



Australian Government
Refugee Review Tribunal

Country Advice

India

India – IND37808 – Rajasthan – Christians
– Sikhs – Mixed marriages – Communal
violence – State protection – Internal
relocation – Prostitution
9 December 2010

1. Please provide an update on how the community in Rajasthan views intermarriage (Sikh and Christian) where the parties' parents agree.

No information was found detailing the community sentiment regarding intermarriage between Sikhs and Christians in Rajasthan. Interfaith marriage is legal in India; however, social attitudes toward such marriages are often unfavourable.

Community views on interfaith marriage

Christians comprise 0.11 per cent of Rajasthan's population and Sikhs make up 1.4 per cent.¹ As such, it is unlikely that Christian-Sikh marriages would be common in Rajasthan, though it could be assumed that such unions would attract some community attention.

Information was located that indicates interfaith marriages in India are generally not viewed positively. A report from Immigration and Refugee Board of Canada (IRBC), dated 2006, cites correspondence between a professor of Asian Studies who specialises in Indian affairs and IRBC, stating that '[t]he general societal attitude toward inter-religious marriage in India is 'not favourable''. The IRBC report further states:

In correspondence to the Research Directorate, an India-based lawyer agreed that society in general disapproves of inter-religious marriages but added that the treatment of married couples with different religious backgrounds depends on their location and social levels [...] and an associate professor of social and cultural anthropology added that "social attitudes often [cause people to] ostracize and discriminate against such unions".²

Legal and religious policy regarding interfaith marriage

¹'Rajasthan religion bill rejected', 2006, *BBC News*, 19 May, http://news.bbc.co.uk/2/hi/south_asia/4996708.stm – Accessed 3 December 2010 – Attachment 1; 'Population of Rajasthan', 2010, *India Online*, <http://www.indiaonlinepages.com/population/rajasthan-population.html> – Accessed 3 December 2010 – Attachment 2.

²Immigration and Refugee Board of Canada 2006, 'India: The situation of couples in inter-caste and inter-religious marriages, including societal attitudes, treatment by government authorities and the situation of children resulting from such marriages (2000 - 2005)', 9 January, <http://www.unhcr.org/refworld/country.,IRBC.,IND.,45f147e319.0.html> - Accessed 12 July 2010 – Attachment 3.

India's marriage laws are contained in separate Acts that pertain to different religions; there is the *Hindu Marriage Act 1955*, *Indian Christian Marriage Act 1872* or *Anand Marriage Act 1909*, for example, depending on the religion of the parties involved.³ The *Anand Marriage Act 1909* pertains to Sikh marriage ceremonies. The Acts govern marriages between individuals of the same faith. According to the 2010 UK Home Office *Country of Origin Information Report*, however, interfaith and inter-caste marriages are governed by the Special Marriage Act 1954.⁴

Information indicates that interfaith marriages may be subject to restrictions that marriages within one religion are not. The 2010 United States Department of State (USDOS) report notes that Indian law 'limits inheritance, alimony payments, and property ownership of persons from interfaith marriages and prohibits the use of churches for marriage ceremonies in which one party is a non-Christian'.⁵

The Rehat Maryada is the Sikh code of conduct that outlines the rules of the faith. It is not enshrined in Indian law, but is followed as religious tradition. According to Article XVIII(b) of this code, '[a] Sikh's daughter must be married to a Sikh.' There is no mention, however, of a male Sikh having the obligation to marry a fellow Sikh.⁶

2. Please provide information on state protection or redress for Christians who may be harmed by Sikhs in that area. Are there other areas that may provide better state protection, such as Delhi, West Bengal, Jammu and Kashmir?

No information was found specifically detailing levels of protection available to Christians harmed by Sikhs in Rajasthan. Although Christians are a minority group in Rajasthan and in India as a whole, under the Indian constitution protection is afforded to all equally regardless of race or religion. Reports of police corruption, however, indicate that protection may not be provided to communities equally. There are reports that police response to violence against women, including rape, can be inadequate.

Violence against Christians

Reports were found of violence against Christians in India. A 2010 Country Summary on India by Human Rights Watch notes that 'mob attacks on churches and other Christian institutions, apparently instigated by Hindu extremist groups, occurred in several states' following attacks on Christians in Orissa in 2008.⁷ In February of 2005 it was reported that 275 Christians were assaulted by a Hindu nationalist group in Rajasthan. The victims claimed that police were unsympathetic when they reported the crimes, though the district government stated that 37 of the perpetrators were taken into custody.⁸

³ 'Laws on Registration of Marriage and Divorce – A Proposal for Consolidation and Reform', 2008, Law Commission of India, October, <http://lawcommissionofindia.nic.in/reports/report211.pdf> – Accessed 2 December 2010 – Attachment 4.

⁴ UK Home Office 2010, *Country of Origin Information Report – India*, 21 September – Attachment 5.

⁵ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 3 March – Attachment 6.

⁶ 'Sikh Rehat Maryada', undated, Guru Nanak Darbar website, <http://www.gurunakdarbar.net/sikhrehatmaryada.pdf> – Accessed 3 December 2010 – Attachment 7.

⁷ Human Rights Watch 2010, *World Report 2010: Country Summary – India*, January – Attachment 8.

⁸ US Department of State 2005, *International Religious Freedom Report for 2005 – India*, 8 November – Attachment 9.

Research Response IND37209 outlines several incidents of violence against Catholics in India between March 2008 and July 2010. The incidents include damage to churches, prayer houses and Christians' homes, as well as attacks on individuals.⁹

Protection

No reports were found detailing police protection for Christians who are harmed by Sikhs in Rajasthan. On a national level, there are government bodies that discourage and investigate religious discrimination, though reports of corruption or perceived inadequacy of police may mean that some religious violence may not be adequately investigated.

India has a number of government bodies that are responsible for investigating discrimination and making recommendations to the relevant authorities, including the Ministry for Minority Affairs, the National Human Rights Commission (NHRC) and the National Commission for Minorities (NCM). The 2010 *International Religious Freedom Report* notes that the NHRC and NCM have intervened in several instances of communal tension, harassment and violence against minorities.¹⁰

Police corruption and perceived inadequacy often results in perpetrators of religious violence going unpunished. Households below the poverty line are reported to regularly have to pay bribes to police to 'obtain public services typically provided free of cost, such as police protection'.¹¹ A 2007 UK Home Office *Operational Guidance Note* states that perpetrators of religious violence 'are rarely held to account by the state legal apparatus. In some instances, police provided protection from the attackers; in other cases, the police reportedly failed to intervene'.¹²

Violence against women

Cases of violence against women, such as sexual assault and rape, are often not investigated or prosecuted adequately. The 2010 USDOS report states that:

The law sets criminal penalties for rape [...] but the government did not enforce the law effectively. Only 10 percent of rape cases were adjudicated fully by the courts, and police often failed to arrest rapists, perpetuating a climate of impunity.¹³

Similarly, a 2009 Human Rights Watch report notes that '[v]ictims of violence, particularly violence that is gender-based, frequently fail to report crime because they fear being physically harmed at the police station or while traveling to it'. When the crimes are reported, police often tell the victims that 'what occurred is a "private matter" or does not otherwise warrant police attention'.¹⁴

⁹ RRT Research & Information 2010, *Research Response IND37209*, 1 September – Attachment 10.

¹⁰ US Department of State 2010, *International Religious Freedom Report for 2010 – India*, 17 November – Attachment 11

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 3 March – Attachment 6.

¹² UK Home Office 2007, *Operational Guidance Note: India*, 20 February, Section 3.8 – Attachment 12.

¹³ US Department of State 2009, *Country Report on Human Rights Practices for 2008 – India*, 25 February – Attachment 13.

¹⁴ Human Rights Watch 2010, *Broken System: Dysfunction, Abuse and Impunity in the Indian Police*, August – Attachment 14.

A 2009 Human Rights Watch report states that abuse by police is a prevalent problem throughout the country. The report cites incidents of torture and mistreatment of citizens while in police custody, extrajudicial killings, and arrests and detention on false charges. The report states that ‘Human Rights Watch also heard reports of sexually abusive and degrading treatment occurring in police stations’.¹⁵

A 2009 USDOS *Country Report on Human Rights Practices* for India notes that rape by police is widespread in India. The report states ‘NGOs asserted that rape by police, including custodial rape, was more common than NHRC [National Human Rights Commission] figures indicated’, and that ‘[a] higher incidence of abuse appeared credible, given other evidence of abusive behavior by police, and the likelihood that many rapes went unreported due to the victims’ shame and fear of retribution’.¹⁶

There are reports of sexual exploitation and trafficking being prevalent in India. The 2010 USDOS *Country Report on Human Rights Practices* notes that India is a source for trafficking of women for the purpose of commercial sexual exploitation.¹⁷ Another source states that approximately 14 per cent of brothel owners admitted to using force to initiate women into commercial sexual exploitation.¹⁸

State protection outside of Rajasthan

No information was found to suggest that a Christian may receive better police protection in other areas of India; however, there are areas of India where the population of Christians is higher than that of Rajasthan, where a Christian might enjoy a greater level of community-based security. These areas include the north-eastern states of Nagaland, Mizoram and Meghalaya, as well as the southern states of Kerala, Tamil Nadu and Goa.¹⁹

Relocation is reported to be generally available to persons fleeing religiously motivated violence in India. The 2007 UK Home Office *Operational Guidance Note* states that ‘as a general rule, an internal relocation option exists from one Indian State to another’ for individuals belonging to religious minorities and experiencing ill-treatment.²⁰

3. Deleted.

4. How long would it take to travel from Sri Ganganagar, Rajasthan, to Delhi (mode of transport unknown)?

¹⁵ Human Rights Watch 2010, *Broken System: Dysfunction, Abuse and Impunity in the Indian Police*, August – Attachment 14.

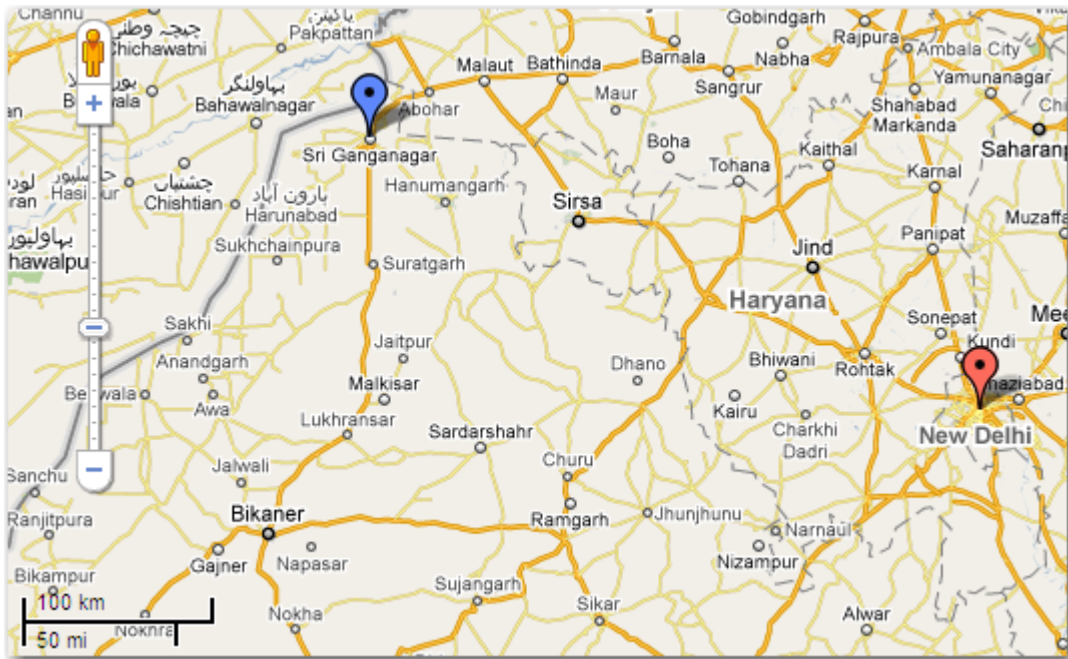
¹⁶ US Department of State 2009, *Country Report on Human Rights Practices for 2008 – India*, 25 February – Attachment 13.

¹⁷ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 3 March – Attachment 6.

¹⁸ Nair, P. M. & Sen, S. 2005, *Trafficking in women and children in India*, Orient Longman Pvt Ltd New Delhi, p. 112 – Attachment 15.

¹⁹ US Department of State 2010, *International Religious Freedom Report for 2010 – India*, 17 November – Attachment 11; ‘Indian Regions’, undated, Indian Christians United website <http://www.indianchristiansunited.org/IndianRegions.htm> – Accessed 19 October 2005 – Attachment 16.

²⁰ UK Home Office 2007, *Operational Guidance Note: India*, 20 February, Section 3.8.18 – Attachment 12



Above: Blue pin is Sri Ganganagar, red pin is New Delhi.

Sri Ganganagar is approximately 350 kilometres from New Delhi.²¹ This distance can be covered by car, bus or train. By car the distance would take approximately seven hours.²² By train the journey would take between 7 hours, and 11 hours.²³ The duration of the bus journey was not found; however, the buses leave Sri Ganganagar after 8 o'clock in the evening and are 'sleeper' buses.²⁴

5. Is there any information about brothels in Sri Ganganagar or women being forced and detained in them?

No information was found regarding women being detained in brothels in Sri Ganganagar. There are reports, however, that sexual abuse, abuse by police and trafficking of women for commercial sexual exploitation are pervasive problems throughout India. These problems are discussed in the response to Question 2 under the subheading 'Violence against women'. There are also reports that there is a commercial sex industry in the state of Rajasthan, where Sri Ganganagar is located; however, these reports refer specifically to particular caste-based communities where prostitution is seen to be a cultural tradition.²⁵

²¹ 'Sri Ganganagar to New Delhi', undated, *Holiday IQ* website, <http://www.holidayiq.com/How-To-Reach/From-Sri-Ganganagar-To-New-Delhi-1118-486> – Accessed 24 November 2010 – Attachment 20.

²² 'Delhi to Shri Ganganagar', undated, *Must See India* website, <http://www.mustseeindia.com/how-to-reach/from-delhi-to-shri-ganganagar> – Accessed 24 November 2010 – Attachment 21.

²³ 'Delhi to Shri Ganganagar', undated, *Must See India* website, <http://www.mustseeindia.com/how-to-reach/from-delhi-to-shri-ganganagar> – Accessed 24 November 2010 – Attachment 21; 'Sri Ganganagar to New Delhi', undated, *Holiday IQ* website, <http://www.holidayiq.com/How-To-Reach/From-Sri-Ganganagar-To-New-Delhi-1118-486> – Accessed 24 November 2010 – Attachment 20.

²⁴ 'Welcome to Chandra Shubh Yatra Co. Pvt. Ltd', undated, *CSY Travels* website, <http://www.csytravels.in/index.php?page=5> – Accessed 6 December 2010 – Attachment 22.

²⁵ Southam, H. 2007, 'Mobile unit goes to sex workers', *Church Times*, 30 November, <http://www.churchtimes.co.uk/content.asp?id=48058> – Accessed 9 December 2010 – Attachment 23; Kurup, S. 2006, 'A Rajasthan village where prostitution is tradition', *Times of India*, 9 July, <http://timesofindia.indiatimes.com/india/A-Rajasthan-village-where-prostitution-is-tradition/articleshow/1717444.cms> – Accessed 9 December 2010 – Attachment 24.

For an in-depth analysis of the trafficking of women in India, see *Trafficking in women and children in India*.²⁶ This book presents research findings of the Action Research on Trafficking in Women and Children in India (ARTWAC) and discusses the demographic make-up of India's trafficked women, the methods used by brothel owners to initiate women into brothels and information about commercial sexual exploitation. The source notes that approximately 14 per cent of brothel owners admitted to using force to initiate women into commercial sexual exploitation.²⁷

Attachments

1. 'Rajasthan religion bill rejected', 2006, *BBC News*, 19 May, http://news.bbc.co.uk/2/hi/south_asia/4996708.stm – Accessed 3 December 2010.
2. 'Population of Rajasthan', 2010, *India Online*, <http://www.indiaonlinepages.com/population/rajasthan-population.html> – Accessed 3 December 2010.
3. Immigration and Refugee Board of Canada 2006, 'India: The situation of couples in inter-caste and inter-religious marriages, including societal attitudes, treatment by government authorities and the situation of children resulting from such marriages (2000 - 2005)', 9 January, <http://www.unhcr.org/refworld/country,,IRBC,,IND,,45f147e319,0.html> - Accessed 12 July 2010.
4. 'Laws on Registration of Marriage and Divorce – A Proposal for Consolidation and Reform', 2008, Law Commission of India, October, <http://lawcommissionofindia.nic.in/reports/report211.pdf> – Accessed 2 December 2010.
5. UK Home Office 2010, *Country of Origin Information Report – India*, 21 September.
6. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – India*, 3 March.
7. 'Sikh Rehat Maryada', undated, Guru Nanak Darbar website, <http://www.gurunanakdarbar.net/sikhrehatmaryada.pdf> – Accessed 3 December 2010.
8. Human Rights Watch 2010, *World Report 2010: Country Summary – India*, January.
9. US Department of State 2005, *International Religious Freedom Report for 2005 – India*, 8 November.
10. RRT Research & Information 2010, *Research Response IND37209*, 1 September.
11. US Department of State 2010, *International Religious Freedom Report for 2010 – India*, 17 November.
12. UK Home Office 2007, *Operational Guidance Note: India*, 20 February, Section 3.8.

²⁶ Nair, P. M. & Sen, S. 2005, *Trafficking in women and children in India*, Orient Longman Pvt Ltd New Delhi, p. 112 – Attachment 15.

²⁷ Nair, P. M. & Sen, S. 2005, *Trafficking in women and children in India*, Orient Longman Pvt Ltd New Delhi, p. 112 – Attachment 15.

13. US Department of State 2009, *Country Report on Human Rights Practices for 2008 – India*, 25 February.
14. Human Rights Watch 2010, *Broken System: Dysfunction, Abuse and Impunity in the Indian Police*, August.
15. Nair, P. M. & Sen, S. 2005, *Trafficking in women and children in India*, Orient Longman Pvt Ltd New Delhi, p. 112.
16. ‘Indian Regions’, undated, Indian Christians United website <http://www.indianchristiansunited.org/IndianRegions.htm> – Accessed 19 October 2005.
17. Deleted.
18. Deleted.
19. Deleted.
20. ‘Sri Ganganagar to New Delhi’, undated, *Holiday IQ* website, <http://www.holidayiq.com/How-To-Rreach/From-Sri-Ganganagar-To-New-Delhi-1118-486> – Accessed 24 November 2010.
21. ‘Delhi to Shri Ganganagar’, undated, *Must See India* website, <http://www.mustseeindia.com/how-to-reach/from-delhi-to-shri-ganganagar> - Accessed 24 November 2010.
22. ‘Welcome to Chandra Shubh Yatra Co. Pvt. Ltd’, undated, *CSY Travels* website, <http://www.csytravels.in/index.php?page=5> – Accessed 6 December 2010.
23. Southam, H. 2007, ‘Mobile unit goes to sex workers’, *Church Times*, 30 November, <http://www.churchtimes.co.uk/content.asp?id=48058> – Accessed 9 December 2010.
24. Kurup, S. 2006, ‘A Rajasthan village where prostitution is tradition’, *Times of India*, 9 July, <http://timesofindia.indiatimes.com/india/A-Rajasthan-village-where-prostitution-is-tradition/articleshow/1717444.cms> - Accessed 9 December 2010.