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14 April 2009

IND103112.E

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India: Whether members of the Akali Dal (Mann) / Akali Dal (Amritsar) party are harrassed 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 - March 2009)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

No reports of harassment or arrests of Akali Dal (Mann / Amritsar) party members by Indian authorities from April 2008 to March 2009 could be found among the sources consulted by the Research Directorate.

Akali Dal (Mann) leader Simranjit Singh Mann was charged with sedition for "raising slogans" in May 2007 that supported Dilawar Singh (the "human bomb" who killed Chief Minister Beant Singh); these charges were dismissed by the Supreme Court (SC) on 29 September 2008 (*The Tribune* 30 Sept. 2008; *The Hindu* 30 Sept. 2008). The charges were reportedly dismissed by the SC justices because "the mere raising of slogans does not amount to sedition" (*The Tribune* 30 Sept. 2008; *United News of India* 6 Oct. 2008). According to *The Tribune*, Simranjit Singh Mann and 16 of his fellow party members were released in August 2007 after spending three months and three days in jail (17 Aug. 2007). Information on whether Mann or the 16 party members were ill-treated in detention could not be found among the sources consulted by the Research Directorate.

Additional information to that found in IND102547.E, published 15 April 2008, which is provided below, could not be found among the sources consulted by the Research Directorate.

Various sources including three oral sources contacted by the Research Directorate indicated that the Akali Dal (Mann) party is the informal name for the Shiromani Akali Dal (Amritsar) party and both names refer to the same party (Human Rights Lawyer 31 Aug. 2007; Professor Emeritus 7 Aug. 2007; Professor of Anthropology 14 Mar. 2008; Oneindia 8 Sept. 2007; Punjab Newslines 31 Jan. 2008). Because most sources refer to this party as Akali Dal (Amritsar), this name will be used throughout this Response to Information Request.

According to news sources, the leader of the Akali Dal (Amritsar), Simranjit Singh Mann, was arrested in Punjab in June 2005 on charges of sedition for demanding independence for Khalistan, a separate homeland for Sikhs (AP 14 June 2005; PTI 14 June 2005; *The Tribune* 1 July 2005; see also US 8 Mar. 2006, Sec. 1.d). *The Panthic Weekly*, a non-profit Sikh news publication based in California (n.d.), also reports in 2006 that Indian authorities confiscated Simranjit Singh Mann's passport (*The Panthic Weekly* 6 Dec. 2006). The Khalistan Affairs Center (KAC), a Washington-based organization promoting a sovereign Sikh state (n.d.), adds that Mann's passport was seized following his visit to the United States (US) in April 2005 as his visit had generated a lot of attention to the pro-Khalistan movement (KAC 27 June 2007). However, Mann alleges that his passport has been held since 2004 to prevent him from participating in the Air India commission of inquiry in Canada (*The Panthic Weekly* 11 July 2007).

In May 2007, Mann and 20 other party members were charged under the penal code and detained for protesting in

Jalandhar around the statue of the late Beant Singh, former Punjab Chief Minister (KAC 27 June 2007; *Express India* 15 June 2007; *The Panthic Weekly* 11 July 2007). Media sources indicate that the court rejected Mann's bail application in June 2007 (*Express India* 15 June 2007) and his judicial remand was extended for another two weeks (*ibid.* 15 June 2007; *The Tribune* 2 June 2007) and once again until August 2007 (*ibid.* 11 Aug. 2007).

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).

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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The World Sikh Organization, Lawyers for Human Rights International and the People's Union for Civil Liberties did not provide information within the time constraints of this Response.

Attempts to contact the Punjab State Human Rights Commission were unsuccessful.

The Program Officer of the South Asia Desk of the Asian Human Rights Commission (AHRC), the Executive Director of Ensaaf, Physicians for Human Rights and the India Centre for Human Rights and Law did not have information on this subject.

Internet sites, including: All About Sikhs, Amnesty International (AI), *Asia Times Online*; Asian Human Rights Commission (AHRC), British Broadcasting Corporation (BBC), Danish Immigration Service, Ensaaf, European Country of Origin Information Network (ecoi.net), Freedom House, Government of Punjab - India, *Hindustan Times* [New Delhi], Human Rights Watch (HRW), *The Indian Express* [Mumbai], National Human Rights Commission, NDTV.com, Office of

the United Nations (UN) High Commissioner for Human Rights, *The Pioneer* [New Delhi], Punjab State Human Rights Commission, Rediff.com, Shiromani Akali Dal (Amritsar), The Sikh Coalition, Sikh Human Rights Group, Sikh Network, South Asia Forum for Human Rights (SAFHR), South Asia Human Rights Documentation Centre (SAHRDC), United Kingdom (UK) Border Agency, United States (US) Citizenship and Immigration Services.


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