



Australian Government
Refugee Review Tribunal

Country Advice

India

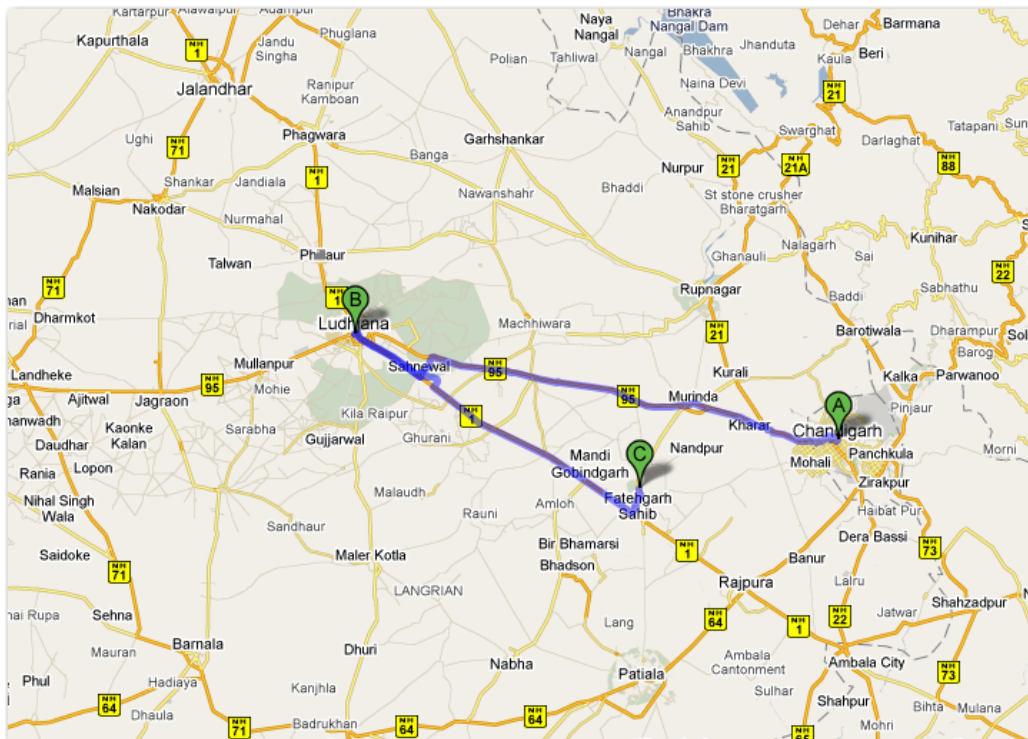
India – IND37866 – arranged marriage –
Sikh – women – divorce – domestic
violence – Punjab
6 December 2010

1. Please provide link to map or basic information about the area of Ludhiana, Punjab.



India

Map of India:



A – Chandigarh, (Capital of Punjab and site of one of two international airports in the state.)

B – Ludhiana city

C- Fatehgarh Sahib (see Country Advice IND37868).

According to Google maps, the distance from Ludhiana to Fatehgarh is between 66km and 85km, and would take about an hour by car to drive.

Ludhiana, Punjab

'Ludhiana' is both a district¹ and major city of the northern province of Punjab. The city of Ludhiana has existed in some form since the 1450s.² The Ludhiana city website describes the city as "the biggest, densely populated and widely scattered city of Punjab State"³ The 2001 Census recorded 824 women for every 1000 men in Punjab. The state population has a literacy rate of 75 percent and an employment rate of just over 34 percent.⁴ Almost half the state population (1, 339, 200 people) live in rural parts of the state (approx. 44percent), the remaining 1, 693, 700 live in urban areas.⁵

The Punjab Government website describes the state as Punjab, "the richest state in India", and the state has developed both agricultural and, increasingly, industrial sectors, with many key Indian and International companies based there, including Dell, Phillips and Nestle. "Ludhiana (Punjab) has been adjudged as the best place for doing business in India as per the World Bank Study, 2009".⁶

2. Please provide information about the treatment by community or family for if a Sikh woman who separates or divorces in the Ludhiana, Punjab area. Is the treatment different in poorer rural areas as opposed to urban areas? Is the treatment different if the woman suffered domestic violence?

No information was located which discussed the Ludhiana district or city explicitly. However, some sources, including recent country advice provide relevant information for Punjab and Sikh communities.

Women in Punjab continue to experience high levels of domestic violence within marriages; at the hands of in-laws; and sometimes while living with their natal families. This is due in part to the subordinate position many women have in Sikh communities, particularly in rural parts of the state; and is exacerbated where a woman is not educated, and/or financially self-sustaining. Practices including physical abuse and honour killings of women continue largely unchecked by local police. There are few services within Punjab which can assist women seeking to escape these abusive marriages. Some reports suggest that divorce is slowly becoming more acceptable in India, but these reports emphasise that divorce is only available to middle class women living in urban centres who are capable of supporting themselves financially.

¹ 'Punjab State Information' 2007, *New Kerala* website, <http://www.newkerala.com/states-of-india/punjab.php#> - Accessed 6 December 2010, Attachment 1

² 'Official Website of District Ludhiana (Punjab)' undated, Ludhiana Government website, <http://ludhiana.nic.in/> - Accessed 8 December 2010, Attachment 2

³ 'Punjab Police, Ludhiana' undated, *Ludhiana Government* website, http://ludhiana.nic.in/dept/pb_police.html - Accessed 8 December 2010, Attachment 9

⁴ 'Area and Population' undated, Ludhiana Government website, http://ludhiana.nic.in/html/area_population.html - Accessed 8 December 2010, Attachment 3

⁵ 'Area and Population' undated, Ludhiana Government website, http://ludhiana.nic.in/html/area_population.html - Accessed 8 December 2010, Attachment 3

⁶ 'Punjab – State profile' 2010, *Punjab Government* website, <http://punjabgovt.nic.in/stateprofile1.html#> - Accessed 8 December 2010, Attachment 17

In India, Sikh marriages are recognised under the *Anand Marriage Act*, 1909, however, as Sikh marriage “establishes a permanent relationship between the partners ... there is no provision for a divorce under this Act, for the Sikh marriage (Anand Karaj) is a sacrament and not a civil contract.”⁷ The website *Sikhism101* describes divorce as ‘a very grave matter ... [and states that only] in the extreme and very rare case where one side simply refuses to reconcile one party may ask permission of the Sangat [the group of Sikhs offering good community and spiritual support to its members⁸] ... to divorce and remarry. Marriage is not however considered something that can be formed and broken at will.’⁹

Although it is theoretically possible for a Sikh couple to divorce under Indian law by citing extreme extenuating circumstances, including “cruelty, adultery, change of religion, ... and in some cases incompatibility of temperament”¹⁰, in practice, it is very difficult for a Sikh couple to separate or divorce. It is especially difficult for rural Sikh women to successfully separate from or divorce their husbands. The prevalence of domestic violence in India, and the ill-treatment of divorced women by their families and the broader community would suggest that domestic violence as a grounds for divorce would not afford a woman significantly different opportunities than one who did not cite a violent relationship as the reason for her divorce.

Country Advice IND37730 (December 2010) indicates that domestic violence is a significant problem in India, and also within the Sikh community, however, it is not often reported or acknowledged. A variety of international reports describe the severity of the issue, and detail high rates of violence against women perpetrated by their husbands, and families¹¹ These reports also discuss the phenomenon of ‘honour killings’ in the Punjab. For instance, the US State department reported that as many as 10 percent of all killings were honor killings”¹² In 2004, UNIFEM has published an NGO report which groups suggest that domestic violence in Punjab is increasing, and stemmed from deeply patriarchal and “feudal” values that placed women in a subordinate position.¹³

Country Advice IND37730 (December 2010) also provides information on the prevalence of divorce in Punjab and the treatment of single and divorced women. This Country Advice also discusses reports of serious mistreatment, including murder, of Sikh women who have attempted to leave or divorce their husbands. No information was located which dealt specifically with Punjab. According to the 2001 Census, Punjab recorded one of the lowest rates of divorce in the country. Divorce, particularly in rural areas, is ‘strongly

⁷ ‘What is the Sikh attitude to divorce?’ undated, <http://www.allaboutsikhs.com/sikhism-faqs/sikhism-faqs-what-is-the-sikh-attitude-to-divorce.html> - Accessed 8 December 2010, Attachment 20

⁸ ‘Sangat’, *SikhiWiki* website, <http://www.sikhiwiki.org/index.php/Sangat#> - Accessed 8 December 2010, Attachment 21

⁹ ‘What is the Sikh attitude to divorce?’ undated, *Sikhism101.net*, <http://www.sikhism101.com/node/111> - Accessed 8 December 2010, Attachment 22

¹⁰ ‘What is the Sikh attitude to divorce?’ undated, <http://www.allaboutsikhs.com/sikhism-faqs/sikhism-faqs-what-is-the-sikh-attitude-to-divorce.html> - Accessed 8 December 2010, Attachment 21

¹¹ Human Rights Watch 2010, *World Report 2010 – India*, 20 January – Attachment 4.

¹² US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 5, sec 6.; see also Freedom House 2010, “India (2010)”, Freedom House website, <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7840> – Accessed 24 November 2010 – Attachment 6.

¹³ Voluntary Health Association of Punjab & UNIFEM South Asia 2004, “Violence against women in the state of Punjab” in *Support Services to Counter Violence Against Women in Punjab – A Resource Directory*, www.unifem.org.in/PDF/Punjab/Introduction.pdf – Accessed 24 November 2010 – Attachment 7.

stigmatised' in Punjab¹⁴ and academics have commented that in much of Sikh society, a woman's social status is largely dependent on her marital status and divorce is still considered shameful.¹⁵

Reports on India's major urban centres suggest that well educated, financially secure women are increasingly successful in filing for divorce, however, this freedom has not extended to poor, rural populations, where failed marriages are a source of great shame¹⁶, and men continue to initiate most divorce¹⁷. A *Time* article noted that "failed marriages remain a cause for shame in much of the country and divorced people, especially women, continue to face fierce social stigmatization".¹⁸

3. If a Sikh woman refused to accept an arranged marriage, how would she be treated by her family?

No information was located which discussed the treatment of Sikh women who refused to accept an arranged marriage. Information provided in Question 2 and *Country Advice* IND37730 would suggest that Sikh women living in rural parts of Punjab may not necessarily be afforded the freedom to reject their parents' choice of partner – especially as many Sikh marriages seek to strategically unite particular families.

This *Country Advice* also describes the negotiation practices and traditions of arranged marriages amongst Sikh and Hindu families in India. In Sikh families, the bride's parents generally take responsibility for searching for a suitable match, sometimes with the assistance of relatives, or a matchmaker.

The website *Sikh Philosophy* notes that,

Some marriages are still arranged by the families of the bride and groom, **but both individuals have the right not to marry the partner chosen for them.** Marriage is seen as a commitment before Waheguru (Almighty) and the purpose is so the individual has companionship on their spiritual path, rather than sexual pleasure.

¹⁴ Page, J 2007, "Married and abandoned – the 30,000 wives 'dumped by Westerners'", *The Times*, 24 February, http://www.timesonline.co.uk/tol/news/world/middle_east/article1431751.ece – Accessed 24 November 2010 – Attachment 10.

¹⁵ Nesbitt, E 2005, *Sikhism: A very short introduction*, Oxford University Press, Oxford, http://books.google.com.au/books?id=8McnoJrNfB0C&pg=PA115&lpg=PA115&dq=PUnjabi+Sikh+%22divorced+woman%22&source=bl&ots=JUprN4h8kj&sig=PiSRtP_PnVSVttD3AwRoCTPjag&hl=en&ei=Q0nwTLGiDMSrcZXWnMkK&sa=X&oi=book_result&ct=result&resnum=4&ved=0CC4Q6AEwAw#v=onepage&q=PUnjabi%20Sikh%20%22divorced%20woman%22&f=false – Accessed 27 November 2010 – Attachment 11, p 115; Brown, E 2006, "Ritual and Religion" in *The Oxford Textbook of Palliative Care for Children*, eds Goldman, A, Hain, R & S Liben, Oxford University Press, Oxford, pp 204-230, http://books.google.com.au/books?id=zEIA5OcUGSgC&pg=PA220&dq=Sikh+divorce&hl=en&ei=D0XwTLKXDpKdcfCe0KwK&sa=X&oi=book_result&ct=result&resnum=1&ved=0CC4Q6AEwADgU#v=onepage&q=SiKh%20divorce&f=false – Accessed 27 November 2010 – Attachment 12, p 220.

¹⁶ Mahmood, S & S Sengupta 2008, "As Mores Evolve, India's Divorced Seek Second Chance", *The New York Times*, 14 February, <http://www.nytimes.com/2008/02/14/world/asia/14remarry.html> – Accessed 23 November 2010 – Attachment 13.

¹⁷ Robinson, S 2007, "Divorce and Remarriage — Indian-Style", *Time*, 5 July, <http://www.time.com/time/world/article/0,8599,1640200,00.html> – Accessed 23 November 2010 – Attachment 14.

¹⁸ Robinson, S 2007, "Divorce and Remarriage — Indian-Style", *Time*, 5 July, <http://www.time.com/time/world/article/0,8599,1640200,00.html> – Accessed 23 November 2010 – Attachment 14.

A marriage also brings two families together and Sikhs believe that it is important that the families get on. This is one of the reasons why Sikhs encourage their children to marry other Sikhs.¹⁹

4. Are there other Hindi or Punjabi speaking areas in India that a female might safely live or relocate to?

It is possible for Sikh's from Punjab to relocate to other parts of India with Sikh communities, however, the success of relocation will depend on the individual's level of education, skills and networks. The most recent UK Guidance note on the subject (April 2008) advises that illiterate and/or uneducated women would find it difficult to relocate as many landlords refuse to rent to single women (single, divorced or widowed). *Country Advice IND377728* (November 2010) provides further information on the ability of Sikhs to move outside Punjab, including unaccompanied women.

Country Advice IND31363 (February 2007) discusses the options for Indian women who have either been abandoned by their husbands living overseas, or have left the marriage due to mistreatment. It would be difficult for poor women with no relatives to successfully relocate in India, and many women return to live with their families, having nowhere else to live. There is little assistance available for these women outside their familial networks, for example, a 2006 newspaper article in the *Tribune* stated that "these women ...continue living in misery".²⁰

5. Deleted.

Attachments

1. 'Punjab State Information' 2007, *New Kerala* website, <http://www.newkerala.com/states-of-india/punjab.php#> - Accessed 8 December 2010,
2. 'Official Website of District Ludhiana (Punjab)' undated, Ludhiana Government website, <http://ludhiana.nic.in/> - Accessed 8 December 2010,
3. 'Area and Population' undated, Ludhiana Government website, http://ludhiana.nic.in/html/area_population.html - Accessed 8 December 2010,
4. Human Rights Watch 2010, *World Report 2010 – India*, 20 January
5. US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010
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¹⁹ <http://www.sikhphilosophy.net/essays-on-sikhism/26267-sikhism-marriage-and-divorce.html> - Accessed 8 December 2010

²⁰ 'NGO comes to single women's aid', 2006, *The Tribune* online edition, 16 May <http://www.tribuneindia.com/2006/20060517/himachal.htm#3> – Accessed 9 February 2007, Attachment 15

7. Voluntary Health Association of Punjab & UNIFEM South Asia 2004, “Violence against women in the state of Punjab” in *Support Services to Counter Violence Against Women in Punjab – A Resource Directory*, www.unifem.org.in/PDF/Punjab/Introduction.pdf – Accessed 24 November 2010
8. RRT Country Advice 2010, *Country Advice* IND37730, 3 December
9. ‘Punjab Police, Ludhiana’ undated, *Ludhiana Government* website, http://ludhiana.nic.in/dept/pb_police.html - Accessed 8 December 2010,
10. Page, J 2007, “Married and abandoned – the 30,000 wives ‘dumped by Westerners’”, *The Times*, 24 February, http://www.timesonline.co.uk/tol/news/world/middle_east/article1431751.ece – Accessed 24 November 2010
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12. Brown, E 2006, “Ritual and Religion” in *The Oxford Textbook of Palliative Care for Children*, eds Goldman, A, Hain, R & S Liben, Oxford University Press, Oxford, pp 204-230, http://books.google.com.au/books?id=zEIA5OcUGSgC&pg=PA220&dq=Sikh+divorce&hl=en&ei=D0XwTLKXDpKdcfCe0KwK&sa=X&oi=book_result&ct=result&resnum=1&ved=0CC4Q6AEwADgU#v=onepage&q=Sikh%20divorce&f=false – Accessed 27 November 2010
13. Mahmood, S & S Sengupta 2008, “As Mores Evolve, India’s Divorced Seek Second Chance”, *The New York Times*, 14 February, <http://www.nytimes.com/2008/02/14/world/asia/14remarry.html> – Accessed 23 November 2010
14. Robinson, S 2007, “Divorce and Remarriage — Indian-Style”, *Time*, 5 July, <http://www.time.com/time/world/article/0,8599,1640200,00.html> – Accessed 23 November 2010
15. ‘NGO comes to single women’s aid’, 2006, *The Tribune* online edition, 16 May <http://www.tribuneindia.com/2006/20060517/himachal.htm#3> – Accessed 9 February 2007,
16. Deleted.
17. ‘Punjab – State profile’ 2010, *Punjab Government* website, <http://punjabgovt.nic.in/stateprofile1.html#> - Accessed 8 December 2010,
18. RRT Country Advice 2010, *Country Advice* IND377728 26 November
19. RRT Country Advice 2007, *Country Advice* IND31363 15 February 2007

20. 'What is the Sikh attitude to divorce?' undated, <http://www.allaboutsikhs.com/sikhism-faqs/sikhism-faqs-what-is-the-sikh-attitude-to-divorce.html> - Accessed 8 December 2010,
21. 'Sangat', *SikhiWiki* website, <http://www.sikhiwiki.org/index.php/Sangat#> - Accessed 8 December 2010,