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India: Treatment of Sikhs by society and authorities, particularly the police; state protection; situation and treatment of suspected or perceived Sikh militants and Khalistan supporters in the state of Punjab by society and the authorities; prevalence of arrests, including methods used by the police to track them; situation and treatment of Sikhs outside the state of Punjab by society and authorities; ability for Sikhs to relocate within India outside the state of Punjab (2020–May 2023) [IND200932.E]

Research Directorate, Immigration and Refugee Board of Canada

This Response replaces Response to Information Request IND201185 of November 2022.

1. Overview

According to the 2011 census, India's most recent census (UN 2023-04-24), there were 20,833,116 Sikhs among India's total population of 1.21 billion (India 2011) [representing 1.7 percent of the population (India 2015-08-25)]. The 2011 census indicates that the majority of Sikhs reside in Punjab with a population of approximately 16 million Sikhs in that state (India 2011). According to the US Department of State's *International Religious Freedom Report for 2021*, 54 percent of the population of Punjab is Sikh (US 2022-06-02, 4). The 2011 census also notes the following Sikh populations in neighbouring Haryana (1.2 million), Rajasthan (872,930), Jammu and Kashmir (234,848), and Himachal Pradesh (79,896) (India

2011). The same source further notes that there are 643,500 Sikhs in Uttar Pradesh, 570,581 Sikhs in the National Capital Territory of Delhi and 236,340 Sikhs in Uttarakhand (India 2011). According to a joint response provided to the Research Directorate on 3 May 2019 by a representative of the World Sikh Organization (WSO) of Canada, an organization promoting the interests of Canadian Sikhs (WSO n.d.), and an associate professor of Indian religions at Carleton University, India has "several urban centres with sizable Sikh communities," such as Delhi and Udham Singh Nagar in the state of Uttarakhand, and "[a]lmost every major Indian city has a Sikh community," with large communities in the states that border Punjab, such as Jammu, Rajasthan, Haryana and Himachal Pradesh (WSO and Associate Professor 2019-05-03). In the same response, it was also noted that "[c]ommunities of Sikhs in other states may be ethnically homogenous such as Sikligar Sikhs or Assamese Sikhs" (WSO and Associate Professor 2019-05-03).

2. Legislation

The *Constitution of India* provides the following:

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

1. access to shops, public restaurants, hotels and places of public entertainment; or
2. the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

...

16. Equality of opportunity in matters of public employment.—(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

...

25. Freedom of conscience and free profession, practice and propagation of religion.—(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to

freedom of conscience and the right freely to profess, practice and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

1. regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
2. providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of *kirpans* [1] shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

26. Freedom to manage religious affairs.—Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

1. to establish and maintain institutions for religious and charitable purposes;
2. to manage its own affairs in matters of religion;
3. to own and acquire movable and immovable property; and
4. to administer such property in accordance with law.

...

Cultural and Educational Rights

29. Protection of interests of minorities.—(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

30. Right of minorities to establish and administer educational institutions.—(1) All minorities, whether based on religion or language,

shall have the right to establish and administer educational institutions of their choice.

...

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

(India 1950, emphasis in original)

According to sources, the Constitution of India "is unique" (NIILM University n.d., 42; UN 2020-12-07, 2; South Asia Journal 2021-11-19) as it "provides for constitutionally mandated positive discrimination for minorities" (UN 2020-12-07, 2). Sources indicate that India is a "secular republic" (Journalist 2022-12-14; UK 2021-11, 2.4.5) and that the "Constitution and Penal Code protect religious freedom and prohibit discrimination on the grounds of a person's faith" (UK 2021-11, 2.4.5). However, according to US Commission on International Religious Freedom (USCIRF), the policies adopted and implemented by the government "have cultivated an environment that is increasingly hostile toward religious minority communities" (US 2022-11).

According to the US *International Religious Freedom Report for 2021*, under the *Constitution of India*, Sikhs are subject to laws and legislation concerning Hindus, such as the Hindu Marriage Act (US 2022-06-02, 7). The same source further states that under federal law, Sikhs have official minority status, and that the Constitution states that "the government is responsible for protecting religious minorities and enabling them to preserve their culture and religious interests" (US 2022-06-02, 7). The US report also notes that Sikh marriages are recognized but legal provisions for divorce are not provided and "[o]ther Sikh personal status matters fall under Hindu codes" (US 2022-06-02, 8).

3. State Protection

A report by the Commonwealth Human Rights Initiative (CHRI) – an independent, non-profit, New Delhi-based NGO focused on the "realization of human rights" across Commonwealth countries – indicates that Police Complaints Authorities (PCAs), first introduced in India in 2006, are mandated to conduct inquiries into "complaints of serious misconduct including incidents involving death, grievous hurt and rape in police custody, as well as allegations of extortion, land/house grabbing or any incident involving serious abuse of authority by police officers" (CHRI 2020-09, 1). However, the same report adds that although 23 states have established State Police Complaints Authorities (SPCAs) since 2006 and 16 have created District Police Complaints Authorities (DPCAs), none of these fully comply with the directions for these bodies laid out by India's

Supreme Court (CHRI 2020-09, 1). The CHRI report further notes that these entities are "dominated by members of the political executive," contain "very few civil society representatives," possess "no independent investigators," and have "no binding powers and no rules of procedur[e]" (CHRI 2020-09, 1). An article by the *Times of India*, an Indian English-language newspaper, states that a Bombay high court ruling held that the Maharashtra SPCA, in practice, "has no powers to direct police to register a first information report (FIR)" (*The Times of India* 2022-11-20).

According to the Ministry of Minority Affairs, the Indian government established the National Commission for Minorities (NCM) under the 1992 *National Commission for Minorities Act* (India n.d.a; UN 2020-12-07, 3) in addition to the "safeguards provided in the Constitution and the laws in force" (UN 2020-12-07, 3). Australia's Department of Foreign Affairs and Trade (DFAT) reports that the Act applies nationally and "has the powers of a civil court" (Australia 2020-12-10, para. 3.22). The same source adds that "[a]ggrieved persons" from minority communities can seek redress from their local State Minority Commission or can approach the NCM after "exhausting" all other available remedies (Australia 2020-12-10, para. 3.22).

Section 9 of the Act, concerning the functions of the Commission, provides the following:

(1) The Commission shall perform all or any of the following functions, namely:—

1. evaluate the progress of the development of minorities under the Union and States;
2. monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
3. make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments;
4. look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;
5. cause studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal; (India 1992, sec. 9)

According to the NCM, the complaints that this Commission receives are "mostly" related to "police atrocities, service matters, minority educational institutions and encroachments to religious properties" (India n.d.b). In an interview with the Research Directorate, a writer and journalist based in India who writes about Punjab's economic, political, and cultural context as well as Sikhism in that state, noted that the NCM "does not seem to be

effective" in addressing the issues, and the state "does not take significant actions" to investigate cases (Journalist 2022-12-14). The same source further indicated that even when courts reach a judgement, "it is often too little, too late, or sentences are reduced" (Journalist 2022-12-14). The DFAT report states that the NCM received "1,871 complaints and heard 44 cases" in 2018 and 2019 (Australia 2020-12-10, para. 3.23).

In correspondence with the Research Directorate, a WSO representative stated that there are "no effective state mechanisms for victims of torture, particularly Sikhs" (WSO 2022-12-09). The same source also added that while a Punjab State Human Rights Commission (PSHRC) exists, it has "consistently failed to change the culture of torture or secure justice or compensation for victims of police brutality" (WSO 2022-12-09). According to the PSHRC's annual report for 2021-2022, the commission received 9,060 complaints between April 2021 and March 2022, 4,842 (53 percent) of which related to "police excesses": 1,883 pertained to "failure to take lawful action", 928 dealt with "abuse of power" and 556 involved "false implication by the police" (Punjab [2022], 6). In correspondence with the Research Directorate, an Assistant Professor at Doaba College in Punjab, whose research focuses on election studies and the Indian political system, noted that while states in India set up their own separate human rights commissions that are "quasi judicial in nature," "most of the complaints do not reach them" since the general public either does not know that they exist or does not know "how to approach them" (Assistant Professor 2022-12-22). In a January 2023 telephone interview with the Research Directorate, an associate professor at Hiram College in Ohio, who has conducted research on Sikh separatism, noted that the judicial process in India is "very lengthy," and people "without means" find it difficult to sustain their cases within the system (Associate Professor 2023-01-03).

4. Treatment of Sikhs by Society

The Pew Research Center, a "nonpartisan fact tank" that conducts "data-driven" social science research including opinion polling, carried out in-person interviews with 29,999 Indian adults, including 1,782 people who identify as Sikh, and 82 percent of Sikh respondents said they are "very free" to practice their religion (Pew Research Center 2021-06-29, 1, 2, 57). In a May 2022 telephone interview with the Research Directorate, the Associate Professor stated that there might be "rare cases of religious discrimination," but Sikhs "generally" do not face "systematic problems in India based on their identity" (Associate Professor 2022-05-04).

In an interview with the Research Directorate, an emeritus professor at Oxford Brookes University in the UK, who conducted research on Indian capitalism with emphasis on human rights in Punjab, stated that since 1984, "prejudice" against Sikhs has become "very deep rooted" (Emeritus Professor 2022-04-29). According to the DFAT report, from 2018 to 2019 the NCM of India received 1,871 complaints, with Sikhs being one of the

top three minority complainant communities, and with the top three complaints relating to matters of law and order, service and education (Australia 2020-12-10, para. 3.23). Sources note that Sikhs face communal violence (MRG 2020-06; Australia 2020-12-10, para. 3.66). The Pew Research Center survey notes that 14 percent of Sikh respondents stated that Sikhs "face a lot of discrimination," 18 percent stated that they had personally faced "religious discrimination," and 78 percent stated that communal violence was a "major issue" (Pew Research Center 2021-06-29). The DFAT report states that religious minorities, including Sikhs, face "varying degrees of socio-economic, cultural and legal discrimination" (Australia 2020-12-10, para. 3.66). The US *International Religious Freedom Report for 2021* states that in the Union Territory of Jammu and Kashmir, the "[t]errorist groups" Lashkar-e-Taiyaaba [Lashkar-e-Tayyiba] and Hizbul Mujahideen [Hizb-ul-Mujahideen] killed "several" civilians belonging to "minority Hindu and Sikh communities," and the same source further describes "targeted attacks" in October 2021 that killed 11 individuals including a Sikh teacher in a school in Srinagar (US 2022-06-02, 25). The same source also notes that the killing of a local Hindu businessman led to "widespread fear" among Hindus and Sikhs, causing "hundreds" to leave Jammu and Kashmir (US 2022-06-02, 25).

5. Treatment of Sikhs by Authorities

A report by the US Commission on International Religious Freedom (USCIRF) states that religious freedom conditions "significantly worsened" in 2021 and that the government is "promoting a Hindu-nationalist agenda" that "negatively affect[s]" religious minorities, including Sikhs (US 2022-04-25, 20). The report further states that the government is making systemic changes through "new and existing laws and structural changes," at national and state levels, that are "hostile" to religious minorities (US 2022-04-25, 20). The journalist indicated that India is being turned into a "religious supremacist country" by the ruling Bharatiya Janata Party (BJP) (Journalist 2022-12-14). According to Human Rights Watch (HRW), the BJP carries "prejudices" that "have infiltrated independent institutions, such as the police and the courts," and empowers "nationalist groups to threaten, harass, and attack religious minorities with impunity" (HRW 2021-02-19). The journalist stated that anybody who "does not fit in the idea of the government" could become "a potential target" (Journalist 2022-12-14).

According to the joint response by the WSO representative and the Associate Professor, the integration of Sikhs in areas without a Sikh community is challenging, and that they are likely to experience "discriminatory treatment from law enforcement" officials and authorities "for wearing the kirpan" (WSO and Associate Professor 2019-05-03).

According to sources, "the Punjab police are corrupt" (Journalist 2022-12-14) or "corruption is endemic" in the Punjab police (Associate Professor 2023-01-03). The journalist added that there is "a fair degree of brutality, confinement, and extortions" in the system, as well as many incidents

involving the police and minorities which "never became news or headlines" (Journalist 2022-12-14). The WSO representative stated that while there are "several examples of torture victims telling their stories" in the press, the "vast majority of those who are abused in custody are afraid of speaking out, fearing being victimized once again" (WSO 2022-12-09). An article by New Delhi Television (NDTV), a news broadcaster in India (NDTV n.d.), reports that a Sikh prisoner at a jail in Barnala district has accused the jail superintendent of "torture and branding the word '*aatankwadi*', or terrorist, on his back" (NDTV 2021-11-04, italics in original).

The journalist stated that although "police brutality in Punjab" is not "invisible," in "very few cases" has "the system" found the police "guilty" and pursued the matter through the courts (Journalist 2022-12-14). The WSO representative noted that the "arrests on false charges and torture in custody are common" in India (WSO 2022-12-09). The Associate Professor indicated that it is "not only Sikhs but anyone with a lower socioeconomic status," lacking "protection" [associated with higher social status], who experience "more mistreatment by the police" (Associate Professor 2023-01-03).

The journalist indicated that despite illegal actions that the police have taken, the "judiciary [had been] recusing itself from hearings," and therefore the system "is complicit" in the police continuing "illicit activities" (Journalist 2022-12-14). The Associate Professor noted that there are security laws that protect the police from "allegations of human rights violation," and it is "very possible" for officers to be "legally protected from prosecution" (Associate Professor 2023-01-03). An article by the Leaflet, an independent news website focused particularly on issues of law and rights protection (The Leaflet n.d.), indicates that, in three specific types of cases, the Indian Penal Code and Code of Criminal Procedure make "[e]xtra-judicial killings by police" legally permissible and not a criminal offence (The Leaflet 2021-10-26). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. Sikh Separatist Organizations

The Associate Professor stated that while there are "two or three" Sikh political organizations that support Sikh separatism, there are "very few" Sikh militants and there is no organized armed separatist movement within Punjab (Associate Professor 2022-05-04). The *Washington Post* reports that many in Punjab believe the "threat" of a Khalistan separatist movement is "overblown" (*The Washington Post* 2023-04-16). Similarly, interviewed by the *Financial Times* (FT), the Executive Director of the Institute for Conflict Management, a "non-profit [s]ociety" that studies internal security problems in India and elsewhere in South Asia (SATP n.d.), states that the Khalistan movement has been portrayed in the "pro-government media" in a way that is "'far out of proportion to the actual

threat" (FT 2023-04-03). The *Washington Post* article adds that for some people "Khalistan means something short of an independent state" and is "more of a slogan" to coalesce the Sikh community around religious tenets and to support the community's political interests (*The Washington Post* 2023-04-16). According to a report from the Centre for Information Resilience (CIR), which is "an independent, non-profit social enterprise dedicated to countering disinformation, exposing human rights abuses, and combating online behaviour harmful to women and minorities" (CIR n.d.), a "coordinated influence operation" on social media used fake profiles to promote narratives arguing that "'real' Sikhs support the Indian government and Indian nationalism, and that advocates of Sikh autonomy and independence are extremist or terrorist" (CIR 2021-11-23, 4, 2). The report further states that the accounts targeted the issues of the farmers' protests and the Khalistan movement, "claim[ing] any notion of Sikh independence is extremist and terrorist related" (CIR 2021-11-23, 5).

7. Farmers' Protests

According to media sources, protests that occurred in response to new agricultural laws were "largely led" and organized by Sikh farmers from Punjab (RNS 2020-11-30), or largely populated by Sikh farmers from Punjab and Haryana (*The New York Times* 2021-11-19). According to HRW, senior leaders from the ruling BJP, their supporters and pro-government media blamed Sikhs for the protests, stating they had a "'Khalistani' agenda" (HRW 2021-02-19). According to an article from Asian News International (ANI), a news agency in India, the Haryana Chief Minister stated that the farmers' protests contained Khalistan supporters (ANI 2020-12-03). According to NDTV, the Chief Minister also stated that the protesters were from Punjab and not from his state of Haryana (NDTV 2020-11-28). In correspondence with the Research Directorate, an attorney for Voices for Freedom (VFF), an international human rights NGO working in India, the UK, Canada and the US to "publicize the plight of the oppressed" by campaigning and publishing reports (VFF n.d.), noted that when Sikhs speak out against BJP policies they are called "anti-nationalist" by the government (Attorney 2022-05-27). ThePrint, an independent news organization based in New Delhi (ThePrint n.d.), states that the BJP accused the Indian National Congress party, which was then in power in Punjab, of "aligning with radical elements" (ThePrint 2020-11-27). The *Hindustan Times*, an Indian English-language newspaper, stated that the BJP national general secretary "alleged that the farmers' protest has been hijacked by extremist elements and claimed that pro-Khalistan and pro-Pakistan slogans were proof of it" (*Hindustan Times* 2020-11-29). According to an article from the *Indian Express*, a daily Indian English-language news publication, during Supreme Court hearings challenging the new farm laws, the Attorney General of India claimed that his office had been informed of a "'Khalistani infiltration in the protests'" (*The Indian Express* with PTI 2021-01-12). A country police and information report by the UK Home Office notes that the "majority" of protests were peaceful with "isolated instances" of police "using tear gas, beating protesters with

batons and using water cannons to disperse crowds" (UK 2021-11, para. 2.4.18).

Amnesty International notes that "more than 183 people" were arrested for the protests (Amnesty International 2022-03-29, 191). Media sources report that a climate activist was arrested due to links to a "toolkit" document connected to the farmers' protests (Reuters 2021-02-15; *The Times of India* 2021-02-23), with Reuters describing the document as an "action plan" shared on social media, identifying ways to help the protestors (Reuters 2021-02-15). According to an article from the *Times of India*, the prosecution asserted that the "'pro-Khalistan'" group Poetic Justice Foundation (PJF) [2] was associated with the creation of the document and the climate activist was linked to founders of PJF, but a Delhi court granted bail to the activist when they found no "'direct links'" between the activist and the founders, that neither the activist nor PJF incited violence, and that PJF is not a banned organization (*The Times of India* 2021-02-23).

8. Treatment of Perceived Separatists or Khalistan Supporters in Punjab

According to the Associate Professor, there are Sikh political parties which ascribe to separatism, including the Shiromani Akali Dal (Amritsar) (SAD(A)) [Shiromani Akali Dal (Mann); SAD(M); SAD(Amritsar); Shiromani Akali Dal (Amritsar) (Simranjit Singh Mann)] and the Dal Khalsa; SAD(A) is recognized by the Election Commission of India and advocates for Khalistan through democratic means (Associate Professor 2022-05-04). For further information on SAD(A), including treatment of party members and supporters by the authorities, see Response to Information Request IND200258 of June 2020.

In correspondence with the Research Directorate sent on 12 May 2022, the WSO representative stated that the "government, civil society and media vilify Sikhs advocating for Khalistan as extremists and militants by default" (Representative 2022-05-12). The Emeritus Professor noted that the government is "hostile" to separatist movements (Emeritus Professor 2022-04-29). The same source further noted that the societal view of Khalistan activists from the Hindu population is one of suspicion and while "some" Sikhs are sympathetic, many view Khalistan activists as "problematic" (Emeritus Professor 2022-04-29).

According to sources, the police "keep track of" (Emeritus Professor 2022-04-29) or "monitor" Khalistan supporters (Associate Professor 2022-05-04; Representative 2022-05-12). According to the Associate Professor, security services are more likely to focus on Sikh separatists because they represent "a perceived political threat to the unity of India" (Associate Professor 2022-05-04). According to the Emeritus Professor, individuals who attend SAD(A) speeches will be tracked by the police and Khalistan activists who participate in activities such as demonstrations, meetings or

posting on social media will be monitored (Emeritus Professor 2022-04-29). The same source further stated that individuals who move to another city will continue to be tracked since that information will be shared (Emeritus Professor 2022-04-29). The WSO representative noted that Khalistan activists are tracked through social media, with police and intelligence forces having "vast and sophisticated IT cells which devote considerable resources to tracking Khalistan supporters and also create false accounts and content in order to lure individuals to express support for Khalistan so they can also be tracked" (Representative 2022-05-12). According to the *Indian Express*, the Punjab police has "many deradicalisation cells" which monitor social media posts and track down individuals with separatist connections who are then counselled by senior officers (*The Indian Express* 2020-08-23). Based on information provided by ten youths who were summoned to "counseling" by the Punjab police, the *Indian Express* noted that these youths had their "photo, finge[rp]rints, copies of the Aadhaar card [a national identity card] and details of their family" recorded by police (*The Indian Express* 2020-08-23). The same source also states that a man whose son was studying in Canada said he was called to a police station to provide his son's passport number due to a social media post "related to Referendum 2020" his son had liked; the man also said that he paid a bribe to officials in order to "'close the chapter'" (*The Indian Express* 2020-08-23).

According to the Emeritus Professor, intelligence and law enforcement agencies, including those in Punjab, are controlled by the central government which views Khalistan supporters "very suspiciously" (Emeritus Professor 2022-04-29). The same source also stated that the police will not say that they have arrested someone for supporting Khalistan, rather that the arrest is attributed to "illegal activities or supporting militants," such as putting up pro-Khalistan posters, having weapons, or providing shelter to militants; the police will blame Khalistan activists for crimes in which they cannot find the perpetrator (Emeritus Professor 2022-04-29). Similarly, the WSO representative stated that perceived Khalistan supporters are "often implicated in false cases" and police forces "harass" Khalistan activists and their families and friends (Representative 2022-05-12).

The WSO representative stated that the prevalence of detention in Punjab and India is "increasing" with a "large number" of Sikh youth reporting harassment or questioning and a "significant number" arrested and charged due to support for Khalistan (Representative 2022-05-12). According to media sources, three Sikh men were sentenced to a life term on the charges of "waging war" against India for possession of literature related to Khalistan (*The Indian Express* 2019-02-24; SBS Punjabi 2019-02-11). The 2019 judicial decision is available online, on a website hosted by SSN [3] (Punjab 2019-01-31). A *Times of India* article notes that that police registered an FIR against one of the men for "supp[lying] a pistol and six bullets" to an individual who was arrested in connection with "taking

revenge for sacrileges" in two villages but that "evidence does not support police claims"; according to one of the defendant's attorneys, all three men have been in jail since 2016 (*The Times of India* 2019-02-12). Sources note that three people were arrested for distributing or providing registration forms to hold a vote for a referendum to form Khalistan and that they were sentenced to six-day police custody (*The Tribune* 2021-12-28; PTI 2021-12-28). Sources add that authorities "alleg[e]" that the individuals were campaigning for the US-based organization Sikhs for Justice (SFJ) (*The Tribune* 2021-12-28) or note that the SFJ has "pushed for a referendum" (PTI 2021-12-28). For more information on SFJ, see Response to Information Request IND201492 of May 2023. The Press Trust of India (PTI), an Indian news agency, also reports that the individuals had family ties to a commander in the "terrorist organization" Babbar Khalsa International (Sukhdev Babbar Group) (PTI 2021-12-28).

Sources report that in March 2023, authorities in Punjab "suspended" (Al Jazeera 2023-03-20; BBC 2023-03-20) or "largely cut off" (CBC 2023-03-22) mobile internet [and SMS (CBC 2023-03-22; Al Jazeera 2023-03-20)] in the state as part of their effort to apprehend a prominent Sikh supporter of Khalistan (BBC 2023-03-20; CBC 2023-03-22; Al Jazeera 2023-03-20). According to sources, the man has "demand[ed] the creation of Khalistan" (Al Jazeera 2023-03-20) or has "spoken about the desire for a sovereign Sikh state" (CBC 2023-03-22). A CBC article notes that according to Punjab's "top police officer," the man has "set up a militia" which was in possession of "rifles and bullet-proof jackets" recently recovered by police at the man's residence (CBC 2023-03-22). Sources further report that in February 2023, the man's supporters [and the man himself (Al Jazeera 2023-03-20)] "stormed" (BBC 2023-03-20; CBC 2023-03-22) or "raided" (Al Jazeera 2023-03-20) a police station [with swords, knives and guns (Al Jazeera 2023-03-20)] to demand the release of one of the man's associates (BBC 2023-03-20; CBC 2023-03-22; Al Jazeera 2023-03-20). Sources also note that Punjab police made over 100 ["preventative" (CBC 2023-03-22; Al Jazeera 2023-03-20)] arrests of people believed to be associated with the man they were pursuing (CBC 2023-03-22; Al Jazeera 2023-03-20; BBC 2023-03-20). According to sources, on 21 March Punjab's Inspector-General of Police announced that a total of 154 people had been arrested in connection with the search for the man (ANI 2023-03-21; PTI 2023-03-21; SSN 2023-03-22). An article by the BBC, citing Punjab's Inspector-General of Police, adds that five of the man's "associates" had been "arrested and charged under India's stringent National Security Act" (BBC 2023-03-20). A "tentative list" of persons "arrested and detained" by Punjab authorities in March 2023 in relation to the manhunt, compiled by members of a Punjab law firm based "mainly" on court records, is available on a website hosted by SSN (SSN 2023-03-22). The list, which contains the names—and, in some cases, the locations—of the 154 people "arrested" or "[d]etained" by authorities, notes the following:

- 5 individuals were "detained" under the National Security Act 1980
- [4]

- 11 individuals were arrested or detained under sections 279, 186, 506, 336, and 427 of the Indian Penal Code, and section 25(2) of the Arms Act [5]
- 4 individuals were arrested or detained under section 25 of the Arms Act
- 134 individuals were arrested or detained under section 107/151 of the Code of Criminal Procedure [6] (SSN 2023-03-22).

9. Treatment of Suspected Separatists or Khalistan Supporters Outside of Punjab

According to the WSO representative, "suspected supporters of Khalistan are not safe outside of Punjab, anywhere in India" (Representative 2022-05-12). The same source added that "no Sikh can openly be an advocate for or support the creation of Khalistan" and doing so results in "harassment by the police, false cases and also hatred [from] those who do not support Khalistan"; the government portrays anyone supporting separatism as "an extremist or terrorist and as an 'anti-national' that can be legitimately targeted for violence" (Representative 2022-05-12). The Associate Professor stated that Sikhs who display separatist beliefs face "persecution" by government authorities and "possible retribution" from the "majority community outside of Punjab" (Associate Professor 2022-05-04).

Sources report that in January 2021 a Sikh man, who is a British citizen accused by Indian authorities of being affiliated with the Khalistan Liberation Force, was arrested in Delhi on suspicion of his connection to a murder (UN 2022-05-04, para. 4, 28; US [2022]). Information on the Khalistan Liberation Force could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In May 2022, the UN Working Group on Arbitrary Detention deemed the man's detention "arbitrary," and added that he was "interrogated illegally by specific officers of the Punjab Police" who also "implied" "torture" "if he did not cooperate" (UN 2022-05-04, para. 50, 56). The same source stated that it believes the man was targeted "because of his activities as a Sikh practitioner and supporter" and his "activism in writing public posts calling for accountability for alleged actions committed against Sikhs by the authorities" (UN 2022-05-04, para. 124).

The Associate Professor stated that Sikhs with separatist beliefs living outside of Punjab would have "negative interactions" in education and employment, would be "monitored" by the authorities, and would find it "more difficult" to live outside of Punjab (Associate Professor 2022-05-04). The WSO representative stated that requirements that have made the relocation of Sikhs facing "persecution" "more challenging" include registration at a police station when moving, use of the Aadhaar card for basic services such as banking, and tenant verification (Representative 2022-05-12). For information on the Aadhaar card, see Response to

Information Request IND200627 of May 2021. For information on tenant verification, see Response to Information Request IND201491 of June 2023.

The WSO representative stated that if an individual is outside of Punjab and their support of Khalistan becomes known, "there is little doubt they would face discrimination, harassment or worse" (Representative 2022-05-12). The Emeritus Professor stated that society outside of Punjab is "more hostile to Sikhs in general" and that if the beliefs of a Khalistan activist outside of Punjab were to become known, they would be in danger of violence from local people (Emeritus Professor 2022-04-29). According to the PTI, a Khalistan supporter from Punjab who was "hiding" in Bengaluru was "traced" by the police and arrested (PTI 2020-01-12). The *Hindu*, an Indian English-language daily newspaper, states that in Delhi, three "alleged" Khalistan supporters were arrested; according to police, they had ties to the Khalistan Liberation Force leaders, were planning targeted killings, and had weapons in their possession (*The Hindu* 2020-06-27). The *Hindustan Times* states that a special investigation team in Himachal Pradesh arrested an individual for putting up Khalistan flags and writing graffiti at the Himachal Pradesh Vidhan Sabha [legislative assembly] (*Hindustan Times* 2022-05-11).

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.

Notes

[1] According to DFAT, *kirpan* is "[a] term used in the Sikh faith for a small sword, worn in a sheath on a strap or belt. The kirpan is an article of faith initiated Sikhs are supposed to wear at all times" (Australia 2020-12-10, 7).

[2] A *Toronto Star* article indicates that the Poetic Justice Foundation (PJF) is a "grassroots rights advocacy group"; the co-founder of PJF indicated in an interview that the group has facilitated dialogue on Khalistan but does not take a stance on the subject (*Toronto Star* 2021-02-20).

[3] Sikh Siyasat News (SSN) is a Sikh news network based in Punjab (SSN n.d.).

[4] Along with the Code of Criminal Procedure, the National Security Act 1980 is one of the two pieces of legislation that provides for preventative detention. The National Security Act 1980 deals with preventive detention in situations involving national security, public order, and essential services (Australia 2020-12-10, para. 4.36).

[5] The Arms Act, first passed in 1959 and subsequently amended multiple times, contains provisions covering the acquisition, possession, sale, purchase, manufacturing, transportation, import/export, and licencing of arms and ammunition (*Deccan Herald* 2022-04-19).

[6] The Code of Criminal Procedure is the central law covering procedure for the administration of "substantive criminal law" in India (Australia 2020-12-10, para. 4.36).

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Sikh diaspora; US-based writer, podcaster, and commentator who has written a book on Sikh history; Voices for Freedom.

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Associated documents

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India

Query response on India: Treatment and situation of Sikhs (2020 - May 2023)

Inde : information sur le traitement réservé aux sikhs par la société et les autorités, en particulier par la police; protection offerte par l'État; information sur la situation des personnes soupçonnées d'être des activistes sikhs ou des partisans du Khalistan, ou qui sont perçues comme tels, et le traitement que leur réservent la société et les autorités dans l'État du Pendjab; la fréquence des arrestations, y compris les méthodes employées par la police pour

suivre les personnes visées; la situation des sikhs à l'extérieur de l'État du Pendjab et le traitement que leur réservent la société et les autorités; la possibilité pour les sikhs de s'installer en Inde dans un endroit autre que le Pendjab (2020-mai 2023) [IND200932.EF]
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