

India

Response to Information Request Number:	IND03004.ZSF
Date:	May 16, 2003
Subject:	India: Information on Treatment of Members of the Akali Dal (Mann) Party in Punjab
From:	CIS Resource Information Center
Keywords:	India / Armed conflicts / Castes / Disadvantaged groups / Internal strife / Political parties / Political violence / Separatism / Suspected persons

Query:

- 1) Do Punjab police arrest or otherwise mistreat Sikhs solely on account of membership in the Akali Dal (Mann) party, or for expressing support for the party?
- 2) Does party leader S.S. Mann currently advocate a separate Sikh state?
- 3) Are Punjabi Sikhs targeted solely for expressing support for the Khalistani cause?

Response:

1) ARREST OR MISTREATMENT OF SIKHS BY PUNJAB POLICE ON ACCOUNT OF MEMBERSHIP IN THE AKALI DAL (MANN) PARTY, OR FOR EXPRESSING SUPPORT FOR THE PARTY

There is little recent evidence suggesting that members or supporters of the Akali Dal (Mann) party in Punjab are being systematically targeted for arrest or other forms of mistreatment by police, several sources say.

A retired professor formerly with the University of Texas at Austin who is an India expert said in a telephone interview that he views as "dubious" claims by rank-and-file Akali Dal (Mann) members that they are being targeted at a level that would give rise to valid asylum claims (Professor 21 Apr 2003). Similarly, an India expert at the University of Texas at Dallas said by telephone that it is unlikely that Akali Dal (Mann) supporters are being targeted in any systematic way (Professor of Anthropology and Political Economy 22 Apr 2003). And the U.S. Embassy in New Delhi, as far back as 1997, just a few years removed from the end of the Sikh insurgency, said that membership in the Akali Dal (Mann) is "not a ground for anticipating prosecution or mistreatment in India" (U.S. DOS Jul 1997).

Paul Wallace, a political scientist at the University of Missouri at Columbia, said during a February 2003 training session for asylum officers in San Francisco that any police abuse of Akali Dal (Mann) supporters would likely get press attention. This is because Punjab, like the rest of India, has a relatively open press, and the family of someone detained on political grounds would likely try to publicize the case through the media (Wallace 24 Feb 2003).

Punjab authorities are wary of party leader S.S. Mann because of his separatist leanings and are likely to keep close tabs on him and his supporters nonetheless, according to a Punjab human rights lawyer. "He and his workers are under pressure and they are watched," the lawyer said in an e-mail to the Resource Information Center (RIC) (Punjab lawyer 13 May 2003).

The India expert from the University of Texas at Dallas speculated that it is possible that Punjab police at times arrest Akali Dal (Mann) supporters because they suspect them of being linked to secret factions within the Akali Dal. He stated that these factions are basically alliances to protect vested interests and essentially operate as terrorist cells. While not having specific knowledge of arrests of Akali Dal (Mann) members for belonging to secret factions, he suggested that the existence of these cells provides a plausible motive for at least some arrests. Since it would be hard for a suspect to prove that he does not belong to a secret group, an individual could plausibly be accused, perhaps unjustly, of being a terrorist if police think that he is in one of these groups (Professor of Anthropology and Political Economy 22 Apr 2003).

Nevertheless, the same India expert said, in an e-mail follow-up, Akali Dal (Mann) members arguably are at greater risk of harassment from their political rivals in the main Akali Dal party, known as the Akali Dal (Badal), than from police. "Punjab elections are seriously contested, and at the village level are always factional matters and can get pretty rough. It does not make a great deal of sense that those coming after them for this would be police, however, rather than members of the main or original Akali Dal, which they are opposing" (Professor of Anthropology and Political Economy 23 Apr 2003). "The police normally try to stay out of village conflicts" (Professor of Anthropology and Political Economy 23 Apr 2003).

The India expert explained that the Akali Dal (Badal) is generally moderate and sees the Akali Dal (Mann) as a threat to its state-level electoral alliance with the Bharatiya Janata Party (BJP), which heads the governing coalition in New Delhi. He noted that recent state elections in Punjab have been won by either the Congress Party, most recently in 2002, or an alliance of the BJP and Akali Dal (Badal), as happened in 1992 and 1997 (Professor of Anthropology and Political Economy 23 Apr 2003).

"The basic logic of this setup is that if the Akalis are taken over by an anti-Hindu group they will not form the alliance with the BJP and therefore they cannot win elections. So it is not hard to understand why moderate Sikhs, like the Badal group, would find the Mann group not just someone whom they disagree with philosophically, but also self-destructive" (Professor of Anthropology and Political Economy 23 Apr 2003). The India expert added that P.S. Badal, president of the Akali Dal (Badal) and several-term state chief minister, has been trying hard to "suppress the divisions represented by the Mann group" (Professor of Anthropology and Political Economy 23 Apr 2003).

2) WHETHER SIMRANJIT SINGH MANN CURRENTLY ADVOCATES A SEPARATE SIKH STATE.

A former police official turned Government opponent, Simranjit Singh Mann operates "on the margin of legality" as the head of the Akali Dal (Mann) party, according to Paul Wallace. As a police official, Mann headed the 1984 Operation Blue Star that killed more than 1,000 people while flushing out Sikh militants holed up in the Golden Temple in Amritsar. Jailed for his handling of the operation, Mann became a Government critic and founded the party bearing his name (Wallace 24 Feb 2003).

Mann is widely seen in Punjab as being pro-Khalistan – that is, supporting an independent Sikh state in Punjab – though his party and views have fairly limited popular support there, Dr. Wallace said in a telephone interview with the Resource Information Center (21 Apr 2003).

Whether Mann explicitly endorses the idea of an independent Sikh state is less clear. In public, at least, Mann cannot call for an independent state because he would almost certainly lose his seat in India's national parliament, to which he was re-elected in 2002, Dr. Wallace pointed out in the February 2003 training session. "So he has to be somewhat circumspect" (Wallace 24 Feb 2003).

While a Delhi court brought charges against Mann in February 2003 for inciting violence, the charges were based on a 1991 speech. This lends support to the idea that Mann has not

recently made any overtly pro-Khalistani statements in public, Paul Wallace said. Mann was charged under the lapsed Terrorist and Disruptive Activities Act, which is still used in some Indian states to bring cases for acts allegedly committed before the statute was shelved (Wallace 24 Feb 2003).

Asked whether Mann has publicly disavowed the goal of an independent state, Dr. Wallace replied, "I think he makes statements on both sides of that" (24 Feb 2003).

Regardless of Mann's public positions, "I'm sure he says things privately about Khalistan or a state in which Sikhs would be dominant – certainly when I interviewed him he talked about it very openly, but that was 1991," Dr. Wallace said (24 Feb 2003). "Since that time his rhetoric has become less extreme, so I don't see the Government of India or the Government of Punjab seeing him really as a threat" (Wallace 24 Feb 2003).

3) TARGETING OF PUNJABI SIKHS SOLELY FOR EXPRESSING SUPPORT FOR THE KHALISTANI CAUSE

Punjabi Sikhs are likely targeted at times by local officials for holding pro-Khalistani views, but this is not done systematically, according to an expert on religious militancy at the University of Notre Dame (Associate Professor of Anthropology 15 May 2003). She suggested that any such targeting is probably the work of rogue officers at the local level, perhaps for personal reasons such as to avenge the death of a relative or colleague during the Sikh insurgency in the 1980s and early 1990s. Higher-level officials are more concerned with battling possible terrorist threats from Kashmiri separatists, al-Qaeda-linked operatives, and Pakistan-based militants than punishing pro-Khalistani Sikhs who are not involved in violence, she said (Associate Professor of Anthropology 15 May 2003).

Similarly, a human rights lawyer in New Delhi who is active in Punjab human rights issues told the Resource Information Center in 2002 that he was not aware of any recent arrests or incidents of harassment of Sikhs solely on account of their political views (Human rights lawyer 31 Jul 2002).

And Ravi Nair, the executive director of the South Asia Human Rights Documentation Center in New Delhi, told Canadian asylum officials as far back as 1997 that simply holding pro-Khalistani views would no longer make an individual the sort of high-profile suspected militant who is still at risk in Punjab (IRB-DIRB 17 Feb 1997).

Asked during his training session whether Sikhs who attend pro-Khalistan rallies are at greater risk of harm, Paul Wallace pointed out that there are relatively few such rallies in Punjab to begin with. He noted that "strong speeches" are made on the anniversary of the 1984 Operation Blue Star, but said that, "the event is publicized beforehand, speeches are made, and that's it – nothing much is really made about it afterwards" (Wallace 24 Feb 2003). He added that fiery speeches are also often made to commemorate the deaths of militants, but added that "strong speeches are not necessarily separatist statements, done in [the political context of] 2003" (Wallace 24 Feb 2003).

Adding to the notion that Sikhs are no longer targeted simply for holding pro-Khalistani views, two recent nongovernmental reports concluded that while torture is still a serious problem in Punjab, police generally no longer torture Sikhs on account of political views or suspected militant links. Amnesty International said in a January 2003 report that currently "the majority of victims are detainees held in connection with criminal investigations, and include members of all religious communities and social groups" (AI 20 Jan 2003). The report said that among the most vulnerable to torture in Punjab are the poor, women, and dalits, the latter of whom suffer often-severe discrimination throughout India based on caste (AI 20 Jan 2003).

In addition, the Danish branch of Physicians for Human Rights concluded after a fact-finding mission to Punjab in 2000 that "torture today does not seem to have a political foundation but

is based on ordinary corruption, abuse of power, and greed on the part of the police" (PHRD 2000).

For more information on the general situation of human rights in the Punjab, see Response to Information Request IND02001.ASM, INDIA: INFORMATION ON PUNJAB AFTER THE INSURGENCY, 2 August 2002.

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

References:

Amnesty International (AI). BREAK THE CYCLE OF TORTURE AND IMPUNITY IN PUNJAB (20 Jan 2003), <http://web.amnesty.org/library/Index/ENGASA200022003?open&of=ENG-IND> [Accessed 20 Apr 2003]

Associate Professor of Anthropology, University of Notre Dame. Telephone interview (South Bend, Indiana: 15 May 2003).

Human rights lawyer. E-mail to the CIS Resource Information Center (31 Jul 2002).

Immigration and Refugee Board, Documentation, Information, and Research Branch (IRB-DIRB). "India: Information From Four Specialists on the Punjab" (Ottawa: IND26376.EX, 17 Feb 1997).

Physicians for Human Rights, Denmark (PHRD). IN THE SHADOW OF THE POLICE: REPORT ON A FACT-FINDING MISSION TO PUNJAB, 24 SEPTEMBER-6 OCTOBER 2000 (Risskov, Denmark: 2000), 47 p.

Professor, University of Texas at Austin. Telephone interview (Austin: 21 Apr 2003).

Professor of Anthropology and Political Economy, University of Texas at Dallas. E-mail to the CIS Resource Information Center (Dallas: 23 Apr 2003).

Professor of Anthropology and Political Economy, University of Texas at Dallas. Telephone interview (Dallas: 22 Apr 2003).

Punjab lawyer. E-mail to the CIS Resource Information Center (13 May 2003).

U.S. Department of State (U.S. DOS). "Addendum to the India Country Profile" (Washington, DC: Jul 1997).

Wallace, Paul. Professor of Political Science, University of Missouri at Columbia. Telephone interview (Columbia: 21 Apr 2003).

Wallace, Paul. Professor of Political Science, University of Missouri at Columbia. "Transcript of Telephonic Interview with San Francisco Asylum Office – Training on Sikhs in the Punjab" (24 Feb 2003).