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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

India: Treatment of political activists and members of opposition parties in Punjab (2012-April 2015) [IND105131.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Political Overview of Punjab State

In correspondence with the Research Directorate, a professor of political science at Guru Nanak Dev University in Punjab who has published extensively on politics in Punjab, stated that Punjab has been experiencing "almost free and fair elections of both parliament and state assembly since 1997" (Professor of political science 25 Apr. 2015). The same source further reports that elections are conducted under the supervision of the Chief Election Commission of India "which is an autonomous and Constitutional body" (*ibid.*). In correspondence with the Research Directorate, an assistant professor of political science at Hiram College in Hiram, Ohio, who researches ethno-nationalist movements in Punjab, similarly reported that Punjab has a "vibrant democratic system, with relatively open and free democratic competition within the parameters provided by the Indian Constitution" (Assistant Professor 27 Apr. 2015).

Sources state that a coalition between the Shiromani Akali Dal (Badal) [henceforth Akali Dal] party and the Bharatiya Janata Party (BJP) currently forms the government of the Punjab Legislative Assembly (*Jagran Post* 14 Dec. 2014; Elections.in n.d.a). According to sources, the Akali Dal was formed in 1920 and is a regional party specific to Punjab that protects the interests of the Sikh community (*The Wall Street Journal* 12 May 2014; Singh 2014, 55, 58). According to the website of the BJP, it is a party that was founded in 1980 on the ideology of Indian "unity and integrity" (BJP n.d.).

Sources report that the Indian National Congress Party [henceforth known as Congress] serves as the opposition in Punjab (*Jagran Post* 14 Dec. 2014; Elections.in n.d.a). According to Elections.in, a website that provides "up-to-date news, accurate maps, critical analysis, and facts on the various elections in India" (Elections.in n.d.b), during the 2012 Punjab State elections, the Akali Dal won 56 seats while Congress won 46, the BJP claimed 12, and independents secured 3 (Elections.in n.d.a).

2. Treatment of Members of Opposition Parties

Sources state that political opposition parties in Punjab are able to express their ideas freely (Professor of economics 24 Apr. 2015; Professor of international studies 28 Apr. 2015). In correspondence with the Research Directorate, a professor of international studies at Simon Fraser University, who has published several books on Indian politics, noted that Punjab has an active press in which political opinions are published in English or Punjabi (*ibid.*). In correspondence with the Research Directorate, a representative from the World Sikh Organization (WSO) of Canada, an NGO that advocates for Sikh rights globally (n.d.), similarly reported that political dissent is "tolerable" so long as it is "premised on accepting the current Indian federal model" (WSO 27 Apr. 2015).

According to the WSO representative, members of opposition parties "have been in certain circumstances the target of the ruling party," most notably under the regime of the Akali Dal (Badal), who have now been in power for two consecutive terms (WSO 27 Apr. 2015). The Assistant Professor similarly stated that there are "isolated, but recurring" incidents of arrests and "cases of minor physical abuse" against members of the opposition and critics of the ruling Akali Dal (Badal)-BJP alliance (Assistant Professor 27 Apr. 2015). In correspondence with the Research Directorate, a professor of economics at Oxford Brookes University, who has published articles on political and economic development in Punjab, stated that "political activists and members of mainstream political parties are treated respectfully or harshly depending upon the status they occupy in the mainstream political parties": leaders of opposition parties normally do not face harassment, however "lower level workers do face the threat of intimidation and political violence by the ruling party activists" (Professor of economics 24 Apr. 2015). In May 2013, the *Hindu* quoted the President of the Congress Party as stating that incidents of political violence (instigated by the Akali Dal-BJP Alliance), "including murders, robberies, thefts, rapes and kidnappings" had been increasing (*The Hindu* 17 May 2013). In contrast, the WSO representative stated that such incidents "are not very common" (WSO 27 Apr. 2015). According to the Professor of international studies, "[t]here have been cases of political vendetta but in no way very different from any other part of India" (28 Apr. 2015). Sources report the following incidents of violence committed by affiliates or supporters of the Akali Dal party:

- In February 2015, the brother of a BJP minister was assaulted by Akali Dal workers in Tarn Taran, Punjab (*Hindustan Times* 11 Feb. 2015; *The Hindu* 20 Feb. 2015; *The Times of India* 27 Feb. 2015).
- The Talwandi Sabo constituency within the Bathinda district reportedly experienced violent incidents during the August 2014 by-elections (*South Asian Daily* 23 Aug. 2014; *The Economic Times* 21 Aug. 2014; ANS 21 Aug. 2014). According to sources, Akali Dal activists engaged in "booth capturing, intimidation, buying of votes, and other illegal means during polling," as well as a violent assault against the Congress candidate of Talwani Sabo (*South Asian Daily* 23 Aug. 2014; *The Economic Times* 21 Aug. 2014; ANS 21 Aug. 2014).
- *The Tribune*, the largest selling daily newspaper in North India (n.d.), states that during the May 2013 Zila Parishad [District Council] elections, members of the Congress party claimed that Akali Dal leaders "intimidated Congress supporters and some were dragged, chased, and threatened in the presence of the police" (*The Tribune* 19 May 2013). The same source reports that clashes between Congress and the Akali Dal at polling booths frightened some citizens and prevented them from casting their vote (ibid.).

For further examples of political violence instigated by affiliates or supporters of the Akali Dal, please see Response to Information Request IND105060.

Sources state that there have been instances in which the police antagonize opposition parties in Punjab (Assistant Professor 27 Apr. 2015; *The Tribune* 6 Aug. 2014; *The Hindu* 17 May 2013). According to the Assistant Professor, "members of the Congress Party in Punjab have periodically complained about being harassed by the Punjab Police on the possible behest of the ruling Akali Dal (Badal)-BJP alliance, especially during local elections" (Assistant Professor 27 Apr. 2015). The same source further reported that police brutality has included "beatings and the destruction of personal property" (ibid.). The Professor of economics similarly stated that violence instigated by ruling party activists generally receives "silent, and sometimes active, support from the police" (Professor of economics 24 Apr. 2015). In an article published in August 2014, the *Tribune* quotes the Congress candidate from Patiala as stating that "Congress workers and supporters were being continuously hounded and harassed by the police" during the election period (*The Tribune* 6 Aug. 2014).

3. Treatment of Political Dissidents

According to the WSO representative, as long as dissent is "pro-India" and nationalist, it is tolerated (WSO 27 Apr. 2015). He added that "[o]nly those activists who challenge the territorial integrity of India, or advocate for secession, independence or sovereignty from India face the harshest treatment" (ibid.). The Professor of economics similarly stated that members of non-mainstream political parties, such as radical Sikh groups, "face arrests, detention, and torture even now, although the scale of such anti-human rights activities has declined" (Professor of economics 24 Apr. 2015). The Assistant Professor noted that Sikh ethnonationalists and activists that "pose a perceived threat to communal harmony and 'law-and-order' in Punjab are subject to police and/or legal harassment by government entities" (Assistant Professor 27 Apr. 2015). For more information on the treatment of Sikh activists, please see Response to Information Request IND105132.

Sources state that the act of identifying as Naxalite [Maoist] is criminalized (Associate Professor of Asian studies 27 Apr. 2015; ANS 21 May 2014). The Professor of economics stated that Maoists "are constantly kept under watch by the intelligence and security forces of the state" and noted that, alongside Sikh separatists, they

are subjected to "arrests, detention and torture" (Professor of economics 24 Apr. 2015). According to sources, there is ANS 21 May 2014). However, in a 21 May 2014 article, the Indo-Asian News Service (IANS) quotes the Director General of the Punjab police as stating that "no Naxal activity has been noticed in the state" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: Director of the South Asia Center at the University of Pennsylvania; Professor of international studies and South Asian studies at the University of Washington; Professor of inter-religious relations and development at the School of Oriental and African Studies, University of London; Professor of law at Columbia University; Professor of political science at McGill University; Professor of political science at Panjab University; Professor of political science at University of Hyderabad.

The following were unable to provide information within the time constraints of this Response: Ensaaf; Professor of political science at Panjab University; Voices for Freedom.

Attempts to contact the following were unsuccessful within the time constraints of this Response: Director of the Institute of International Studies at the University of California, Berkeley; Human Rights Law Network; The India Institute at King's College London; Law Office of Jasdev Singh Mehndiratta; Malhotra and Malhotra Associates; Professor of India and South Asian studies at Yale University; Professor of international studies and social sciences at Brown University; Professor of politics at the New School for Social Research; Professor of politics at New York University; Professor of political science at the University of British Columbia; Professor of political science at the University of Heidelberg; Professor at the South Asia Center, University of Pennsylvania; Punjab State Human Rights Commission; South Asia Institute, University of Heidelberg; Transparency International.

Internet sites, including: Al Jazeera; Amnesty International; BBC; Brookings Institution; Christian Science Monitor; ecoi.net; Ensaaf; Factiva; Freedom House; *The Globe and Mail*; Human Rights Watch; *IBN Live*; *International Business Times*; Jamestown Foundation; *Jane's Intelligence Review*; New America Foundation; *The New York Times*; *Political Handbook of the World*; Punjab Research Group; Punjab State Election Commission; Radio Free Asia; *Scroll.in*; Small Arms Survey; South Asia Terrorism Portal; US – Central Intelligence Agency, Department of State, Voices for Freedom; Woodrow Wilson International Center for Scholars.