

Country Advice India

Australian Government

Refugee Review Tribunal

India – IND36875 – Punjab Politics – BJP – Congress Party – Police – Sikhs 1 July 2010

1. Please provide an outline of the political situation in Punjab and whether there has been conflict between Congress and BJP members in August 2009.

Political Situation

The state of Punjab is governed by a ruling coalition of the Shiromani Akali Dal (SAD) and the Bharatiya Janata Party (BJP). The coalition gained power in the last Punjab Assembly elections, held in February 2007, where it won 67 seats. The incumbent Indian National Congress Party under the then Chief Minister, Captain Amarinder Singh, came in second with 44 votes. SAD is a state based party maintaining a Sikh identity which has allied itself with the nation-wide Hindu-nationalist BJP. Sardar Parkash Singh Badal is Punjab's Chief Minister, equivalent to an Australian state Premier.

In May 2010, it was reported that Congress was welcoming back its Punjab leader,³ former Chief Minister Singh whose expulsion from the State Assembly for an alleged land allotment scam was overturned in April by the Supreme Court.⁴ Some commentators say that both the Congress and the ruling parties are failing to perform. A June 2010 article states that "the general perception is that Punjab Chief Minister has not [sic] control over administration" and that there was "non-governance" from the SAD-BJP government, while Congress is "scattered and facing the identity crisis".⁵ According to one article from the Max About website, the current SAD-BJP rule in Punjab was characterised by a failing economy, deteriorating law and order, and the re-emergence of militancy.⁶

Being a majority Sikh state, Punjab's politics are characterised by Sikh related issues including their historical struggle for independence. This struggle saw fighting between Khalistan separatists and the Indian government in the 1980s. The current ruling party, SAD, also referred to as Akali Dal, was involved in some of the agitation against the government during this period, though not wholly allied with the militants. SAD was said to represent the Sikh peasantry, while Congress at the time represented more of the urban, Hindu, Punjabis.

¹ 'Punjab Assembly Election 2007 Results' 2007, Indian Elections website, 27 February http://www.indian-elections.com/assembly-elections/punjab/election-result-07.html – Accessed 30 June 2010 – Attachment 1

² 'Meet the Chief Minister' (undated), Punjab Government website http://www.punjabgovt.nic.in/GOVERNMENT/meetChiefMinister.htm – Accessed 30 June 2010 – Attachment 2

³ Dewan, U. 2010, 'Patiala Congress readies to welcome Amarinder', *The Tribune*, 11 May http://www.tribuneindia.com/2010/20100512/punjab.htm#5 – Accessed 30 June 2010 – Attachment 3

⁴ 'Supreme Court quashes Amarinder Singh's expulsion from Assembly', *NDTV*, 26 April http://www.ndtv.com/news/india/supreme-court-quashes-amrinder-singhs-expulsion-from-assembly-20925.php – Accessed 30 June 2010 – Attachment 4

⁵ 'Punjab Congress faces political vaccume, PPCC Chief is mute spectator' 2010, *Punjab News Line*, 23 June – Attachment 5

⁶ Jain, P. 2008, 'Punjab Politics', MaxAbout website, 26 January http://articles.maxabout.com/politics-government/punjab-politics/article-6634 – Accessed 30 June 2010 – Attachment 6

Today, both the Congress and BJP have urban constituencies within the state while the SAD is more popular rurally.^{7 8} During the conflict, anti-Sikh riots occurred throughout India leading to thousands of Sikhs being killed after the then Congress Prime Minister, Indira Gandhi was assassinated in 1984. Several Congress party figures were implicated as ringleaders in the riots.⁷

This history continues to influence allegiances in Punjab politics today as well as affecting the manoeuvring of the major parties. The legacy of the conflict continues to cause tensions between certain Sikh bodies and the Congress party. 9 10 This is sometimes exploited by the SAD-BJP government which argued in a June 2010 article that "successive Congress governments at the centre and in the state had betrayed the people of Punjab". In the last few years, these tensions have played out in the ongoing conflicts between the various relatively new religious sects which have both Sikh and non-Sikh followers, and the Sikh establishment. 12 13 The Congress party is said to draw support from sect members while the SAD attracts more of the orthodox Sikhs.¹⁴ The support for Congress of one sect, the Dera Sucha Sauda, was made overt in March 2007 which led to some of the largest clashes between a sect and Sikh SAD supporters. While clashes between sect followers who are Congress supporters and mainstream Sikhs who are SAD-BJP supporters have occurred on many occasions, the latter identify much more with SAD than they do with the pro-Hindu BJP. The clashes are described as being between the sects and mainstream Sikhs, not between Congress supporters and the BJP.¹³ The most extreme Sikh groups, however, seem to be critical of all the major parties in the state.¹⁵

Some blame the rise of the sects on the Indian government which they say is seeking to use them to divide Sikhs and dilute their separate identity. Others argue that Khalistan militants are attempting to further their separatist aims through sparking sectarian violence between mainline Sikhs and the sects. It is assessed that both arguments are likely to have elements of truth to them.

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⁷ Amnesty International 2003, *INDIA*: *Break the cycle of impunity and torture in Punjab*, ASA2000203, Amnesty International website http://www.amnesty.org/en/library/asset/ASA20/002/2003/en/5a5e5bb5-d758-11dd-b024-21932cd2170d/asa200022003en.html - Accessed 30 June 2010 - Attachment 7

⁸ Singh, J. 2010, 'BJP claims it may take revolt to 'logical conclusion', *The Tribune*, 24 June http://www.tribuneindia.com/2010/20100625/punjab.htm#1 – Accessed 30 June 2010 – Attachment 8 US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – India*, 11 March – Attachment 9

Singh, H. 2009, 'Operation Bluestar's bitter legacy 25 years on', *The Independent*, 2 June – Attachment 10
 'Keep Away from Sikh Religious Matters, Badal tells Congress', *Punjab Mail Online*, 25 June
 http://www.punjabmailonline.com/Punjab News news2.aspx#41729 – Accessed 30 June 2010 – Attachment 11
 'Ashutosh Maharaj, Gurmit Ram Rahim Singh and Baba Piara Bhaniarewala - are on the hit list of Khalistan separatist' 2010, *Sikh Press*, 21 March http://www.sikhpress.com/story/731 – Accessed 30 June 2010 – Attachment 12

¹³ Singh, J. 2007 'What is behind Sikh protests?', *BBC*, 18 May http://news.bbc.co.uk/2/hi/south_asia/6670569.stm - Accessed 26 November 2009 – Attachment 13

¹⁴ 'Dera Sacha Sauda and the Sikhs of Punjab' 2007, Sepia Mutiny website, 24 May http://www.sepiamutiny.com/sepia/archives/004461.html - Accessed 25 November 2009 – Attachment 14 'Radical Sikh group again voices 'Khalistan' demand' 2009, *Indo-Asian News Service*, 29 April – Attachment 15

¹⁶ Singh, K. 2007, 'Dera row: History repeats itself', *The Times of India*, 18 May http://timesofindia.indiatimes.com/articleshow/msid-2060379,prtpage-1.cms - Accessed 25 November 2009 – Attachment 16

Not only are sect followers Congress supporters but they are also usually low caste, often Dalits.¹⁷ The division between orthodox Sikhs and Dalits took on a new twist recently when one sect, the Dera Sachkhand Ballan, announced it was setting up a completely new religion 'Ravidassia'. It is described as a further indication of Dalits strongly asserting their own identity in a state where they have long been suppressed.¹⁸

Related to the religious and caste divisions in Punjabi politics is the simmering class conflict with growing agitation amongst Left bodies representing labourers, Dalits and marginal farmers, against the SAD-BJP government. They feel the government does not have any solutions for them and has not paid adequate attention to them. While it is unlikely to lead to violence at this stage, there are fears amongst state authorities of a growing 'Naxal' or Maoist ideology in the state, with prominent Naxal leaders having visited in the last few years. ¹⁹ The Naxalite rebels, who control large swathes of eastern India, were recently referred to by Prime Minister Singh as India's greatest internal security threat. ²⁰

Clashes

While there were clashes in another state between the two parties in August 2009,²¹ there were no reports found of violence between BJP and Congress supporters in Punjab. In fact, a recent dispute between the BJP and its alliance partner SAD has seen Congress come out in support of the BJP. During the aforementioned June 2010 dispute over the SAD's neglect of the BJP's urban constituencies in favour of its own rural support base, Congress called upon the BJP to withdraw support from SAD.²²

Violence occurred between Congress and SAD supporters in January 2007 which resulted in the killing of a SAD supporter. There were also the aforementioned clashes in May 2007 between Sikh SAD supporters and DSS followers who may have been Congress supporters. According to a Punjab Congress official, during elections in 2008, violence occurred where many congress party workers were allegedly beaten and 200 hospitalised as a result of a "total subversion of democracy and law and order" under SAD-BJP rule ²⁵. More recently, there was violence in Ludhiana which caused a clash in the Punjab Assembly in December 2009.

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¹⁷ Zaidi, A. 2007, 'Faith and conflict', *Frontline*, vol. 24, iss.14, 14-27 July http://www.hinduonnet.com/fline/fl2414/stories/20070727003302800.htm - Accessed 26 November 2009 – Attachment 17

¹⁸ Chaudhry, A. 2010, 'Religion, or a prayer for identity', *Indian Express*, 3 February http://www.indianexpress.com/news/religion-or-a-prayer-for-identity/574754/0 – Accessed 30 June 2010 – Attachment 18

¹⁹ Singh, J. 2010, 'Red Spread II: Extreme Left farmers' bodies give jitters to police', *The Tribune*, 23 June http://www.tribuneindia.com/2010/20100624/punjab.htm#1 – Accessed 30 June 2010 – Attachment 19 'Naxalism gravest internal security threat to nation: PM' 2010, *Indian Express*, 21 April http://www.indianexpress.com/news/naxalism-gravest-internal-security-threat-to/609303/ – Accessed 30 June 2010 – Attachment 20

²¹ 'Case against BJP MP after group clash in Azamgarh' 2009, *World Latest News*, 13 August http://www.worldlatestnews.com/nation-india/politics/case-against-bjp-mp-after-group-clash-in-azamgarh-56475 – Accessed 30 June 2010 – Attachment 21

²² 'Punjab Congress MLA asks BJP to withdraw support from SAD' 2010, *Punjab News Line*, 23 June – Attachment 22

Walia, V. & Bumbroo, S. 2007, 'Dimpa's bail plea gone; campaign on', *The Tribune*, 7 March http://www.tribuneindia.com/2007/20070307/punjab1.htm – Accessed 27 November 2009 – Attachment 23 Singh, K. 2007 'Dera row: History repeats itself', *The Times of India*, 18 May http://timesofindia.indiatimes.com/articleshow/msid-2060379,prtpage-1.cms - Accessed 26 November 2009 – Attachment 16

²⁵ 'Congress demands imposition of President's rule in Punjab' 2010, *The Economic Times*, 16 May http://economictimes.indiatimes.com/articleshow/3047226.cms – Accessed 30 June 2010 – Attachment 24

The Ludhiana violence involved Sikhs protesting the holding of a religious congregation by leader of the Divya Jyoti Jagrati Sansthan (Divine Light Awakening Mission) sect, Ashutosh Maharaj.²⁶

2. Please check if there is an MP named Harpartap Singh Ajnala, and whether he is in the State or Federal government.

In a search of lists of legislative members in the Punjab Assembly, no one named Harpartap Singh Ajnala was found. There was an Amarpal Singh Ajnala; however, this person was a member of the SAD party and not Congress. A search of Punjab representatives in the upper and lower houses of India's National Parliament also yielded no matches. ^{29 30}

3. Where is Ajnala located in relation to Amritsar?

Ajnala is approximately 25km northwest of Amritsar, near the border with Pakistan.³¹

4. Are the police inclined to target political activists involved in the conflict (if any) in August 2009, because they are controlled extensively by the BJP?

BJP control of Police

Evidence suggests that the BJP does not have extensive control of the police force and, as a result, is unlikely to be able to use them to target political activists. This is in spite of allegations by a Congress candidate (who had been arrested for killing a SAD supporter) that following the 2007 elections, "police had picked up innocent Congress activists". The BJP is the minor partner in the governing coalition and seems to have had trouble in exerting control over government policy and action. It only has approximately 20 seats in the Legislative Assembly while the SAD has around 50. In June 2010, conflict arose when SAD failed to release development funds to BJP constituencies which caused the latter to threaten a revolt and to have its ministers hand in their resignations. The fact that the BJP had to use such measures in order to obtain the release of development funds suggests it is unlikely that the party has a strong control of state apparatuses the police force. The dispute between the two coalition partners was not an isolated incident, with a 2009 article citing the

intp://104.100.47.132/Essivew/Welhoers/statedetail.aspx/state_code=Fulljab - Accessed 30 Julie 2010
Attachment 27

²⁶ '1 dead, 12 hurt in Ludhiana clashes' 2009, *India Today*, 5 December http://indiatoday.in/site/Story/73709/LATEST%20HEADLINES/1+dead,+12+hurt+in+Ludhiana+clashes.html - Accessed 30 June 2010 - Attachment 25

²⁷ 'Legislative Members' (undated), Punjab Government website http://www.punjabgovt.nic.in/GOVERNMENT/13_legislative_assembly.htm – Accessed 30 June 2010 – Attachment 26

²⁸ 'Punjab Assembly Election 2007 Results' 2007, Indian Elections website, 27 February http://www.indian-elections.com/assembly-elections/punjab/election-result-07.html – Accessed 30 June 2010 – Attachment 1
²⁹ 'Fifteenth Lok Sabha' (undated), Lok Sabha website
http://164.100.47.132/LssNew/Members/statedetail.aspx?state_code=Punjab – Accessed 30 June 2010 –

^{30 &#}x27;RAJYA SABHA' 2010, Rajya Sabha website, 30 June

http://164.100.47.5/Newmembers/memberstatewise.aspx – Accessed 30 June 2010 – Attachment 28 'Ajnala, India' 2010, Google Maps website

http://maps.google.com.au/maps?rlz=1T4EGLC_en__AU386&q=Ajnala%20india%20map&um=1&ie=UTF-8&s=N&hl=en&tab=wl - Accessed 30 June 2010 - Attachment 29

³² Walia, V. & Bumbroo, S. 2007, 'Dimpa's bail plea gone; campaign on', *The Tribune*, 7 March http://www.tribuneindia.com/2007/20070307/punjab1.htm – Accessed 27 November 2009 – Attachment 23 Singh, J. 2010, 'BJP claims it may take revolt to 'logical conclusion'', *The Tribune*, 24 June http://www.tribuneindia.com/2010/20100625/punjab.htm#1 – Accessed 30 June 2010 – Attachment 8

recurring problem of SAD's "non-cooperation" with the BJP. 34 The BJP's state head mentioned in a June 2010 article that he "regretted [that] the Akali leadership which was playing the role of an elder brother in the SAD-BJP government had not kept its word as an alliance partner". 35

Given that it was only just over three years ago that Congress was in power, it is unlikely that the BJP has had sufficient time to be able to develop any strong loyalties within the police force. 36 Also, there were certain 'anti-separatist' structures built into the police force by the ruling state and national Congress parties during the 1980s and early 90s which we may still have an influence today. These include a system of rewards and promotions for officers who had killed the most number of separatist militants.³⁷ The anti-separatist culture can be seen as translating into an anti-SAD, pro-Congress culture as SAD was the party most sympathetic to the militants. This possibility further diminishes the likelihood that the BJP, as SAD's coalition partner, would be able to have the police do its bidding and target Congress activists.

Nature of the Police Force

While the BJP is unlikely to exert a strong control over the police force in Punjab, generally throughout India there remains the possibility of police acting according to the whims of the ruling political party. Human Rights Watch (HRW), stated that "Police officers sometimes make arrests...due to political considerations or the influence of powerful local figures". Furthermore, it was the states, rather than the Federal government, that had control of policing.³⁸

In terms of the general attitude of the police in Punjab towards human rights abuse, in 2008 the Punjab State Human Rights Commission stated that most of the cases it took up concerned allegations of atrocities committed by the police. Six thousand of the 10,000 complaints it had registered pertained to "police atrocities". Sources also suggested that torture and rape by police still occurred throughout India. 38 39 Deaths in custody remain a large problem with the Asian Centre for Human Rights reporting 1,184 persons were killed in police custody between 2001 and 2009. Police were also alleged to have engaged in unregistered arrests, resulting in hundreds of unresolved disappearances.³⁸

³⁴ Dheer, G. 2009 'Trouble in BJP's Punjab parivaar', *Indian Express*, 6 February http://www.indianexpress.com/news/trouble-in-bjps-punjab-parivaar/419753/ - Accessed 30 June 2010 -

³⁵ 'BJP asks workers to gear up for 2012 Punjab Assy polls' 2010, *United News of India*, 22 June – Attachment

³⁶ Dewan, U. 2010, 'Patiala Congress readies to welcome Amarinder', *The Tribune*, 11 May http://www.tribuneindia.com/2010/20100512/punjab.htm#5 - Accessed 30 June 2010 - Attachment 3

Amnesty International 2003, INDIA: Break the cycle of impunity and torture in Punjab, ASA2000203, Amnesty International website http://www.amnesty.org/en/library/asset/ASA20/002/2003/en/5a5e5bb5-d758-11dd-b024-21932cd2170d/asa200022003en.html - Accessed 30 June 2010 - Attachment 7

³⁸ US Department of State 2010, Country Reports on Human Rights Practices for 2009 – India, 11 March – Attachment 9
³⁹ Amnesty International 2010, *Amnesty International Report 2010 – India*, p190 – Attachment 32

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