



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## India

India – IND37730 – Punjab – Sikhs –  
Separated women – Divorced women –  
Domestic violence – Honour killings –  
Police – State protection – Internal  
relocation

3 December 2010

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- 1. Please provide information about separated or divorced women (who are Punjabi Sikhs) in Punjab. In particular, please provide information about such women being driven to suicide, killed or forced to marry again in order to subsist.**

Although few reports were found to refer specifically to separated or divorced Punjabi Sikh women in Punjab, limited sources suggest that there are over 22,500 separated or divorced women living in this state, and divorced women may be stigmatised in Punjab, especially in small villages. While no reports were found of separated or divorced women who are residents of Punjab being seriously mistreated or killed in recent years, news stories indicate that some Punjabi Sikhs living in the West have been targeted for revenge or honour killings as a result of seeking divorces from their husbands.

Reports on the situation of separated and divorced women in India more broadly underline that such women are vulnerable to labour exploitation, sexual harassment and/or abuse and discrimination. Recent reports indicate that divorce has become more socially acceptable and common in India over the last few years, particularly in urban areas, and many divorces are now initiated by women. However, the primary beneficiaries of these societal shifts appear to be middle-class urban women who are able to support themselves; the situation for women who are poor, financially dependent on their husbands, and/or who live in rural areas remains difficult.

### **Separated or divorced women in Punjab**

Data from the 2001 Census indicates there were 22,595 separated or divorced women in Punjab, and a 2010 *Telegraph India* news story said that Punjab was among those states with “lower rates” of divorce or separation.<sup>1</sup> The census data did not indicate how many

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<sup>1</sup> “Marital status by age and sex” 2001, Official website of the Indian Census, [http://censusindia.gov.in/Census\\_Data\\_2001/Census\\_data\\_finder/C\\_Series/Marital\\_status\\_by\\_age\\_and\\_sex.htm](http://censusindia.gov.in/Census_Data_2001/Census_data_finder/C_Series/Marital_status_by_age_and_sex.htm) – Accessed 24 November 2010 – Attachment 1 (excel table); Paul, C 2010, “A leader in separated women – Bengal scores high: Some say empowerment, others talk of Kali”, *The Telegraph India*, 21 August, [http://www.telegraphindia.com/1100821/jsp/frontpage/story\\_12836973.jsp](http://www.telegraphindia.com/1100821/jsp/frontpage/story_12836973.jsp) – Accessed 24 November 2010 – Attachment 2; “Status of widowed, divorced and deserted women” 2010, *Sikhphilosophy.net*, 15 August, <http://www.sikhphilosophy.net/india/31847-status-of-widow-divorced-deserted-women.html> – Accessed 24 November 2010 – Attachment 3. Punjab’s total population is 24,358,999, of which 11,373,954 – or nearly 47 per cent – are female. See “Population by sex and sex ratio” n.d., Official website of the Indian Census, [http://www.censusindia.gov.in/Tables\\_Published/A-Series/pca\\_main.aspx](http://www.censusindia.gov.in/Tables_Published/A-Series/pca_main.aspx) – Accessed 24 November 2010 – Attachment 4.

of these separated or divorced women were Sikhs,<sup>2</sup> however, and no information was found on the prevalence or number of separated or divorced women in the Punjabi Sikh community in Punjab. Regarding attitudes toward, and treatment of, separated or divorced Punjabi or Punjabi Sikh women, a *Times* story on abandoned wives of non-resident Indians (NRI's) said that divorced women were "strongly stigmatised" in small villages in the Punjab,<sup>3</sup> 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.<sup>4</sup> (For further details on academics' comments on this issue, please see question five.)

### Reports of serious mistreatment and murder

Reports indicate that in some cases, Punjabi and Punjabi Sikh women who have attempted to leave or divorce their husbands have been seriously harmed or killed by their spouse and/or his family. For example:

- In 2009 various newspapers reported on the murder of Geeta Aulakh, an ethnically Indian British Sikh woman.<sup>5</sup> At the time of her death Ms Aulakh was in the process of divorcing her husband, who seems to have been of Punjabi origin.<sup>6</sup> According to reporting by the *Daily Mail*, Ms Aulakh died as a result of an apparent honour or revenge killing carried out by three "machete-wielding" Punjabi Indian men at her husband's request.<sup>7</sup> As of October 2010, the trial was continuing.<sup>8</sup>

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<sup>2</sup> "Status of widowed, divorced and deserted women" 2010, *Sikhphilosophy.net*, 15 August, <http://www.sikhphilosophy.net/india/31847-status-of-widow-divorced-deserted-women.html> – Accessed 24 November 2010 – Attachment 3.

<sup>3</sup> 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](http://www.timesonline.co.uk/tol/news/world/middle_east/article1431751.ece) – Accessed 24 November 2010 – Attachment 5.

<sup>4</sup> Nesbitt, E 2005, *Sikhism: A very short introduction*, Oxford University Press, Oxford, [http://books.google.com.au/books?id=8McnoJrNfBOC&pg=PA115&lpq=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](http://books.google.com.au/books?id=8McnoJrNfBOC&pg=PA115&lpq=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 6, 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](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 7, p 220.

<sup>5</sup> Andrews, E & K Loveys 2009, "Honour killing theory as mother-of-two is found dumped in the street with her hand severed", *The Daily Mail*, 18 November, <http://www.dailymail.co.uk/news/article-1228561/Woman-dies-hours-mutilated-street-hand-cut-off.html> – Accessed 23 November 2010 – Attachment 8; Gill, C 2010, "Mother hacked to death in the street for saying: I want a divorce", *The Daily Mail*, 18 October, <http://www.thefreelibrary.com/Mother+hacked+to+death+in+the+street+for+saying%3A+I+want+a+divorce.-a0239789901> – Accessed 23 November 2010 – Attachment 9; "NRI receptionist hacked to death for 5,000 pounds bounty" 2010, *Express India*, 19 October, <http://www.expressindia.com/latest-news/NRI-receptionist-hacked-to-death-for-5-000-pounds-bounty/699642/> – Accessed 23 November 2010 – Attachment 10.

<sup>6</sup> "Innocent mother hacked to death because husband could not tolerate a 'mere woman' leaving him, Old Bailey told" 2010, *The Daily Mail*, 19 October, <http://www.fmwf.com/taxonomy/parenting/2010/10/innocent-mother-hacked-to-death-because-husband-could-not-tolerate-a-mere-woman-leaving-him-old-bailey-told/> – Accessed 23 November 2010 – Attachment 11.

<sup>7</sup> "Innocent mother hacked to death because husband could not tolerate a 'mere woman' leaving him, Old Bailey told" 2010, *The Daily Mail*, 19 October, <http://www.fmwf.com/taxonomy/parenting/2010/10/innocent-mother-hacked-to-death-because-husband-could-not-tolerate-a-mere-woman-leaving-him-old-bailey-told/> – Accessed 23 November 2010 – Attachment 11.

<sup>8</sup> "Innocent mother hacked to death because husband could not tolerate a 'mere woman' leaving him, Old Bailey told" 2010, *The Daily Mail*, 19 October, <http://www.fmwf.com/taxonomy/parenting/2010/10/innocent-mother->

- In 2007, a British court sentenced Bachan Athwal, an elderly Punjabi Sikh woman, to prison for ordering the honour killing of her daughter-in-law Surjit Kaur Athwal.<sup>9</sup> The younger Ms Athwal had reportedly had an affair and begun divorce proceedings against her husband when she was murdered in 1998 while visiting Punjab with her mother-in-law for a wedding.<sup>10</sup> Ms Athwal's husband was also sentenced to prison for his role in planning her killing.<sup>11</sup>
- In late 2006, Sikh Indo-Canadian woman Gurjeet Ghuman was shot in the head by her estranged husband before he turned the gun on himself.<sup>12</sup> Ms Ghuman, who survived but was permanently blinded by the attack, said that her husband had tried to murder her because she wanted a divorce. A news report on *Canada.com* noted that four other Sikh women had been killed in British Columbia's Lower Mainland in the previous six months, but provided no details on those cases.<sup>13</sup>

Although no such reports were found regarding women who were residents of Punjab, similar incidents may have occurred in this state but gone unreported (or not been reported in detail). Punjab is known to have a high rate of honour killings,<sup>14</sup> and a 2009 story in *The Hindu* indicated that there were 140 reported murders of women in Punjab in the period January – November 2008.<sup>15</sup>

### **Situation for separated and divorced women in India**

Reports on the situation of separated and divorced women in India more broadly suggest that such women are particularly vulnerable to labour exploitation, sexual harassment and/or abuse and discrimination. Studies on the demography of female sex workers, for example, indicate that separated or divorced women are overly represented in the industry,<sup>16</sup> and single women and women who are estranged from family are also likely to

[hacked-to-death-because-husband-could-not-tolerate-a-mere-woman-leaving-him-old-bailey-told/](#) – Accessed 23 November 2010 – Attachment 11.

<sup>9</sup> Several sources indicate a Punjabi connection. See for example “Grandmother, 70, ordered honour killing of ‘cheating’ daughter-in-law” 2007, London Evening Standard, 27 July, <http://www.thisislondon.co.uk/news/article-23405914-grandmother-70-ordered-honour-killing-of-cheating-daughter-in-law.do> – Accessed 23 November 2010 – Attachment 12; “Honor Killing of Brit Sikh Woman by Her In-laws, Says Brother” 2010, *Medindia*, 1 January, <http://www.medindia.net/news/Honor-Killing-of-Brit-Sikh-Woman-by-Her-In-laws-Says-Brother-63048-1.htm> – Accessed 23 November 2010 – Attachment 13

<sup>10</sup> Grandmother, 70, ordered honour killing of ‘cheating’ daughter-in-law” 2007, London Evening Standard, 27 July, <http://www.thisislondon.co.uk/news/article-23405914-grandmother-70-ordered-honour-killing-of-cheating-daughter-in-law.do> – Accessed 23 November 2010 – Attachment 12.

<sup>11</sup> Grandmother, 70, ordered honour killing of ‘cheating’ daughter-in-law” 2007, London Evening Standard, 27 July, <http://www.thisislondon.co.uk/news/article-23405914-grandmother-70-ordered-honour-killing-of-cheating-daughter-in-law.do> – Accessed 23 November 2010 – Attachment 12.

<sup>12</sup> “Victim of spousal violence hopes to protect Indo-Canadian women” 2007, *CanWest news Service*, 16 April, <http://www.canada.com/topics/news/national/story.html?id=cdb27abf-8337-40ac-a556-1e53dd76f744&k=21710> – Accessed 23 November 2010 – Attachment 14.

<sup>13</sup> “Victim of spousal violence hopes to protect Indo-Canadian women” 2007, *CanWest news Service*, 16 April, <http://www.canada.com/topics/news/national/story.html?id=cdb27abf-8337-40ac-a556-1e53dd76f744&k=21710> – Accessed 23 November 2010 – Attachment 14.

<sup>14</sup> US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 15, sec 6.

<sup>15</sup> Sharma, V 2009, “Crime against women on the rise in Punjab, Haryana”, *The Hindu*, 8 January, <http://www.hindu.com/2009/01/08/stories/2009010852440300.htm> – Accessed 1 December 2010 – Attachment 16.

<sup>16</sup> “India” 2005, USAID website, June <http://www.usaid.gov/policy/budget/cbj2006/ane/in.html> – Accessed 3 July 2006 – Attachment 17; Dandona, R, Dandona L, Kumar, A, Gutierrez, J, McPherson, S, Samuels, F & S Bertozzi (Dandona et al) 2006, “Demography and sex work characteristics of female sex workers in India”, *BMC*

face a higher risk of sexual abuse, according to a 2003 report on refugee women and domestic violence by the Refugee Women's Resource Project.<sup>17</sup> This same report quoted Dr Surna Pen, an expert on violence against women in South Asia,<sup>18</sup> as saying that:

Marriage is socially and ideologically constructed as the only legitimate site for adult women in India (Mukherjee 1994) so that being outside a marriage is considered to place a woman in a questionable state, particularly sexually, as she is beyond the control of any man (Kumar 1993:121; Sen 1997). Calman has described unmarried women in India being regarded as 'culturally abhorrent' (Calman 1992:125) and evidence supports the view that divorced women are the targets of discrimination and "eve-teasing" (Liddle and Joshi 1986) - which in the west is known as sexual harassment. This can involve degrading comments, propositions or demanding of sexual services (Liddle and Joshi 1986: 137-141). Divorced and separated women are more vulnerable to such abuse (Liddle and Joshi 1986: 140) and are fearful of harassment and rape (Sen 1997; Sen 1998)...<sup>19</sup>

Dr Pen noted that divorce was "legally obtainable" in India, but "the overall situation of separated and/or divorced women is extremely negative".<sup>20</sup> Separated and divorced women often faced great difficulty regaining community acceptance, Dr Pen advised, and could have trouble finding support within their natal families as well.<sup>21</sup> These remarks are corroborated by a 2010 news magazine article by an Indian legal expert, who writes that

most separated or deserted women, usually along with their children, are forced to live with members of their natal family, such as parents and brothers, and are financially dependent on them. Often, they are not welcome even there and live as outcasts in the family.<sup>22</sup>

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*International Health and Human Rights*, 6(5),

<http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1468426> – Accessed 6 July 2006 – Attachment 18; Refugee Women's Resource Project 2003, *Refugee Women and Domestic Violence: Country Studies*, Website of Asylum Aid, February,

<http://www.asylumaid.org.uk/.../WRP%20Refugee%20Women%20and%20Domestic%20Violence%20Feb%2003.doc> – Accessed 6 July 2006 – Attachment 19.

<sup>17</sup> Refugee Women's Resource Project 2003, *Refugee Women and Domestic Violence: Country Studies*, Website of Asylum Aid, February,

<http://www.asylumaid.org.uk/.../WRP%20Refugee%20Women%20and%20Domestic%20Violence%20Feb%2003.doc> – Accessed 6 July 2006 – Attachment 19.

<sup>18</sup> For a current profile of Dr Sen, see "Head of Unit – Dr Purna Sen" n.d., Website of the Commonwealth Secretariat, [http://www.thecommonwealth.org/Internal/20728/151469/182232/head\\_of\\_unit/](http://www.thecommonwealth.org/Internal/20728/151469/182232/head_of_unit/) – Accessed 25 November 2010 – Attachment 20.

<sup>19</sup> Refugee Women's Resource Project 2003, *Refugee Women and Domestic Violence: Country Studies*, Website of Asylum Aid, February,

<http://www.asylumaid.org.uk/.../WRP%20Refugee%20Women%20and%20Domestic%20Violence%20Feb%2003.doc> – Accessed 6 July 2006 – Attachment 19, p 36.

<sup>20</sup> Refugee Women's Resource Project 2003, *Refugee Women and Domestic Violence: Country Studies*, Website of Asylum Aid, February,

<http://www.asylumaid.org.uk/.../WRP%20Refugee%20Women%20and%20Domestic%20Violence%20Feb%2003.doc> – Accessed 6 July 2006 – Attachment 19, p 39.

<sup>21</sup> Refugee Women's Resource Project 2003, *Refugee Women and Domestic Violence: Country Studies*, Website of Asylum Aid, February,

<http://www.asylumaid.org.uk/.../WRP%20Refugee%20Women%20and%20Domestic%20Violence%20Feb%2003.doc> – Accessed 6 July 2006 – Attachment 19, p 39.

<sup>22</sup> Singh, K 2010, "Left in the lurch", *Frontline* magazine, 27 March – 9 April,

<http://www.frontlineonnet.com/fl2707/stories/20100409270701800.htm> – Accessed 24 November 2010 – Attachment 21.

Some recent reports indicate that divorce is becoming more accepted and common in India, especially in urban areas. For example, in 2008 the *Washington Post* reported that “petitions for divorce” were rising “[a]cross the country’s teeming urban centers” and there was a sense among many that this was a sign of increasing female empowerment.<sup>23</sup> *Time* said that the divorce rate in urban India had “doubled” over the previous five years, and “one reason for the rise...is that educated [middle-class] Indian women” now had the “option” to divorce, due to greater financial freedom.<sup>24</sup> The *New York Times* (*NYT*) reported that “divorce and remarriage are slowly gaining acceptability”,<sup>25</sup> and the “divorce boom partly reflects changes that have made it easier to leave marriages...taboos waning, laws loosening and women gaining financial independence”.<sup>26</sup> According to the *NYT*, “growing numbers of educated, working women, confident and financially secure,” were refusing to do what so many generations of Indian women had done before them – going “to any length necessary” in order to save a marriage.<sup>27</sup>

Although many of these reports highlight the positive aspects of these developments, it is clear that the women who have benefited most are educated, middle-class and able to support themselves. In addition, conservative attitudes about marriage and divorce remain prevalent in India, particularly amongst older people. The *Washington Post* observed that “[o]lder Indians still view divorce as a societal ill imported from the West”,<sup>28</sup> and the *NYT* commented that Indian society might be “gingerly embracing new habits” but was still “deeply traditional in matters of marriage”.<sup>29</sup> *Time* 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”, and in rural villages, “it’s still men who initiate most divorces – often leaving women and children with no financial and little family support”.<sup>30</sup>

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<sup>23</sup> Wax, E 2008, “In Tradition-Bound India, Female, Divorced and Happy”, *The Washington Post*, 19 September, <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/18/AR2008091803911.html> – Accessed 23 November 2010 – Attachment 22.

<sup>24</sup> 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 23.

<sup>25</sup> 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 24.

<sup>26</sup> Giridharadas, A 2008, “With India’s new affluence comes the divorce generation”, *The New York Times*, 19 February, <http://www.nytimes.com/2008/02/19/world/asia/19iht-divorce.1.10178712.html> – Accessed 24 November 2010 – Attachment 25.

<sup>27</sup> Giridharadas, A 2008, “With India’s new affluence comes the divorce generation”, *The New York Times*, 19 February, <http://www.nytimes.com/2008/02/19/world/asia/19iht-divorce.1.10178712.html> – Accessed 24 November 2010 – Attachment 25.

<sup>28</sup> Wax, E 2008, “In Tradition-Bound India, Female, Divorced and Happy”, *The Washington Post*, 19 September, <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/18/AR2008091803911.html> – Accessed 23 November 2010 – Attachment 22.

<sup>29</sup> 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 24.

<sup>30</sup> 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 23.



## **2. Please provide information about domestic violence committed on Punjabi Sikh women in Punjab.**

Few sources were found to refer to domestic violence committed against Sikh women in Punjab, specifically, but news stories and various Sikh websites in the West identify domestic violence as a serious issue in the overseas Punjabi Sikh community. It is likely that this is the case for the Sikh community in Punjab, as well. In addition, a range of sources – government, NGO, and media reports – identify domestic violence against women as a major problem in Punjab and India at large.

### **Domestic violence in the Punjabi Sikh community in the West**

Although no sources were found on domestic violence in relation to Sikh women in Punjab, news reports and entries on Sikh websites in the West suggest that domestic violence is a serious issue in the Punjabi Sikh community – one that is often covered up. In 2009, for example, the *New Zealand Herald* reported that women’s refugees in the Bay of Plenty had a significant Punjabi Sikh caseload, and many of these women were being “pressured to return to abusive relationships by members of their local Sikh society”.<sup>31</sup> A refugee worker said she had seen Sikh women with serious physical injuries from domestic violence, and was quoted as saying that “[t]here is a huge amount of violence going on in this community and there is an emphasis on keeping the family unit together so the woman is often blamed”.<sup>32</sup> A 2008 *Toronto Star* editorial by a Canadian Punjabi Sikh underlined the “seriousness of physical and emotional abuse of women in the Punjabi-Sikh community, and the accompanying complacency surrounding the topic in the community at large”.<sup>33</sup> Another news article cited a Sikh woman as saying that domestic violence was “prevalent in all communities but...huge in our community”, and referred to a 2006 survey of Sikh women in which 60 per cent of respondents reported having experienced or witnessed domestic abuse.<sup>34</sup> A number of Sikh websites identified domestic violence as a problem in the community – where it was often hushed up and treated as a private family matter.<sup>35</sup>

### **Domestic violence against women in India and in the state of Punjab**

Many reliable sources identify domestic violence against women as a major problem in India at large, and in the state of Punjab. Human Rights Watch’s *2009 Annual Report* cited a UN estimate that two-thirds of married women in India suffer domestic violence,<sup>36</sup> for example, and the US State Department’s 2009 Human Rights Report on India said that

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<sup>31</sup> Udy, C 2009, “Bay ethnic refuge fears for women”, *The New Zealand Herald*, 10 October – Attachment 26.

<sup>32</sup> Udy, C 2009, “Bay ethnic refuge fears for women”, *The New Zealand Herald*, 10 October – Attachment 26 .

<sup>33</sup> Sidhu, J 2008, “Silent crisis within a community”, *The Toronto Star*, 27 May, <http://www.thestar.com/comment/article/431244> – Accessed 25 November 2010 – Attachment 27.

<sup>34</sup> Colón, V 2006, “Sikh conference puts focus on women’s topics”, *The Fresno Bee*, 26 June, <http://fateh.sikhnet.com/sikhnet/discussion.nsf/by+topic/A48AE599AA04A1DB8725719900784F04!OpenDocument> – Accessed 25 November 2010 – Attachment 28.

<sup>35</sup> See for example “Breaking the Silence around Punjabi-Sikh Women” 2009, Website of the Langar Hall (Sikh diaspora community group), 23 September, <http://thelangarhall.com/punjabi/breaking-the-silence-around-punjabi-sikh-women/> – Accessed 23 November 2010 – Attachment 29; “Women’s empowerment” n.d., Website of the Sikh Coalition (a Sikh women’s community group), <http://www.sikhcoalition.org/Women.asp> – Accessed 25 November 2010 – Attachment 30; “Women in Sikhism: Gender Inequality?” 2006, MrSikhNet.com (Sikh website), 27 November, <http://www.mrsikhnet.com/2006/11/27/women-in-sikhism-gender-inequality/> – Accessed 25 November 2010 – Attachment 31.

<sup>36</sup> Human Rights Watch 2010, *World Report 2010 – India*, 20 January – Attachment 32.

“domestic violence remained a serious problem”.<sup>37</sup> Honour killings were a particular issue in Punjab, the US State Department said, “where as many as 10 percent of all killings were honor killings”<sup>38</sup> – a statement echoed by the 2010 Freedom House report on India.<sup>39</sup> A community organisation report published on UNIFEM’s website indicated that domestic violence against women in Punjab was increasing, and stemmed from deeply patriarchal and “feudal” values that placed women in a subordinate position.<sup>40</sup> In November 2009 the *Indian Express* newspaper reported that 70 per cent of complaints to the “Punjab State Women’s Commission” related to domestic violence, but noted that relatively few cases were taken up by police and suggested that village women in particular showed reluctance to report mistreatment by their husbands.<sup>41</sup> (Please see question eight for more information regarding police protection for women suffering from domestic violence and/or who are at risk of honour killings.)

### **3. What government, non-government and religious services and support are there for women suffering from domestic violence in Punjab?**

Very little information was located on services and support for female victims of domestic violence in Punjab. The few sources found indicate that the primary support group for such women is the Punjab State Women’s Commission, a government organisation.

#### **Punjab State Women’s Commission**

According to a joint community NGO and UNIFEM publication, the Punjab State Women’s Commission (PSWC) works to “safeguard the Rights of Women, and also provides Justice to them”.<sup>42</sup> According to the official website of the PSWC, its functions include:

Investigat[ing] *suo moto* or on complaint [*sic*] into the discrimination and victimization of women and recommend[ing] remedial action to the Government and initiat[ing] judicial proceedings wherever necessary for effective remedy; [...]

Demand[ing] prosecution in offences committed against women and assist[ing] prosecution with evidence and legal services; [...]

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<sup>37</sup> US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 14, sec 6.

<sup>38</sup> US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 14, sec 6.

<sup>39</sup> 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 33.

<sup>40</sup> 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](http://www.unifem.org/in/PDF/Punjab/Introduction.pdf) – Accessed 24 November 2010 – Attachment 34.

<sup>41</sup> Bindra, J 2009, “Women’s rights take a beating in Punjab”, *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

<sup>42</sup> Voluntary Health Association of Punjab & UNIFEM South Asia 2004, “Government Human Rights Bodies” in *Support Services to Counter Violence Against Women in Punjab – A Resource Directory*, <http://www.unifem.org/in/PDF/Punjab/Government%20Human%20Rights%20Bodies.pdf> – Accessed 24 November 2010 – Attachment 34.

Conduct[ing] public interest litigation on behalf of groups of women in general, and in special, in an individual case of a women, who suffer from injustice or discrimination; and provide legal aid and rehabilitation in deserving cases; [...and]

Approach[ing] and assist[ing] the courts on behalf of women to ensure justice in matrimonial disputes...<sup>43</sup>

The PSWC “takes up” various types of cases for women in Punjab, including ones related to dowry demands, sexual harassment and domestic violence.<sup>44</sup> A 2004 community organisation report indicated that the PSWC had dealt with approximately 1280 cases since its establishment in 1998.<sup>45</sup> The PSWC website indicates that the organisation also offers a “helpline” telephone service for women – with helpline staff based in a number of cities or towns in the state, including Nawanshahar.<sup>46</sup>

### **Other support and services**

A news report mentioned another telephone helpline service for women affected by domestic violence in Punjab.<sup>47</sup> This helpline was reportedly an initiative of the Punjab State Social Welfare Board, but sources said that the helpline received “very few complaints of domestic violence”, and the *Indian Express* noted the advice of a government official that Punjabi women were often reluctant to report experiences of domestic violence.<sup>48</sup> Another news story indicated that in 2010 Punjab police launched a 24-hour telephone helpline for women affected by domestic violence, dowry disputes and/or other matrimonial problems.<sup>49</sup>

## **4. What evidence is there that women are burnt or killed by family members of ex-husbands in Punjab?**

Although no reports were found of women being burned by family members of ex-husbands in Punjab, sources indicate that women in India may be at risk of “bride burning”, a practice associated with dowry disputes. Regarding women who are killed by

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<sup>43</sup> “Functions” (n.d.), Website of the Punjab State Women’s Commission,

<http://punjabwomenscommission.gov.in/functions.html> – Accessed 26 November 2010 – Attachment 36.

<sup>44</sup> Voluntary Health Association of Punjab & UNIFEM South Asia 2004, “Government Human Rights Bodies” in *Support Services to Counter Violence Against Women in Punjab – A Resource Directory*, <http://www.unifem.org.in/PDF/Punjab/Government%20Human%20Rights%20Bodies.pdf> – Accessed 24 November 2010 – Attachment 34; Bindra, J 2009, “Women’s rights take a beating in Punjab”, *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

<sup>45</sup> Voluntary Health Association of Punjab & UNIFEM South Asia 2004, “Government Human Rights Bodies” in *Support Services to Counter Violence Against Women in Punjab – A Resource Directory*, <http://www.unifem.org.in/PDF/Punjab/Government%20Human%20Rights%20Bodies.pdf> – Accessed 24 November 2010 – Attachment 34.

<sup>46</sup> “Help line” n.d., Website of the Punjab State Women’s Commission, <http://punjabwomenscommission.gov.in/helpline.html> – Accessed 30 November 2010 – Attachment 37.

<sup>47</sup> Bindra, J 2009, “Women’s rights take a beating in Punjab”, *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

<sup>48</sup> Bindra, J 2009, “Women’s rights take a beating in Punjab”, *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

<sup>49</sup> “Punjab police to launch 24-hour helpline for women” 2010, *Punjab Newslines Network*, 14 June, <http://punjabnewslines.com/content/punjab-police-launch-24-hour-helpline-women/21198> – Accessed 27 November 2010 – Attachment 38.



their spouses or in-laws through other means, the information at question one applies – that is, news reports indicate that some Punjabi Sikh women living in the West have been targeted for revenge or honour killings by their husband or husband’s family after seeking divorces. Other reports indicate that Punjabi women have also been killed by their husbands or members of their husband’s family for other reasons, such as suspected adultery or financial gain.

### **Bride burning**

The majority of reports about Indian women being burned by husbands or in-laws refer to the phenomenon of “dowry deaths” – a serious problem across the country.<sup>50</sup> Bride or wife burnings – in which husbands or members of the husband’s family typically douse the wife with kerosene and set her on fire – are a common form of dowry death.<sup>51</sup> This may not be the most frequent type of dowry death in Punjab, however – in 2007 the Indian newspaper *Tribune News* said that on average, one young married woman became a victim of dowry death every week in Punjab, and the usual method was not burning but poison.<sup>52</sup> This was thought to be due to the wide availability of insecticides in this highly agricultural state:

In 84.7 per cent of...dowry cases, poisoning was the cause of death and not burning as is usually assumed. The problem lies with free availability of lethal insecticides used in the farming sector.<sup>53</sup>

### **Wife killings by other means**

While no reports were found of Punjabi women being killed by family members of ex-husbands, there are several reports of Western-based Punjabi women being killed by their husbands or husband’s family members after seeking divorces, as noted at question one. Similar incidents may have occurred in Punjab and gone unreported. There are also reports of Punjabi women being killed by their husbands or members of their husband’s families for other reasons. Again, most of these reports concern Punjabi women based in the West, but a few refer to couples living in Punjab. Examples include:

- In 2010 the UK’s *Independent* newspaper reported on the case of an ethnically Indian British woman who died in “suspicious circumstances” while visiting Punjab with her husband to attend a wedding. Friends of the woman said the victim had experienced domestic violence at the hands of her husband and expressed fear for her life shortly

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<sup>50</sup> According to the US State Department, “The number of [recorded] dowry deaths in 2007 was 8,093, up from 6,767 in 2005” – see US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 14, sec 6.

<sup>51</sup> “Bride-burning: Indian society has become sick, says SC” 2010, *United News of India*, 30 October, <http://news.webindia123.com/news/articles/India/20101030/1620000.html> – Accessed 26 November 2010 – Attachment 39; Page, J 2009, “Indian women twice as likely to burn to death, Lancet study finds”, *The Times*, 3 March, <http://www.timesonline.co.uk/tol/news/world/asia/article5832650.ece> – Accessed 23 November 2010 – Attachment 40.

<sup>52</sup> Tandon, A 2007, “Most dowry victims in Punjab are poisoned – Rural areas account for 71 pc deaths”, *The Tribune*, 27 May, <http://www.tribuneindia.com/2007/20070528/main4.htm> – Accessed 26 November 2010 – Attachment 41.

<sup>53</sup> Tandon, A 2007, “Most dowry victims in Punjab are poisoned – Rural areas account for 71 pc deaths”, *The Tribune*, 27 May, <http://www.tribuneindia.com/2007/20070528/main4.htm> – Accessed 26 November 2010 – Attachment 41.

before her death. Her husband was charged with her murder after he returned to the UK.<sup>54</sup>

- Several news sources reported on the violent death of a Canadian Sikh woman in 2006.<sup>55</sup> A forensic pathologist advised that “she was strangled and burned before her body was deposited on a beach”.<sup>56</sup> The woman’s husband was charged with second-degree murder.<sup>57</sup> He had reportedly harboured suspicions that his wife was seeing another man.<sup>58</sup>
- A 2010 report in *Punjab News* said that police had found that a resident of the Punjabi city of Hoshiarpur had conspired to kill his wife with the assistance of his sister.<sup>59</sup> The man had allegedly lured his wife to a location outside the home and stabbed her. The story did not include any information on his motive or specify the nature of his sister’s involvement.
- In 2009 *The Indian* reported that a Hoshiarpur resident was suspected of arranging a hit on his non-resident Indian (NRI) wife while the couple was living in Punjab for a few months.<sup>60</sup> She was shot to death by two men on a motorcycle. The victim’s husband wanted to marry another woman, the newspaper said, and both her husband and brother-in-law sought to benefit from making a claim on her life insurance.<sup>61</sup>

## **5. What information is there about Punjabi Sikh family members of divorced or separated women being shamed themselves in Punjab society?**

As noted at question one, recent reports suggest that divorce has become more socially acceptable and common in India in recent years, especially in urban areas. However, conservative attitudes about marriage and divorce remain widespread, particularly amongst older generations, and sources indicate that divorce is still rare within the Punjabi

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<sup>54</sup> Lakhani, N 2010, “UK police investigate death of British woman in India”, *The Independent*, 14 November – Attachment 42.

<sup>55</sup> “Forensic expert tells court that pregnant Canadian Sikh woman was strangled, burned” 2010, *India Vision News*, 18 November, <http://www.indiavision.com/news/article/international/125934/> – Accessed 23 November 2010 – Attachment 43; Matas, R 2010, “Stormy marriage detailed in video of interview with accused man; Wife subject to violent outbursts and had attempted suicide, said husband who waited 26 hours to report her missing”, *Globe & Mail*, 17 November – Attachment 44.

<sup>56</sup> Forensic expert tells court that pregnant Canadian Sikh woman was strangled, burned” 2010, *India Vision News*, 18 November, <http://www.indiavision.com/news/article/international/125934/> – Accessed 23 November 2010 – Attachment 43.

<sup>57</sup> Matas, R 2010, “Stormy marriage detailed in video of interview with accused man; Wife subject to violent outbursts and had attempted suicide, said husband who waited 26 hours to report her missing”, *Globe & Mail*, 17 November – Attachment 44.

<sup>58</sup> Matas, R 2010, “Stormy marriage detailed in video of interview with accused man; Wife subject to violent outbursts and had attempted suicide, said husband who waited 26 hours to report her missing”, *Globe & Mail*, 17 November – Attachment 44.

<sup>59</sup> “Man, Sister-In-Law Held For Wife’s Murder” 2010, *Punjab News*, 5 August, <http://punjabnews.org/hoshiarpur-news-man-sister-in-law-held-for-wife%E2%80%99s-murder.html/> – Accessed 26 November 2010 – Attachment 45.

<sup>60</sup> “Husband arrested over NRI wife’s murder in Punjab” 2009, *The Indian*, 7 March, [http://www.thaindian.com/newsportal/uncategorized/husband-arrested-over-nri-wifes-murder-in-punjab\\_100163837.html](http://www.thaindian.com/newsportal/uncategorized/husband-arrested-over-nri-wifes-murder-in-punjab_100163837.html) – Accessed 26 November 2010 – Attachment 46.

<sup>61</sup> “Husband arrested over NRI wife’s murder in Punjab” 2009, *The Indian*, 7 March, [http://www.thaindian.com/newsportal/uncategorized/husband-arrested-over-nri-wifes-murder-in-punjab\\_100163837.html](http://www.thaindian.com/newsportal/uncategorized/husband-arrested-over-nri-wifes-murder-in-punjab_100163837.html) – Accessed 26 November 2010 – Attachment 46.

Sikh community, where it is often considered shameful. Women tend to bear much of the blame and stigma for failed marriages, and this stigma may extend to their families.

### **Attitudes toward divorce in the Punjabi Sikh community**

Academic sources indicate that divorce remains uncommon and taboo in Sikh society. A Professor of Religion at the University of Warwick, for example, noted that in “much of Sikh society... a woman’s standing depends largely on having a husband” and divorced women were “referred to as discarded (*chhadi-hoi*)”.<sup>62</sup> Another researcher stated:

Although divorce has been permitted in Indian law since 1955 many Sikhs still regard divorce as shameful. There may be stigma attached to divorced people, particularly women. A woman who seeks a divorce may risk social disapproval and rejection by her community.<sup>63</sup>

A University of Birmingham academic wrote in a 2009 article in the *Sociological Review* that “the strong sanctity of marriage in Hinduism and Sikhism makes tacit their repugnance towards divorce”,<sup>64</sup> and underlined that in South Asia, the stigma of divorce often extends beyond the woman to her family:

In South Asian cultures where divorce largely remains intrinsically linked to notions of shame and dishonour and where the stigma extends beyond the women to their children and their own parents and possibly siblings, the possibilities of ostracism and exclusion from the community are very real.<sup>65</sup>

Although these sources did not clearly distinguish between Sikhs living in Punjab and the Punjabi Sikh diaspora, the advice is probably applicable to both groups – though stigma and shame may be greater in the case of Sikh communities in Punjab, since Punjab is generally considered a fairly traditional state with strong patriarchal values.<sup>66</sup>

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<sup>62</sup> Nesbitt, E 2005, *Sikhism: A very short introduction*, Oxford University Press, Oxford, [http://books.google.com.au/books?id=8Mcn0JrNfBOC&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](http://books.google.com.au/books?id=8Mcn0JrNfBOC&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 6, p 115.

<sup>63</sup> 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](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 7, p 220.

<sup>64</sup> Guru, S 2009, “Divorce: obstacles and opportunities – South Asian women in Britain”, *The Sociological Review*, 57(2), pp 285-305 – Attachment 47, p 286.

<sup>65</sup> Guru, S 2009, “Divorce: obstacles and opportunities – South Asian women in Britain”, *The Sociological Review*, 57(2), pp 285-305 – Attachment 47, p 300.

<sup>66</sup> Buncombe, A 2008, “Monsoon Divorce”, *The Independent*, 22 April, <http://www.independent.co.uk/news/world/asia/monsoon-divorce-813342.html> – Accessed 27 November 2010 – Attachment 48; 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](http://www.unifem.org.in/PDF/Punjab/Introduction.pdf) – Accessed 24 November 2010 – Attachment 34; Bhatia, R 2007, “Health Policy, Plan, and Implementation: The role of health workers in altering the sex ratio”, in *Sex-selective abortion in India: gender, society and new reproductive technologies*, ed T Patel, Sage Publications, London, [http://books.google.com.au/books?id=17zBdoD96uEC&pg=RA1-PA1204&lpg=RA1-PA1204&dq=Punjab+India+patriarchal&source=bl&ots=3gBt-xcuv&sig=Kq4oCYwUcn2\\_aZNxaZtc6tksApQ&hl=en&ei=5WHwTL6pKceycM7DqaAK&sa=X&oi=book\\_result&ct=result&resnum=1&ved=0CBQQ6AEwADgK#v=snippet&q=patriarchal&f=false](http://books.google.com.au/books?id=17zBdoD96uEC&pg=RA1-PA1204&lpg=RA1-PA1204&dq=Punjab+India+patriarchal&source=bl&ots=3gBt-xcuv&sig=Kq4oCYwUcn2_aZNxaZtc6tksApQ&hl=en&ei=5WHwTL6pKceycM7DqaAK&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBQQ6AEwADgK#v=snippet&q=patriarchal&f=false) – Accessed 27 November 2010 – Attachment 49, p 204.

## 6. What are the Punjabi laws/customs relating to wives owing debts to husbands/former husbands?

No information was found on Punjabi customs or laws related to wives owing debts to husbands or ex-husbands. Sources indicate that Indian marriage and divorce legislation applies in the Punjab (for example the *Indian Divorce Act*, the *Hindu Marriage Act* and the *Special Marriage Act*); for Sikh couples in the Punjab, divorce provisions in the *Hindu Marriage Act* would be applicable.<sup>67</sup> Although the *Hindu Marriage Act* makes no reference to payment of debts between members of a divorced couple, it does include sections on financial matters that may arise out of divorce, such as alimony. It appears that the courts may require the wealthier or financially independent party to assist the other party in areas such as divorce-related expenses and providing maintenance.

### **The *Hindu Marriage Act* on financial matters arising from divorce**

The Hindu Marriage Act “extends to the whole of India except the State of Jammu and Kashmir” and applies to Buddhists, Jains and Sikhs as well as Hindus.<sup>68</sup> The Act contains provisions for divorce (see Chapters IV and V, sections 13 - 28) and includes sections on temporary financial relief, payment of expenses during and/or for divorce proceedings, and permanent alimony and “maintenance” (see Chapter V, sections 23 - 27. Relevant sections read as follows:

#### 7[23A. Relief for respondent in divorce and other proceedings

In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner’s adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner’s adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground].

7[ins by Act 68 of 1976 sec 17]

#### 24. Maintenance pendent lite [*sic*] and expenses of proceedings

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding [*sic*] such sum as, having regard to the petitioner’s own income and the income of the respondent, it may seem to the court to be reasonable.

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<sup>67</sup> Chhibber, M 2005, “Divorce cases on the rise in Punjab”, *The Tribune*, 24 July, <http://www.tribuneindia.com/2005/20050725/punjab1.htm> – Accessed 29 November 2010 – Attachment 50; “Hindu Marriage Act, 1955” n.d., Department of Registration and Stamps – India, <http://igrs.ap.gov.in/ccw/hindumarriageact.doc> - Accessed 22 July 2010 – Attachment 51; “The Special marriage Act 1954” n.d., Department of Registration and Stamps – India, <http://igrs.ap.gov.in/ccw/specialmarriageact.doc> - Accessed 30 November 2010 – Attachment 52; “Women related Laws” n.d., Website of the Punjab State Commission for Women, <http://punjabwomenscommission.gov.in/rulesregu.html> – Accessed 23 November 2010 – Attachment 53.

<sup>68</sup> See “Hindu Marriage Act, 1955” n.d., Department of Registration and Stamps – India, <http://igrs.ap.gov.in/ccw/hindumarriageact.doc> - Accessed 22 July 2010 – Attachment 51.

## 25. Permanent alimony and maintenance

(1) Any court exercising jurisdiction under this Act, may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall 8[\* \* \*] pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, 1[the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be, secured, if necessary, by a charge on the immovable property of the respondent.

8 [The words "while the applicant remains unmarried" omitted by Act No. 68 of 1976 sec 18.]

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the party in whose favour an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, 1[it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just].<sup>69</sup>

## 7. What are Punjabi laws that prohibit domestic violence, murder or honour killings among family members in Punjab?

No information was found on Punjab state laws prohibiting domestic violence, murder or honour killings among family members in Punjab. However, India has laws covering domestic violence (the *Protection of Women and Domestic Violence Act*)<sup>70</sup> and murder (*Indian Penal Code (IPC)*; *Criminal Procedure Code (CrPC)*),<sup>71</sup> and these apply in Punjab.<sup>72</sup> A 2010 article in the *Mail Today* indicates that there are no separate laws against honour killings specifically, though the Indian government is reportedly proposing amendments to both the IPC and the CrPC to provide for more stringent punishment for

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<sup>69</sup> "Hindu Marriage Act, 1955" n.d., Department of Registration and Stamps – India, <http://igrs.ap.gov.in/ccw/hindumarriageact.doc> - Accessed 22 July 2010 – Attachment 51.

<sup>70</sup> Immigration and Refugee Board of Canada 2010, *IND103450.E – India: Domestic violence, including legislation, availability of state protection and support services for victims*, 13 May – Attachment 53.

<sup>71</sup> Jigeesh, A. M. 2010, "Centre gets cold feet on law against honour killings", *Mail Today*, 9 July – Attachment 55; "Murder (law of India)" 2010, Wikipedia website, 22 July

[http://en.wikipedia.org/wiki/Murder\\_\(law\\_of\\_India\)](http://en.wikipedia.org/wiki/Murder_(law_of_India)) – Accessed 10 November 2010 – Attachment 56. Please note: Wikipedia is a Web-based free-content encyclopaedia which is compiled collaboratively by volunteers. Wikipedia articles can be useful introductory reading for a new topic, and the list of references in Wikipedia articles can provide useful leads to reliable sources. Many Wikipedia articles can be highly reliable, especially in regards to non-controversial historical or factual matters, and Wikipedia uses preventative measures against vandalism, bias and inaccuracy. However, the collaborative nature of Wikipedia makes it vulnerable to contributors with overt or covert agendas, and Wikipedia articles are thus prone to unacknowledged bias.

<sup>72</sup> As suggested by: "Women related Laws" n.d., Website of the Punjab State Commission for Women, <http://punjabwomenscommission.gov.in/rulesregu.html> – Accessed 23 November 2010 – Attachment 53.



such killings.<sup>73</sup> According to Human Rights Watch, changes to the law are meeting resistance from some political groups.<sup>74</sup>

India's Supreme Court has also sought from the central government and relevant state governments responses on steps being taken to prevent such killings.<sup>75</sup> The *Times of India* reported that the push for amendment of the *Indian Penal Code* to make honour killings a separate offence, distinct from that of ordinary murder, has come from the Punjab and Haryana High Court.<sup>76</sup>

**8. Please provide information about the ability or willingness of police in Punjab to enforce such laws and protect women who suffer domestic violence or who might make complaints to the police that they might be murdered by their husband or husband's family members.**

Reports indicate that police protection for women suffering domestic violence in Punjab is inadequate, and police have few domestic violence cases on file despite the large number of domestic violence complaints in the state. In addition, police have not managed to curtail honour killings. On both of these counts, the situation in Punjab reflects that in India more widely.

**Punjab police**

Regarding victims of domestic violence, news articles indicate that Punjab police offer a telephone helpline for women affected by domestic violence<sup>77</sup> and have special teams or "women's cells" charged with "deal[ing] with cases of dowry demands, domestic violence and matrimonial disputes".<sup>78</sup> However, reports suggest that the police have few domestic violence cases on their books and the "women's cells" may not be very functional. A November 2009 story in the Punjabi press, for example, reported that police had only three domestic violence cases on their files for 2009, despite the many domestic violence complaints received by the Punjab State Women's Commission (PSWC) that year.<sup>79</sup> Little explanation was given for this, though officials acknowledged the need for greater community education and one suggested that rural women were reluctant to report

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<sup>73</sup> Jigeesh, A. M. 2010, "Centre gets cold feet on law against honour killings", *Mail Today*, 9 July – Attachment 55.

<sup>74</sup> Ganguly, M 2010, "India: Prosecute Rampant 'Honor' Killings", Human Rights Watch website, 18 July, <http://www.hrw.org/en/news/2010/07/16/india-prosecute-rampant-honor-killings> – Accessed 23 November 2010 – Attachment 57.

<sup>75</sup> Ganguly, M 2010, "India: Prosecute Rampant 'Honor' Killings", Human Rights Watch website, 18 July, <http://www.hrw.org/en/news/2010/07/16/india-prosecute-rampant-honor-killings> – Accessed 23 November 2010 – Attachment 57.

<sup>76</sup> Mahapatra, D 2010, 'Govt to make honour killing distinct offence', *The Times of India*, 9 February <http://timesofindia.indiatimes.com/india/Govt-to-make-honour-killing-distinct-offence/articleshow/5549559.cms> – Accessed 9 February 2010 – Attachment 58.

<sup>77</sup> "Punjab police to launch 24-hour helpline for women" 2010, *Punjab Newslines Network*, 14 June, <http://punjabnewslines.com/content/punjab-police-launch-24-hour-helpline-women/21198> – Accessed 27 November 2010 – Attachment 38.

<sup>78</sup> "Punjab Police asked to submit report on women cell's working" 2009, *The Indian News*, 1 August, [http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working\\_100226226.html](http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working_100226226.html) – Accessed 27 November 2010 – Attachment 59.

<sup>79</sup> Bindra, J 2009, "Women's rights take a beating in Punjab", *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

domestic violence due to shame.<sup>80</sup> Another news report said that a human rights NGO had filed a complaint against the Punjab police “following hundreds of complaints from aggrieved families and individuals” about the women’s cells.<sup>81</sup> Women’s cells staff did not have proper training or knowledge relevant to the caseload and there was a large backlog of dowry, domestic violence and other matrimonial dispute cases.<sup>82</sup>

The police’s record on honour killings is also poor. Punjab has one of the highest rates of honour killings in India,<sup>83</sup> and in 2010 Human Rights Watch reported that the incidence of honour killings in this state was increasing.<sup>84</sup> Examining specific cases sheds additional light on the responsiveness of Punjab police to this type of crime (which may affect men as well as women). In relation to the case of Surjit Athwal, the British Punjabi Sikh woman who was killed on her husband and mother-in-law’s orders while visiting Punjab in 1998 (see question one), for instance, it seems unlikely that anyone would have been charged with her murder had her family not ensured that the British police became involved. The deceased’s brother told the BBC:

The Punjab police proved to be completely uncooperative, completely unprofessional and completely undetailed in its attention to Surjit’s case. Their attention to her case was a grudging disinterest, a pure paper exercise, no serious investigative follow-up of Surjit’s disappearance.<sup>85</sup>

In another, more recent honour killing case reported by *The Australian* in 2010, a young couple was shot in Punjab after being placed under police protection.<sup>86</sup> A Punjab police officer reportedly said that the incident should not have occurred, but implied that the young man had it coming, as he had behaved “incorrect[ly]”.<sup>87</sup> Also in 2010, *The Hindu* reported that a young man had been killed by his in-laws despite a Punjab court ordering police protection for him.<sup>88</sup> The victim’s family accused police of deliberately delaying their efforts to locate him in order to provide protection, but police said “all efforts” had

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<sup>80</sup> Bindra, J 2009, “Women’s rights take a beating in Punjab”, *Indian Express*, 10 November, <http://www.indianexpress.com/news/womens-rights-take-a-beating-in-punjab/539277/> – Accessed 23 November 2010 – Attachment 35.

<sup>81</sup> “Punjab Police asked to submit report on women cell’s working” 2009, *The Indian News*, 1 August, [http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working\\_100226226.html](http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working_100226226.html) – Accessed 27 November 2010 – Attachment 59.

<sup>82</sup> “Punjab Police asked to submit report on women cell’s working” 2009, *The Indian News*, 1 August, [http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working\\_100226226.html](http://www.thaindian.com/newsportal/uncategorized/punjab-police-asked-to-submit-report-on-women-cells-working_100226226.html) – Accessed 27 November 2010 – Attachment 59. It is also worth noting that the Punjab police do not have a good human rights record: according to the US State Department, the Punjab State Human Rights Commission has reported that most of its cases concern “atrocities” allegedly committed by Punjab police. See US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 14, sec 5.

<sup>83</sup> US State Department 2010, *2009 Country Reports on Human Rights Practices – India*, 11 March 2010 – Attachment 14, sec 6.

<sup>84</sup> Ganguly, M 2010, “India: Prosecute Rampant ‘Honor’ Killings”, Human Rights Watch website, 18 July, <http://www.hrw.org/en/news/2010/07/16/india-prosecute-rampant-honor-killings> – Accessed 23 November 2010 – Attachment 57.

<sup>85</sup> “Honour killings” 2004, *BBC News*, 8 September <http://news.bbc.co.uk/2/hi/programmes/newsnight/3638014.stm> – Accessed 13 February 2007 – Attachment 60.

<sup>86</sup> Hodge, A 2010, “India at odds as caste culture turns to killing”, *The Australian*, 3 April, <http://www.theaustralian.com.au/news/world/india-at-odds-as-caste-culture-turns-to-killing/story-e6fmgso-1225849033844> – Accessed 27 November 2010 – Attachment 61.

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<sup>88</sup> “Another ‘honour killing’ in Punjab” 2010, *The Hindu*, 1 September – Attachment 62.

been made and that his case would be investigated.<sup>89</sup> Although it was not possible to confirm subsequent police action on either of these cases, in two other 2010 Punjab honour killing cases, police reportedly charged family members of the victims with murder.<sup>90</sup>

In 2009, *BBC News* reported that one of its investigative teams had uncovered “the deadly practice” of ethnically Indian Britons luring relatives or business associates to India, particularly Punjab, where they hired contract killers to murder them.<sup>91</sup> Wives were among those targeted, and perpetrators often got away with the murders, due in part to police corruption.<sup>92</sup> A Punjabi politician told the BBC:

“What we have in Punjab – and in many other states of India – is a criminal nexus that takes place between the police, the politicians and the criminals. That nexus gives the Indians that live in the UK a large degree of cover.

“Even if they’re identified as the perpetrators of the crime, they’re given a considerable degree of protection and that means they never get charged.”

He alleges police corruption in the state is responsible for a trend which he believes claims the lives of up to a 100 overseas Indians a year.<sup>93</sup>

An inspector general of police denied the force had a corruption problem and said that reports of this kind of murder in Punjab were “exaggerated”.<sup>94</sup>

### **Police protection in India**

Regarding India more broadly, sources indicate that police protection for victims of domestic violence is often insufficient. *Research Response IND37144* of July 2010 summarises the situation as follows:

Major human rights reports issued in the past year state that the Indian authorities continue to fail to provide adequate protection from domestic violence for women. The Protection of Women from Domestic Violence Act (PWDVA) was passed in 2005 and came into effect in 2006, but its effectiveness in providing state protection for victims of domestic violence has been limited... States generally fail to provide adequate funding for the infrastructure necessary to enforce the Act, and provide limited training or specialised staff to assist victims of domestic violence. Surveys indicate that many members of the judiciary and police force continue to view domestic violence as a family problem and a private matter. In this context, victims of domestic violence experience difficulty in accessing police protection and supports that should be accessible under the Act through the judicial system. Journal articles,

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<sup>89</sup> “Another ‘honour killing’ in Punjab” 2010, *The Hindu*, 1 September – Attachment 62.

<sup>90</sup> “Bihar couple tracked down to Punjab, killed” 2010, *The Times of India*, 18 June <http://timesofindia.indiatimes.com/India/Bihar-couple-tracked-down-to-Punjab-killed/articleshow/6061448.cms> – Accessed 18 June 2010 – Attachment 63; Jolly, A 2010, “Two women shot dead in Punjab” 2010, *Asian Age*, 13 May, <http://www.asianage.com/india/2-women-shot-dead-punjab-880> – Accessed 27 November 2010 – Attachment 64.

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<sup>92</sup> Taneja, P 2009, “Britons ‘outsourcing murder to India’”, *BBC News*, 28 September, [http://news.bbc.co.uk/2/hi/south\\_asia/8277948.stm](http://news.bbc.co.uk/2/hi/south_asia/8277948.stm) – Accessed 27 November 2010 – Attachment 65.

<sup>93</sup> Taneja, P 2009, “Britons ‘outsourcing murder to India’”, *BBC News*, 28 September, [http://news.bbc.co.uk/2/hi/south\\_asia/8277948.stm](http://news.bbc.co.uk/2/hi/south_asia/8277948.stm) – Accessed 27 November 2010 – Attachment 65.

<sup>94</sup> Taneja, P 2009, “Britons ‘outsourcing murder to India’”, *BBC News*, 28 September, [http://news.bbc.co.uk/2/hi/south\\_asia/8277948.stm](http://news.bbc.co.uk/2/hi/south_asia/8277948.stm) – Accessed 27 November 2010 – Attachment 65.

NGO reports and media articles indicate that domestic violence remains a concern in many states of India.<sup>95</sup>

In relation to honour killings, in 2010 *The Economist* noted that there is an “ugly nexus” between policemen, politicians and “self-appointed guardians of tradition” to keep most honour killings out of court,<sup>96</sup> and Human Rights Watch has advised that Indian police routinely fail to investigate apparent honour killings.<sup>97</sup>

## 9. Please provide information about the ability of Punjabi Sikh women moving outside of Punjab, to live in areas other than Punjab.

The latest UK Home Office operational guidance note for India has commented that Sikhs from Punjab are able to move freely within India, but internal relocation could pose special challenges for single women, divorcees and widows. The UK Home Office states that:

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.<sup>98</sup>

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