



Australian Government
Refugee Review Tribunal

Country Advice

India

India – IND38270 – First Information Reports – Land Mafia in Punjab – Akali Dal in Punjab – Sikhs
 21 February 2011

1. Please provide information on the process of lodging police reports. What documents would be involved?

The initial reporting of an offence, or lodgement of a complaint, to police in India results in the preparation of a First Information Report (FIR). The FIR is a document written by a police officer “at the dictation of the informer”, who is generally the victim, someone acting on their behalf, or a witness. The informer can provide the information to police orally (in person or via telephone) or in writing, and is entitled to a copy of the FIR. No documents are required in order to lodge a FIR. Once a FIR is registered, the police can begin to investigate the case.¹

The FIR should include the informer’s name and address, the details of the incident being reported such as date, time and location, the true facts of the incident, the names of persons involved, and the names of any witnesses.² The format of a FIR is as follows:

Book No. _____

FORM NO. 24.5 (1)

FIRST INFORMATION REPORT

First Information of a Cognizable Crime Reported under Section 154, Criminal Penal Code

Police Station District No

Date and hour of Occurrence

1. Date and hour when reported
2. Name and residence of informer and complainant.
3. Brief description of offence (with section) and of property carried off, if any.
4. Place of occurrence and distance and direction from the Police Station.

¹ Chatterjee, S. S. (undated), ‘First Information Report (F.I.R) & You’, Commonwealth Human Rights Initiative website <http://www.humanrightsinitiative.org/publications/police/fir.pdf> – Accessed 17 February 2011 – Attachment 1; ‘Frequently asked questions about filing an FIR in India’ (undated), Fix India website, source: Saferindia.com <http://www.fixindia.org/fir.php#3> – Accessed 18 February 2011 – Attachment 2

² Chatterjee, S. S. (undated), ‘First Information Report (F.I.R) & You’, Commonwealth Human Rights Initiative website <http://www.humanrightsinitiative.org/publications/police/fir.pdf> – Accessed 17 February 2011 – Attachment 1

5. Name & Address of the Criminal.

6. Steps taken regarding investigation explanation of delay in regarding information.

7. Date and Time of despatch from Police Station.

Signature

Designation

(First information to be recorded below) ³

2. What information is there on the mafia in Punjab? Do they engage in land grabs?

Limited information was located on the mafia in Punjab generally. Nevertheless, some reports were located on the 'land mafia', who engage in land grabs and illegal sales of land, particularly targeting non-resident Indians. *The South Asian Post* reported in September 2010 that local Punjabi media had recently publicised "several cases of land grabs by gangsters and cops, who allegedly managed to sell the properties through forged documents and impersonation in the Doaba region".⁴

Rapidly rising property prices in Punjab has encouraged non-resident Indians who have been living overseas for some years to return to India and reclaim their land, many putting up not-for-sale signs in order to deter land-mafia groups from illegally selling their properties. Non-resident Indians are easy targets for the so-called land-mafia, a group of real estate agents and hired thugs who closely monitor the unoccupied properties of Indians living abroad, and sell them using fraudulent documentation. Many land disputes have reportedly resulted in violence and killings.⁵

A December 2010 *Indian Express* article quotes former Director General of Police in Punjab, Chander Shekhar, who claims that there exists "a nexus of land mafia with some politicians, bureaucrats, police officers" involved in the sales of illegal properties.⁶ A 2011 article in *The Tribune* also identifies the land mafia, who allegedly levelled forest land, uprooting trees and bushes, in order to convert it into farm land near Kandi. A former Honorary Wildlife Warden reported the incident, claiming that a "violation on such a large scale is impossible without the connivance of the forest officials".⁷

³ 'Frequently asked questions about filing an FIR in India' (undated), Fix India website, source: Saferindia.com <http://www.fixindia.org/fir.php#3> – Accessed 18 February 2011 – Attachment 2

⁴ 'Punjab's land mafia thrives as property prices soar' 2010, *South Asian Post*, 2 September <http://www.southasianpost.com/news/topnews/article/punjab%E2%80%99slandmafiathrivespropertypricessoar> – Accessed 18 February 2011 – Attachment 3

⁵ 'Punjab's land mafia thrives as property prices soar' 2010, *South Asian Post*, 2 September <http://www.southasianpost.com/news/topnews/article/punjab%E2%80%99slandmafiathrivespropertypricessoar> – Accessed 18 February 2011 – Attachment 3; Saunders, L. C. 2008, 'Property boom triggers land grabs', *Asian Pacific Post*, 30 July http://www.asianpacificpost.com/portal2/c1ee8c441b716617011b75d11d6d0060_Property_boom_triggers_land_grabs.do.html – Accessed 18 February 2011 – Attachment 4

⁶ 'Ex-DGP alleges nexus between land mafia and politicians, cops, babus; seeks CBI probe' 2010, *Indian Express*, 18 December <http://www.indianexpress.com/news/exdgp-alleges-nexus-between-land-mafia-and-politicians-cops-babus;-seeks-cbi-probe/726318/0> – Accessed 18 February 2011 – Attachment 5

⁷ Bhardwaj, B. 2011, 'Forest land levelled in Kandi village', *The Tribune*, 24 January <http://www.tribuneindia.com/2011/20110124/punjab.htm#4> – Accessed 18 February 2011 – Attachment 6

Nevertheless, in 2011 it is reported that the Punjab government is implementing changes to ensure that sales of properties belonging to non-resident Indians are more transparent. It is proposed that sales of such properties will not occur without the owner's direct involvement.⁸

3. Does the mafia in Punjab target Sikhs?

No information was located on the targeting of Sikhs by the mafia in Punjab.

4. Please provide an update as to whether the Akali Dal are still the governing party in Punjab and whether the Prime Minister is still a Sikh.

The Akali Dal is also termed the Shiromani Akali Dal (SAD).⁹ Punjab is currently governed by the SAD, in alliance with the Bharatiya Janata Party (BJP). The coalition gained power in the February 2007 Punjab State Assembly elections, winning 67 seats. The leader of the SAD is Parkash Singh Badal, the Chief Minister of Punjab.¹⁰

According to the 2010 *Political Handbook of the World*, the Prime Minister of India is Manmohan Singh, elected in 2004.¹¹ Various news articles from February 2011 indicate that Manmohan Singh still holds the position.¹² Encyclopaedia Britannica states that Manmohan Singh is a Sikh, and the first non-Hindu to occupy the position.¹³ Sikhs constitute 1.9 per cent of India's population.¹⁴

Attachments

1. Chatterjee, S. S. (undated), 'First Information Report (F.I.R) & You', Commonwealth Human Rights Initiative website
<http://www.humanrightsinitiative.org/publications/police/fir.pdf> – Accessed 17 February 2011.

⁸ Sharma, P. 2011, 'Punjab govt changes rules for NRI property sale', *The Times of India*, 20 January
<http://timesofindia.indiatimes.com/india/Punjab-govt-changes-rules-for-NRI-property-sale/articleshow/7327513.cms> – Accessed 18 February 2011 – Attachment 7

⁹ UK Home Office 2009, *Country of Origin Information Report – India*, 12 May, p.119 – Attachment 8

¹⁰ 'Punjab Assembly Election 2007 Results' 2007, Indian Elections website, 27 February <http://www.indian-elections.com/assembly-elections/punjab/election-result-07.html> – Accessed 30 June 2010 – Attachment 9; 'India' 2010, *Political Handbook of the World Online Edition*, originally published in Banks, A., Muller, T., Overstreet, W., and Isacoff, J. (eds.) 2010, *Political Handbook of the World 2010*, Washington: CQ Press – Attachment 10

¹¹ 'India' 2010, *Political Handbook of the World Online Edition*, originally published in Banks, A., Muller, T., Overstreet, W., and Isacoff, J. (eds.) 2010, *Political Handbook of the World 2010*, Washington: CQ Press – Attachment 10

¹² 'AASU feels let down by PM' 2011, *The Telegraph*, 20 February
http://www.telegraphindia.com/1110221/jsp/northeast/story_13609940.jsp – Accessed 21 February 2011 – Attachment 11; Magnier, M. 2011, 'India attempts damage control in wake of corruption scandals', *Los Angeles Times*, 17 February <http://articles.latimes.com/2011/feb/17/world/la-fg-india-corruption-20110217> – Accessed 21 February 2011 – Attachment 12; Vohra, P. 2011, 'A PM so helpless?', *Hindustan Times*, 20 February
<http://www.hindustantimes.com/A-PM-so-helpless/Article1-664839.aspx> – Accessed 21 February 2011 – Attachment 13

¹³ 'Manmohan Singh' 2011, *Encyclopaedia Britannica Online*, 17 February
<http://www.britannica.com/EBchecked/topic/936615/Manmohan-Singh> – Accessed 17 February 2011 – Attachment 14

¹⁴ US Department of State 2010, *International Religious Freedom Report for 2010 – India*, 17 November, Section I – Attachment 15

2. 'Frequently asked questions about filing an FIR in India' (undated), Fix India website, source: Saferindia.com <http://www.fixindia.org/fir.php#3> – Accessed 18 February 2011.
3. 'Punjab's land mafia thrives as property prices soar' 2010, *South Asian Post*, 2 September <http://www.southasianpost.com/news/topnews/article/punjab%E2%80%99slandmafiathrivespropertypricessoar> – Accessed 18 February 2011.
4. Saunders, L. C. 2008, 'Property boom triggers land grabs', *Asian Pacific Post*, 30 July http://www.asianpacificpost.com/portal2/c1ee8c441b716617011b75d11d6d0060_Property_boom_triggers_land_grabs.do.html – Accessed 18 February 2011.
5. 'Ex-DGP alleges nexus between land mafia and politicians, cops, babus; seeks CBI probe' 2010, *Indian Express*, 18 December <http://www.indianexpress.com/news/exdgp-alleges-nexus-between-land-mafia-and-politicians-cops-babus;-seeks-cbi-probe/726318/0> – Accessed 18 February 2011.
6. Bhardwaj, B. 2011, 'Forest land levelled in Kandi village', *The Tribune*, 24 January <http://www.tribuneindia.com/2011/20110124/punjab.htm#4> – Accessed 18 February 2011.
7. Sharma, P. 2011, 'Punjab govt changes rules for NRI property sale', *The Times of India*, 20 January <http://timesofindia.indiatimes.com/india/Punjab-govt-changes-rules-for-NRI-property-sale/articleshow/7327513.cms> – Accessed 18 February 2011.
8. UK Home Office 2009, *Country of Origin Information Report – India*, 12 May.
9. 'Punjab Assembly Election 2007 Results' 2007, Indian Elections website, 27 February <http://www.indian-elections.com/assembly-elections/punjab/election-result-07.html> – Accessed 30 June 2010.
1. 'India' 2010, *Political Handbook of the World Online Edition*, originally published in Banks, A., Muller, T., Overstreet, W., and Isacoff, J. (eds.) 2010, *Political Handbook of the World 2010*, Washington: CQ Press.
2. 'AASU feels let down by PM' 2011, *The Telegraph*, 20 February http://www.telegraphindia.com/1110221/jsp/northeast/story_13609940.jsp – Accessed 21 February 2011.
3. Magnier, M. 2011, 'India attempts damage control in wake of corruption scandals', *Los Angeles Times*, 17 February <http://articles.latimes.com/2011/feb/17/world/la-fg-india-corruption-20110217> – Accessed 21 February 2011.
4. Vohra, P. 2011, 'A PM so helpless?', *Hindustan Times*, 20 February <http://www.hindustantimes.com/A-PM-so-helpless/Article1-664839.aspx> – Accessed 21 February 2011.
5. 'Manmohan Singh' 2011, *Encyclopaedia Britannica Online*, 17 February <http://www.britannica.com/EBchecked/topic/936615/Manmohan-Singh> – Accessed 17 February 2011.
6. US Department of State 2010, *International Religious Freedom Report for 2010 – India*, 17 November.