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**FEASIBILITY OF RELOCATION
FOR SIKHS AND MANN PARTY MEMBERS**

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Executive Summary

There are no legal obstacles for members of the Sikh faith to relocate to other areas of India. However, depending on the circumstances and financial position of the person it may be practically difficult to relocate. According to some reports, if a person seeks to escape the attention of local police and is not of interest to central authorities, then internal relocation is feasible. Only hard-core militants are of interest to central Indian authorities. According to an immigration report, holding pro-Khalistani views would not make someone a high-profile militant. However, most reports do not specifically address the situation of how members of the Shiromani Akali Dal (Mann) Party who relocate in fear of persecution are treated.

I. Legal Restrictions on the Relocation of Members of the Sikh Religion

No restrictions were located under Indian law that prohibit or restrict members of the Sikh religion from relocating to other parts of India from the province of Punjab. Government reports by US and other foreign immigration authorities in the last ten years likewise indicate that there are no legal obstacles to the ability of Sikhs to move to other parts of the country.¹

More recently, an Operational Guidance note issued in June 2012 by the United Kingdom Border Agency stated that “Punjabi Sikhs are able to relocate to another part of India and there are Sikh communities all over India.”² In addition, the 2011 US State Department Human Rights report states that “[t]he law [of India] provides for freedom of movement within the

¹ See, e.g., United States Bureau of Citizenship and Immigration Services, India: Information on Relocation of Sikhs from Punjab to Other Parts of India (May 16, 2003), available at <http://www.unhcr.org/refworld/docid/3f520d4b4.html>; see also Immigration and Refugee Board of Canada, Response to Information Request (RIR) No. IND100771.EX (Jan. 18, 2006), http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=452347&l=e; Australian Government Refugee Review Tribunal, Country Advice: India, IND37728 (Nov. 26, 2010), available at <http://www.unhcr.org/refworld/pdfid/4f4606702.pdf>.

² Home Office: UK Border Agency, Operational Guidance Note: India para. 3.6.12 (June 2012), <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogngns/india.pdf?view=Binary>.

country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.”³

However, in-country movement is restricted for all Indian citizens in relation to certain areas of the country where special permits are required to travel. The special permit, known as the Inner Line Permit (ILP), must be obtained by Indian citizens who reside outside of specified protected areas (northeastern states), such as Arunachal Pradesh, in order to travel to those areas. The permit is issued under the Bengal Eastern Frontier Regulation, 1873.⁴ These special permits do not target members of a specific religious community but apply to all citizens residing outside these protected areas.⁵

II. Other Impediments to Relocation

According to a 2008 Operational Guidance Note of the UK Border Agency, “Sikhs from the Punjab are able to move freely within India and internal relocation to escape the attentions of local police in their home area would not be unduly harsh.”⁶ As long as “the individual is not of interest to the central authorities, internal relocation is feasible.”⁷ However, as noted by Country Advice of the Australian Refugee Review Tribunal, those Punjabi Sikhs “who fear ill treatment by central authorities [versus local police] . . . cannot relocate within India to avoid being targeted.”⁸

The 2012 report by the UK Border Agency states that the situation of “single women, divorcees with or without children, and widows may differ from the situation for men as it may be difficult for women on their own to find secure accommodation.”⁹

Citizens are not required to register their faith in India. Moreover, according to numerous reports, members of the Sikh religion are able to practice their faith without restriction in all states of India. According to a 2008 report by the UK Border Agency, “[t]here 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.”¹⁰ In addition, according to the same report “there is no system of registration of citizens, and often people have no identity cards, which in any event can be easily forged.”¹¹ A

³ DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2011: INDIA, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186463.

⁴ MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGIONS, ENTRY RESTRICTIONS IN THE NORTH EAST REGION IN INDIA (ILP, PAP AND RAP), <http://mdoner.gov.in/writereaddata/sublink2images/ILP12005183279.DOC>.

⁵ *Id.*

⁶ Home Office: UK Border Agency, Operational Guidance Note: India para. 3.6.13 (Apr. 2008), available at <http://www.unhcr.org/refworld/pdfid/48084c992.pdf>.

⁷ *Id.*

⁸ Australian Government Refugee Review Tribunal, Country Advice, IND37728, 2 (Nov. 26, 2010), available at <http://www.unhcr.org/refworld/pdfid/4f4606702.pdf>.

⁹ Home Office: UK Border Agency, *supra* note 2, para. 2.4.4.

¹⁰ Home Office: UK Border Agency, *supra* note 6, para. 3.6.12.

¹¹ *Id.*

2006 report by the Immigration and Refugee Board of Canada states that “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.”¹²

Sikhs would have “indiscriminate” access to housing, employment, health care, and education outside the state of Punjab. Prospects for employment would largely depend on skill level. There may be isolated cases of discrimination. Access to health care and education largely depends on “their financial situation and their proximity to an urban location”¹³

III. Specific Restrictions on Members of the Shiromani Akali Dal (Mann) Party

Most reports describe the situation of internal relocation for Sikhs, including those who are wanted for suspected militancy, but do not specifically consider the situation of members of the Shiromani Akali Dal (Mann) Party.¹⁴ The main position of the party and its leader, Simranjit Singh Mann, is the establishment of a separate Sikh state, called Khalistan.

According to a 2003 Report by US Citizenship and Immigration Services, “several experts have suggested that only those considered by police to be high-profile militants are at risk”¹⁵ of persecution even if they were to relocate. However, “simply holding pro-Khalistani views—favoring an independent Sikh state in Punjab—would not make an individual a high-profile suspect.”¹⁶

According to the same report, “[s]ome experts have also suggested that a Sikh who relocates could be at risk of persecution if his name is on a list of chronic offenders.”¹⁷ However, the report cites an expert professor who states that, “while Sikhs on lists dating from the militancy period are still at risk, it is unlikely that Punjab police have labeled many Sikhs as history sheeters [persons with a criminal history] since then based on suspected militant links.”¹⁸ The report again asserts that the police are more concerned with hard-core militants. Nevertheless, the report goes on to state that “evidence suggests that Punjab police at times wrongly place individuals involved in ordinary political activities on chronic offender lists.”¹⁹

¹² Immigration and Refugee Board of Canada, RIR No. IND100771.EX (Jan. 18, 2006), http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=452347&l=e (citations omitted).

¹³ HOME OFFICE: BORDER & IMMIGRATION AGENCY, COUNTRY OF ORIGIN INFORMATION REPORT: INDIA para. 19.104 (Jan. 31, 2008), available at http://www.ecoi.net/file_upload/1329_1203410990_242-1202293504-india-310108.pdf.

¹⁴ For a report solely on the Shiromani Akali Dal (Mann) Party, see Australian Government Refugee Review Tribunal, Research Response: India, No. IND 34704 (Apr. 22, 2009), <http://www.mrt-rrt.gov.au/ArticleDocuments/87/ind34704.pdf.aspx>.

¹⁵ United States Bureau of Citizenship and Immigration Services, India: Information on Relocation of Sikhs from Punjab to Other Parts of India (May 16, 2003), available at <http://www.unhcr.org/refworld/docid/3f520d4b4.html>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

The report, however, does not specifically address the situation of how members of the Mann Party who relocate in fear of persecution are treated.

More recent reports, such as the 2008 UK Operational Guidance Note, also concur that, “[w]here the applicant’s fear is of ill treatment/persecution by the central authorities, relocation to a different area of the country to escape this threat is not feasible, though it is feasible where the applicant’s fear is of local police and the individual is not of interest to the central authorities.”²⁰

In contrast, some reports, including a 2005 UK Operational Guidance Note, note that “[for Sikhs] fearing ill-treatment/persecution by the state authorities relocation to a different area of the country to escape this threat is not feasible.”²¹

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²⁰ Home Office: UK Border Agency, *supra* note 6, para. 3.6.10.

²¹ *Quoted in* Immigration and Refugee Board of Canada, *supra* note 12.