based Sikh news network, indicates that following an attack by a mob in Karnataka which injured a Sikh man, local police arrested six persons and registered a First Information Report (FIR) on various grounds, including "attempt to murder" (SSN 29 May 2018).

The same source indicates that the man was attacked as he was mistaken by the mob to be a "child lifter" and that the villagers, "unaware of [its] significance," mistook his kirpan as a weapon (SSN 29 May 2018).

- Another 2018 SSN article indicates that a family that was reportedly attacked in Haryana detailed police inaction on their case, and that the police threatened to charge the family instead (SSN 18 Aug. 2018).

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.1 Extremism

According to the US Commission on International Religious Freedom (USCIRF)'s *2019 Annual Report*,

religious freedom has come under attack in recent years with the growth of exclusionary extremist narratives—including, at times, the government's allowance and encouragement of mob violence against religious minorities—that have facilitated an egregious and ongoing campaign of violence, intimidation, and harassment against non-Hindu and lower-caste Hindu minorities. Both public and private actors have engaged in this campaign. (US 29 Apr. 2019, 1)

The same report adds that Hindu nationalist groups have contributed to a "rise of religious violence and persecution," where the targeted religious minorities, including Sikhs, "face challenges ranging from acts of violence or intimidation, to the loss of political power, increasing feelings of disenfranchisement, and limits on access to education, housing, and employment" (US 29 Apr. 2019, 2). According to an article by Indian online newspaper *The Citizen*, a "lynch mob phenomenon" where "mobs have lynched Muslim, Christian, Sikh and Dalit Indians over rumours and suspicion" has been occurring in India, with 77 lynchings reported between March 2017 and July 2018 (*The Citizen* 30 Mar. 2019). The article states that

[t]he perpetrators have all been Hindus. Often the police have stood by and watched. Politicians have come out in support of the attackers, often found to be political workers themselves. Cases have typically been filed against the victims and not the mob. The lynchings have occurred disproportionately in states governed by the BJP [Bharatiya Janata Party]. (*The Citizen* 30 Mar. 2019)

According to USCIRF's *2017 Annual Report*,

Hindu nationalists often harass Sikhs and pressure them to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair and carrying mandatory religious items, including the kirpan, which is a right protected by the Indian constitution. Article 25 of the Indian constitution deems Sikhs to be Hindus. This creates an environment in which Hindu nationalists view Sikhs as having rejected Hinduism and as being enemies of India because some Sikhs support the Khalistan political movement, which seeks to create a new state in India for Sikhs and full legal recognition of Sikhism as an independent faith. (US 26 Apr. 2017, 5)

The Associate Professor also noted that there have been cases of localized conflict or harassment by Hindu nationalists, but stated that this does not represent a systemic pattern (Associate Professor 26 Sept. 2019). Corroborating information could not be

found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to a report on violence and discrimination against religious minorities in India by the Center for Study of Society and Secularism (CSSS) [2] and Minority Rights Group International (MRG), there have been "reports of minor cases of violence against Sikhs," but "there is no comprehensive data set on the casualties from communal violence disaggregated by religious group" (MRG and CSSS 2017, 3, 16). According to a 2019 media article, the Indian Minister of State for Home Affairs stated that "incidents of communal violence have declined," citing 708 incidents in 2018 compared to 823 in 2013" (PTI 24 July 2019). Further and corroborating information on statistics regarding communal violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### **3. Treatment of Suspected Khalistan Supporters Outside of Punjab**

According to Australia's DFAT report, "Sikhs who advocate for an independent 'Khalistan' may be subject to attention by authorities" (Australia 17 Oct. 2018, para. 3.19). The joint response by the WSO representative and the Associate Professor similarly indicated that "Sikhs who support an independent state of Khalistan can in many cases face severe persecution not just in Punjab but in other states" (WSO and Associate Professor 3 May 2019). In follow-up correspondence, the WSO representative indicated that while "[s]imple support of Khalistan is technically legal in India" [3], in practice, suspected Khalistan supporters are "harassed by police and intelligence agencies and in many cases falsely implicated in criminal cases which take years to resolve" (WSO 27 Sept. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that in February 2019, three Sikh youths were sentenced to life imprisonment in Punjab for possessing pro-Khalistan literature (*The Times of India* 6 Feb. 2019; *Hindustan Times* 13 Feb. 2019; SBS 11 Feb. 2019), with one of the convicted originating from Haryana (*The Times of India* 6 Feb. 2019). According to sources, the case had been called "unprecedented" and "rare" (SBS 11 Feb. 2019), and "a first-of-its-kind" (*The Times of India* 6 Feb. 2019), where the accused were convicted "with the intention of using [the literature] for propaganda and inciting people to resort to violence with the objective of waging war against the Government of India" (*The Times of India* 6 Feb. 2019; SBS 11 Feb. 2019). A 2018 media article stated that two individuals considered by the police to be Khalistan sympathizers were arrested in Maharashtra, one for illegal possession of a firearm, and the second on the basis of the information provided by the first during interrogation (*The Pioneer* with PTI 11 Dec. 2018). The first arrestee was accused of "being a member of terrorist gang" and "has been produced before a court" in Mumbai (*The Pioneer* with PTI 11 Dec. 2018). Further and corroborating information on this case could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Associate Professor indicated that unless they vocally propagate a separate Sikh state, Sikhs would "generally" be safe outside Punjab, while noting that some pro-Khalistan groups have had some activity outside Punjab; for example, the Shiromani Akali Dal (Amritsar) (SAD(A)) — the "main independence political party" [4] — and

Dal Khalsa — a "group of intellectuals that have expressed support for Sikh sovereignty" have held public protests in Delhi (Associate Professor 26 Sept. 2019). Sources indicate that the US-based pro-Khalistan group Sikhs for Justice, an organization pushing the Sikh Referendum 2020, [a US-based campaign for Punjab secession (*The Indian Express* 12 July 2019)], was banned by the Indian government for pro-independence activities (*The Indian Express* 12 July 2019; News18 10 July 2019; *The Economic Times* with PTI 10 July 2019), on 10 July 2019 (*The Economic Times* with PTI 10 July 2019). The Associate Professor said that activists for Sikhs for Justice have been detained in Punjab (Associate Professor 26 Sept. 2019). Information on the presence of Sikhs for Justice outside Punjab could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] Common Cause "works on the rule of law, probity in public life and accountability in governance," while the Centre for the Study of Developing Societies (CSDS) is a "research institution which works in partnership with a wide network of researchers and academic institutions all over India" (Common Cause and CSDS 2018, 11).

[2] The Centre for Study of Society and Secularism (CSSS) is an Indian non-profit organization that "works for the rights of the marginalized, women, Dalits, Adivasis and religious minorities with the primary aim of promoting communal harmony and peace with social justice," including through "advocacy, publications, fellowships, monitoring and research" (MRG and CSSS June 2017, ii).

[3] According to an article in *The Economic Times*, the "Supreme Court had said in a 1995 ruling that casual raising of slogans, once or twice by two individuals alone, cannot be said to be aimed at exciting or attempt to excite hatred or disaffection towards the government ... and, hence, [provisions] pertaining to sedition would not be attracted" (*The Economic Times* 20 Feb. 2016).

[4] For information on the Shiromani Akali Dal (Amritsar) (SAD(A)) and its relations with authorities, see Response to Information Request IND106096 of June 2018.

## References

Associate Professor, Hiram College. 26 September 2019. Telephone interview with the Research Directorate.

Australia. 17 October 2018. Department of Foreign Affairs and Trade (DFAT). [DFAT Country Information Report: India](#). [Accessed 6 May 2019]

The Citizen. 30 March 2019. Harshvardhan Tripathy. "[How New India Developed Its Own Lynch Culture in Just Five Years: Part 1 - Rising Tide](#)." [Accessed 8 Oct. 2019]

Common Cause and the Centre for the Study of Developing Societies (CSDS). 2018.

[Status of Policing in India Report 2018: A Study of Performance and Perceptions.](#)

[Accessed 8 Oct. 2019]

*The Economic Times*. 20 February 2016. Samanwaya Rautray. "[Supreme Court in 1995: Stray Slogans Do Not Attract Section 124A Pertaining to Sedition.](#)" [Accessed 8 Oct. 2019]

*The Economic Times* with Press Trust of India (PTI). 10 July 2019. "[Government Bans Pro-Khalistani Group Sikhs for Justice for Anti-National Activities.](#)" [Accessed 27 Sept. 2019]

*Hindustan Times*. 13 February 2019. "[Dal Khalsa Holds Protest to Oppose Life Term to Three Sikh Youths in Punjab.](#)" [Accessed 27 Sept. 2019]

India. 2011. National Commission for Minorities (NCM). "[Minority Population \(2011 Census\).](#)" [Accessed 6 May 2019]

*The Indian Express*. 12 July 2019. Navjeevan Gopal. "[Explained: What Is Sikhs for Justice, Pro-Khalistan Group Banned by Indian Govt?](#)" [Accessed 27 Sept. 2019]

Minority Rights Group International (MRG) and Center for Study of Society and Secularism (CSSS). 2017. [A Narrowing Space: Violence and Discrimination Against India's Religious Minorities.](#) [Accessed 6 May 2019]

News18. 10 July 2019. "[Pro-Khalistani Group Sikhs for Justice Banned over 'Anti-National' Activities; Punjab CM Lauds Move.](#)" [Accessed 27 Sept. 2019]

News Nation with Press Trust of India (PTI). 25 July 2019. "[Mukherjee Nagar Incident: Two Delhi Police Cops Suspended for 'Unprofessional Behaviour'.](#)" [Accessed 8 Oct. 2019]

*The Pioneer* with Press Trust of India (PTI). 11 December 2018. "[Maha ATS Arrests 2 Khalistan Supporters.](#)" [Accessed 27 Sept. 2019]

Press Trust of India (PTI). 24 July 2019. "[Zero Tolerance for Incidents of Communal Violence: Govt.](#)" [Accessed 12 Dec. 2019]

Sikh Siyasat News (SSN). 18 August 2018. "[Sikh Family Brutally Attacked in Haryana; Told to Leave the State; Police Accused of Inaction.](#)" [Accessed 8 Oct. 2019]

Sikh Siyasat News (SSN). 29 May 2018. "[Six Arrested for Attacking Sikh in Gulbarga \(Karnataka\); Section 307 Added to FIR.](#)" [Accessed 8 Oct. 2019]

Special Broadcasting Service (SBS). 11 February 2019. "[Three Men Get Life Sentence for Possessing Pro-Khalistan Literature.](#)" [Accessed 27 Sept. 2019]

*The Times of India*. 6 February 2019. IP Singh. "[Three Sikh Youths Get Life Term for Waging War Against the State.](#)" [Accessed 27 Sept. 2019]

United States (US). 21 June 2019. Department of State. "India." [International Religious Freedom Report for 2018.](#) [Accessed 4 Apr. 2019]

United States (US). 29 April 2019. US Commission on International Religious Freedom (USCIRF). "India." [2019 Annual Report.](#) [Accessed 3 May 2019]

United States (US). 26 April 2017. US Commission on International Religious Freedom (USCIRF). "India." [2017 Annual Report](#). [Accessed 6 May 2019]

World Population Review. [2019]. "[India Population 2019](#)." [Accessed 2 Dec. 2019]

World Sikh Organization (WSO) of Canada. 27 September 2019. Correspondence from a representative to the Research Directorate.

World Sikh Organization (WSO) of Canada and Associate Professor, Carleton University. 3 May 2019. Correspondence with the Research Directorate.

## Additional Sources Consulted

**Oral sources:** Global Institute for Sikh Studies; India – National Commission for Minorities; ten academics who conduct research on South Asia, including the Sikh religion and regional politics.

**Internet sites, including:** Amnesty International; Asia Society; Asian Centre for Human Rights; Asian Human Rights Commission; Asian News International (ANI); Commonwealth Human Rights Initiative; *Deccan Herald*; ecoinet; Factiva; Fédération internationale pour les droits humains; Freedom House; Germany – Federal Office for Migration and Refugees; Global Institute for Sikh Studies; *The Hindu*; Hudson Institute – Center for Religious Freedom; Human Rights First; Human Rights Watch; India – Law Commission, Ministry of Law and Justice, Ministry of Minority Affairs, National Human Rights Commission; Institute of Peace and Conflict Studies; International Crisis Group; Ireland – Refugee Documentation Centre; Romanian National Council for Refugees; South Asia Human Rights Documentation Centre; South Asia Terrorism Portal; *The Tribune*; UK – Home Office; UN – Refworld; US – CIA *World Factbook*.