



Australian Government

Refugee Review Tribunal

Country Advice

India

India – IND37728 – Punjab – Honour killings – Police – Internal relocation

26 November 2010

1. Please provide information about the ability of law enforcement agencies in India and particularly in Punjab to protect citizens in matters relating to honour killings.

Country Advice IND37749, dated 11 November 2010, provides information which indicates that honour killings in the state of Punjab have increased. This includes the targeting of both men and women. Information contained in the advice states that police routinely fail to investigate honour killings. The advice also provides information on the lack of specific laws in Indian to address honour killings.¹

Question one of *Country Advice IND37712*, dated 1 November 2010, also provides information on the police response to honour killings in the state of Punjab and India more generally. Information contained in the country advice indicates that Indian police are generally ineffective, ill-equipped, lack training, and suffer from corruption. Several sources report that police are often negatively influenced by community leaders and pressures, laws are not always enforced, and not all crimes are investigated. Sources also indicate that the state of Punjab has the worst levels of police corruption, misconduct and law enforcement in India.²

2. Please provide information about the ability of Sikhs to move outside of Punjab, and to live in areas other than Punjab. Is there any information that suggests that if one is educated that he/she will find it easier to resettle outside of Punjab?

Governmental reports indicate that Sikhs can relocate to areas of India other than the state of Punjab³. Access to employment, following relocation, is affected by an individual's level of education and skills.⁴

The 2010 US Department of State *Country Report on Human Rights Practices* for India provides the following general information on freedom of movement in India:

¹ RRT Country Advice Service 2010, *Country Advice IND37749*, 11 November - Attachment 1

² RRT Country Advice Service 2010, *Country Advice IND37712*, 1 November - Attachment 2

³ UK Home Office 2008, *Operational Guidance Note: India*, April p.6 - Attachment 3; Immigration and Refugee Board of Canada 2006, *IND100771.EX India: Ability of Sikhs to relocate within India; issues to be considered when relocating; safety concerns; treatment by authorities (March 2005 - December 2005)*, 18 January http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=296&cid=0 – Accessed 4 October 2006 - Attachment 4; Minorities at Risk 2006, *Assessment for Sikhs in India*, 31 December <http://www.cidcm.umd.edu/mar/assessment.asp?groupId=75012> - Accessed 24 November 2010 - Attachment 5; Department of Foreign Affairs and Trade 2003, *DFAT Report No. 254 – India: RRT Information Request: IND16042*, 13 October – Attachment 6.

⁴ UK Home Office 2008, *Operational Guidance Note: India*, April p.6 - Attachment 3; Immigration and Refugee Board of Canada 2006, *IND100771.EX India: Ability of Sikhs to relocate within India; issues to be considered when relocating; safety concerns; treatment by authorities (March 2005 - December 2005)*, 18 January http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=296&cid=0 – Accessed 4 October 2006 - Attachment 4.

The law provides for freedom of movement, and the government generally respected this in practice, although special permits are required for the northeastern states and parts of Jammu and Kashmir.⁵

The most recent UK Home Office operational guidance note for India is dated April 2008. The operational guidance note expresses the view that Punjabi Sikhs can relocate to other regions of India. This includes Punjabi Sikhs who fear mistreatment by local police. The exception is Punjabi Sikhs who fear ill treatment by central authorities; this group cannot relocate within India to avoid being targeted. The guidance note also advises that relocation may be difficult for illiterate and uneducated women. The report provides the following overview on the ability of Punjabi Sikhs to internally relocate:

Punjabi Sikhs are able to relocate to another part of India and there are Sikh communities all over India. Citizens are not required to register their faith in India and Sikhs are able to practise their religion without restriction in every state of India.

There are no checks on a newcomer to any part of India arriving from another part of India, including 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 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. Therefore, where the fear is of local police and the individual is not of interest to the central authorities, internal relocation is feasible. The situation as regards internal relocation for 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. Although rents are high and landlords are often unwilling to rent to single women, there are hostels particularly in urban areas where a large number of call centres provide employment. The situation for women with children is likely to be more difficult as children may not be accepted in hostels. Illiterate women from rural areas are likely to find it particularly difficult to obtain accommodation as a lone woman. For some women in India relocation will not be unduly harsh but this is only likely to be the case where the individual is single, without children to support and is educated enough to be able to support herself. Some single women may also be able to relocate to live with extended family or friends in other parts of the country. However, where these circumstances do not apply internal relocation is likely to be unduly harsh.⁶

In 2006 the Immigration and Refugee Board of Canada produced a report on the ability of Sikhs to relocate within India. The following is a summary of the major points outlined in the report:

- Although the majority of Sikhs are located in Punjab state, there are major communities of Sikhs located in other Indian states including Northern Haryana state, northern Rajasthan state, north central Uttar Pradesh state, northern Delhi union territory, northern Jammu and Kashmir state, central Maharashtra state, north central Uttaranchal state and central Madhya Pradesh state.
- Oral advice from expert sources indicates that Sikhs are able to practise their religion without restriction in every state of India.
- A *BBC News* report and expert sources indicate an improved relationship between Sikhs and the Congress party.

⁵ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 11 March, Section 2.d - Attachment 7

⁶ UK Home Office 2008, *Operational Guidance Note: India*, April p.6 - Attachment 3

- Advice from experts, the United Kingdom (UK) Immigration and Nationality Directorate and the United Nations High Commissioner for Refugees (UNHCR) indicates a stable relationship between Hindus and Sikhs including a decline in the mistreatment of Sikhs by non-state actors.
- Information from a human rights activist and the UK Immigration and Nationality Directorate indicates that Sikhs can relocate to other parts of India that are not deemed to be a restricted zone.
- Differing opinions were gained as to whether Sikhs would be linguistically understood in states of India other than Punjab.
- Specialist advice from several sources indicates that the financial situation of Sikhs, as opposed to their religious status, could affect access to housing, education and health care throughout India. Access to health care and education is also dependent upon the proximity of an individual's residence to an urban location.
- Several expert sources have reported indiscriminate access to employment for Sikhs. Access to employment is dependent on skill level.⁷

The Minorities at Risk website also provides advice, dated December 2006, regarding the situation of Sikhs in India. The report states that:

The Sikhs are concentrated in India's northwest Punjab state, where they constitute the majority, but there are significant minorities in nearby states and in the country's capital, New Delhi. The dispersal of the Sikhs is largely the result of voluntary migration, sometimes in search of better economic opportunities.

Relations between the Sikhs and Hindus in the Punjab have remained free of violence in recent years. The March 2000 massacre of some 40 Sikhs in Jammu and Kashmir state, reportedly by Muslim militant groups seeking Kashmiri independence, has strained relations between the two communities. This was the first instance in which Sikhs were targeted in the Kashmiri insurgency. Another instance of riots and mob attacks was spurred by the elopement of two Sikh girls and two Hindu boys in February 2005.⁸

Advice from the Department of Foreign Affairs and Trade, dated 13 October 2003, notes as follows with regard to freedom of movement in India:

Indian citizens have the freedom to relocate from one area of India to another, with two exceptions: in the state of Jammu and Kashmir, Indian citizens from other states are not allowed to buy property, but can stay in any part of the state without seeking official permission. Indian citizens who are not residents of the particular area are required to obtain a permit to visit some border areas of Jammu and Kashmir, and border areas in the north-eastern states of India. The permits are valid for six months. Indian citizens who have been arrested and released on bail are required to report regularly to local police authorities. In these instances judicial permission is required to relocate to another part of the country.⁹

⁷ Immigration and Refugee Board of Canada 2006, *IND100771.EX India: Ability of Sikhs to relocate within India; issues to be considered when relocating; safety concerns; treatment by authorities (March 2005 - December 2005)*, 18 January http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=296&cid=0 – Accessed 4 October 2006 - Attachment 4.

⁸ Minorities at Risk 2006, *Assessment for Sikhs in India*, 31 December <http://www.cidcm.umd.edu/mar/assessment.asp?groupId=75012> - Accessed 24 November 2010 - Attachment 5

⁹ Department of Foreign Affairs and Trade 2003, *DFAT Report No. 254 – India: RRT Information Request: IND16042*, 13 October – Attachment 6.

Attachments

1. RRT Country Advice Service 2010, *Country Advice IND37749*, 11 November.
2. RRT Country Advice Service 2010, *Country Advice IND37712*, 1 November.
3. UK Home Office 2008, *Operational Guidance Note: India*, April.
4. Immigration and Refugee Board of Canada 2006, *IND100771.EX India: Ability of Sikhs to relocate within India; issues to be considered when relocating; safety concerns; treatment by authorities (March 2005 - December 2005)*, 18 January http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=296&cid=0 – Accessed 4 October 2006.
5. Minorities at Risk 2006, *Assessment for Sikhs in India*, 31 December <http://www.cidcm.umd.edu/mar/assessment.asp?groupId=75012> - Accessed 24 November 2010.
6. Department of Foreign Affairs and Trade 2003, *DFAT Report No. 254 – India: RRT Information Request: IND16042*, 13 October.
7. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 11 March.