



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## India

India – IND39846 – Brahmins – Punjab –  
Communal Violence in 1991 – Police –  
False Cases – Kashmiri Pandits

31 January 2012

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**1. Is there information to indicate that there were incidents of communal violence between Brahmins and Sikhs in Punjab in 1991?**

No reports were located of communal violence per se between Brahmins and Sikhs in Punjab in 1991.<sup>1</sup>

A book by political scientist Ishtiaq Ahmed, which focuses on ethnic conflict in India, states that there was violence in Punjab during 1991, associated with militant Sikh separatism. The book does not state that the Brahmin caste was particularly targeted during this violence, which included bomb blasts and random shootings, among other incidents. However, Ahmed notes that there were “many” Hindu casualties:

Violence in Punjab escalated in 1990 and continued into 1991...Some 35,000 persons are estimated to have died by the end of 1991. This includes persons killed by militants, militants killed by the state agencies and innocent people killed both by the militants and by the security forces in Punjab as well as those killed outside Punjab, including the victims of the November 1984 riots in Delhi and elsewhere...Many innocent Hindus have been killed in the dastardly terrorist attacks.<sup>2</sup>

**2. What is the current situation for Brahmins in Punjab?**

No information was located to suggest a sustained campaign of ill treatment toward Brahmins in Punjab.

According to the *Outlook India* online magazine, Brahmins account for 5 per cent of Punjab’s population and 5.6 per cent of India’s total population.<sup>3</sup>

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<sup>1</sup> Brahmins were traditionally priests, the highest in the Hindu caste system. For a description of the traditional caste hierarchy, See: Sisson, R. 1972, *Congress Party in Rajasthan: Political Integration and Institution Building in an Indian State*, University of California Press, p. 33

[http://books.google.com.au/books?id=YNn0L9BmCQcC&pg=PA327&dq=Jat+caste+Rajasthan+Vaishya+OR+Shudra+OR+Harijan&hl=en&ei=BXvoTaCsHYu2vOOZl\\_HXDw&sa=X&oi=book\\_result&ct=result&resnum=1&ved=0CCsQ6AEwAA#v=onepage&q=Jat%20caste%20Rajasthan%20Vaishya%20OR%20Shudra%20OR%20Harijan&f=false](http://books.google.com.au/books?id=YNn0L9BmCQcC&pg=PA327&dq=Jat+caste+Rajasthan+Vaishya+OR+Shudra+OR+Harijan&hl=en&ei=BXvoTaCsHYu2vOOZl_HXDw&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCsQ6AEwAA#v=onepage&q=Jat%20caste%20Rajasthan%20Vaishya%20OR%20Shudra%20OR%20Harijan&f=false) – Accessed 3 June 2011

<sup>2</sup> Ahmed, I. 1999, *State, Nation, and Ethnicity in Contemporary South Asia*, Cassell, United Kingdom, Google Books website, p. 133

<http://books.google.com.au/books?id=czSm7cmhgA0C&pg=PA120&dq=Punjab+communal+violence+1991&hl=en&sa=X&ei=gvMhT6ipAaGjiAfTuYH0BA&ved=0CDkQ6AEwAQ#v=onepage&q=Punjab%20communal%20violence%201991&f=false> – Accessed 27 January 2012

<sup>3</sup> ‘Brahmins in India’ (Undated), *Outlook India* <http://www.outlookindia.com/article.aspx?234783> – Accessed 30 January 2012

An article on a Punjab government website advises that the number of Brahmins engaged in priestly duties has declined. The article also provides a detailed description of groups within the Brahmin community:

There are ten groups amongst Brahmins. Of these, the Sarsuts, Kankubjas, Gaurs, Utkals and Maithals are called Panjgaur ; and the Darbara, Tailang, Maharashtras, Gurjars and Karnataks are called Panjdarbaris. The Brahmins residing in the district are Sarsuts. They are of more amiable nature than their Gaur counterparts. They are also more tolerant and freely mix up with the people of other castes, e.g. Khattris, Banias, Suds and Aroras.

Sarsut Brahmins are further divided into subcastes. Bahris (twelve) have twelve subcastes within which they contract marriages. Baunjais (fifty-two) have fifty-two subcastes and they also contract marriages among themselves. Another group, Asht-bans (eight subcastes), namely, Sand, Shori, Pathak, Mahrur, Joshi, Tiwari, Kural and Bhardwaj, marry their daughters only in these subcastes. Mohyal Brahmins have five subcastes, viz. Datt, Bali, Mohan, Lau and Chhibber. They own land and do not practise priestly duties. They also contract marriages amongst their own five subcastes. After the partition, the restrictions in respect of marriage, etc., within different Brahmin castes and subcastes, have mostly disappeared.<sup>4</sup>

### **3. Is there information indicating that ‘false cases’ can be made against individuals through corrupt police?**

In 2009, Human Rights Watch published a report on India’s police force which indicated that it would be possible to register false charges against a person by employing political influence or bribery. The report states the following relevant points:<sup>5</sup>

- According to human rights groups, police frequently arrest and detain people on false charges “at the behest of powerful local figures or due to other forms of corruption”.
- State and local politicians “routinely” instruct police to harass or file false charges against political opponents.
- Police sometimes employ torture and other ill treatment to elicit confessions from those arrested on false charges.
- Police routinely ask for bribes to register a First Information Report (FIR).
- Poor crime victims are often illiterate, and this allows police to add false information to a FIR, which may then be discredited at trial and result in a case being dismissed.
- Police have broad discretionary powers to arrest without a warrant.<sup>6</sup>

A FIR is the initial written complaint by a victim of crime, or someone acting on their behalf. The FIR is a document written by a police officer “at the dictation of the informer”. The

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<sup>4</sup> ‘Religions and Castes’ (Undated), Department of Revenue, Rehabilitation and Disaster Management website [http://punjabrevenue.nic.in/gaz\\_asr9.htm](http://punjabrevenue.nic.in/gaz_asr9.htm) – Accessed 27 January 2012

<sup>5</sup> Human Rights Watch 2009, *Broken System – Dysfunction, Abuse, and Impunity in the Indian Police*, Human Rights Watch website, August, p. 8; 48; 57; 63 <http://www.hrw.org/sites/default/files/reports/india0809web.pdf> – Accessed 28 October 2011

<sup>6</sup> Human Rights Watch 2009, *Broken System – Dysfunction, Abuse, and Impunity in the Indian Police*, Human Rights Watch website, August, p. 8; 48; 57; 63 <http://www.hrw.org/sites/default/files/reports/india0809web.pdf> – Accessed 28 October 2011

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.<sup>7 8</sup>

In 2011, the Asian Human Rights Commission (AHRC) reported that police had filed false charges against two villagers in Madhya Pradesh state, apparently after they protested against a mining project.<sup>9</sup> In March 2011, the AHRC reported that a Kerala family was threatened with detention under false charges after they filed a case against police with a local court over a land dispute.<sup>10</sup> A 2011 AHRC report on torture and deaths in custody contains two further examples of Indian citizens being threatened, by police officers, with false charges; once in order to obtain a bribe in Uttar Pradesh, and once in order to prevent some Delhi residents from reporting police misconduct.<sup>11</sup>

According to the UK Home Office 2008 *Operational Guidance Note – India*, corruption in the police force exists at all levels. Police have acted with relative impunity, and are rarely held accountable for illegal actions.<sup>12</sup> The US Department of State (USDOS) reported that, in 2010, government officials and security services frequently engaged in corrupt practices with impunity, with an estimated 54 per cent of the population admitting to having bribed authorities. Bribes were reportedly also paid to obtain police protection.<sup>13</sup> Human Rights Watch's most recent annual report stated that police and security force impunity remained a problem in India.<sup>14</sup>

#### **4. Is there information to indicate that 'four hundred thousand' Brahmins live in refugee camps in Delhi and Jammu?**

There are reports that internally displaced Kashmiri Pandits, who are considered equivalent to Brahmins in the cast hierarchy,<sup>15</sup> continue to live in Delhi and Jammu, although recent sources do not state their number as four hundred thousand.

Many Pandits fled Jammu and Kashmir state from 1990 onwards, as a result of armed conflict between Indian security forces and militants who sought independence or accession to Pakistan. According to a November 2011 report by the Internal Displacement Monitoring Centre (IDMC), 250,000 Kashmiri Pandits remain displaced, mainly in Jammu and Delhi

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<sup>7</sup> 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

<sup>8</sup> '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

<sup>9</sup> 'Government allows attacks on protesters while ignoring their land, livelihood and food concerns' 2011, Asian Human Rights Commission website, 5 October <http://www.humanrights.asia/news/hunger-alerts/AHRC-HA C-008-2011> - Accessed 6 October 2011

<sup>10</sup> 'Mother of two children thought of suicide, twice, fearing police persecution' 2011, Asian Human Rights Commission website, 29 March <http://www.humanrights.asia/news/urgent-appeals/AHRC- UAC-070-2011> - Accessed 31 March, 2011

<sup>11</sup> Asian Centre for Human Rights 2011, *Torture in India*, 21 November, Asia Centre for Human Rights website, p. 32, 33, 36 <http://www.achrweb.org/reports/india/torture2010.pdf> - Accessed 25 November 2011

<sup>12</sup> UK Home Office 2008, *Operational Guidance Note – India*, April, p. 8

<sup>13</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – India*, April, Section 4

<sup>14</sup> Human Rights Watch 2012, *World Report 2012*, 23 January, p. 328-329

<sup>15</sup> Internal Displacement Monitoring Centre 2011, 'Internal Displacement in India', Internal Displacement Monitoring Centre website, November, p. 1 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/19467E60DB026358C1257958004C5DC2/\\$file/NRC-IDMC+++individual+UPR+submission+++India+++June+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/19467E60DB026358C1257958004C5DC2/$file/NRC-IDMC+++individual+UPR+submission+++India+++June+2012.pdf) – Accessed 27 January 2012

camps.<sup>16</sup> In its *Country Reports on Human Rights Practices for 2010 – India*, the USDOS also provided the figure of 250,000, and stated that most displaced Kashmiri Pandits remained in Jammu and Delhi.<sup>17</sup>

A 2010 document, also sourced from the IDMC website, noted that a substantial number of displaced Pandits were residing in government-run camps on the outskirts of Jammu, while many others had gone to Delhi and other states.<sup>18</sup> Another USDOS report stated that in 2009-10, there were 12 refugee camps in Jammu, which hosted over 34,000 Pandit families, and 14 camps in Delhi which housed over 19,000 families.<sup>19</sup>

A recent report from the Asian Centre for Human Rights states that together, India currently hosts 59,542 displaced families of Kashmiri Pandit or Muslim origin. The total combined number of Kashmiri and Muslim displaced individuals is 297,710.<sup>20</sup>

The November 2011 Internal Displacement Monitoring Centre report noted that repatriation remained unlikely due to the continuing volatility in Jammu and Kashmir.<sup>21</sup>

In 2000, a Joint Secretary of India's Department of Supply published an article which stated that the Indian Government did not regard Kashmiri Pandits as internally displaced persons, but rather as migrants.<sup>22</sup>

## References

'Brahmins in India' (Undated), *Outlook India* <http://www.outlookindia.com/article.aspx?234783> – Accessed 30 January 2012.

'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.

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<sup>16</sup> Internal Displacement Monitoring Centre 2011, 'Internal Displacement in India', Internal Displacement Monitoring Centre website, November, p. 1 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/19467E60DB026358C1257958004C5DC2/\\$file/NRC-IDMC+-+individual+UPR+submission+-+India+-+June+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/19467E60DB026358C1257958004C5DC2/$file/NRC-IDMC+-+individual+UPR+submission+-+India+-+June+2012.pdf) – Accessed 27 January 2012

<sup>17</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – India*, 8 April, Section 1(g)

<sup>18</sup> Shekhawat, S. 2010, 'Return and Resettlement of the Displaced Pandits in Jammu and Kashmir', Internal Displacement Monitoring Centre website, p. 3 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B2BEADCD7E2D4FC0C125792C0030EDE9/\\$file/20100816+Shekhawat+Pandit+IDPs.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B2BEADCD7E2D4FC0C125792C0030EDE9/$file/20100816+Shekhawat+Pandit+IDPs.pdf) – Accessed 27 January 2012

<sup>19</sup> US Department of State 2011, *2010 International Religious Freedom Report (July-December) – India*, 13 September, Section II

<sup>20</sup> Asian Centre for Human Rights 2012, *India's Draft Universal Periodic Report – II: A Case of Forced Marriage?*, Asian Centre for Human Rights website, p. 16 <http://www.achrweb.org/UN/HRC/UPRIndia2.pdf> – Accessed 27 January 2012

<sup>21</sup> Internal Displacement Monitoring Centre 2011, 'Internal Displacement in India', Internal Displacement Monitoring Centre website, November, p. 1 [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/19467E60DB026358C1257958004C5DC2/\\$file/NRC-IDMC+-+individual+UPR+submission+-+India+-+June+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/19467E60DB026358C1257958004C5DC2/$file/NRC-IDMC+-+individual+UPR+submission+-+India+-+June+2012.pdf) – Accessed 27 January 2012

<sup>22</sup> Saha, K.C 2000, 'Rethinking the Guiding Principles: the case of the Kashmiri Pandits', *Forced Migration Review*, No. 8, August <http://www.fmreview.org/FMRpdfs/FMR08/fmr8.10.pdf> - Accessed 27 January 2012

‘Government allows attacks on protesters while ignoring their land, livelihood and food concerns’ 2011, Asian Human Rights Commission website, 5 October <http://www.humanrights.asia/news/hunger-alerts/AHRC-HA C-008-2011> – Accessed 6 October 2011. (CISNET India CX273882)

‘Mother of two children thought of suicide, twice, fearing police persecution’ 2011, Asian Human Rights Commission website, 29 March <http://www.humanrights.asia/news/urgent-appeals/AHRC- UAC-070-2011> – Accessed 31 March, 2011. (CISNET India CX261886)

‘Religions and Castes’ (Undated), Department of Revenue, Rehabilitation and Disaster Management website [http://punjabrevenue.nic.in/gaz\\_asr9.htm](http://punjabrevenue.nic.in/gaz_asr9.htm) – Accessed 27 January 2012.

Ahmed, I. 1999, *State, Nation, and Ethnicity in Contemporary South Asia*, Cassell, United Kingdom, Google Books website <http://books.google.com.au/books?id=czSm7cmhgA0C&pg=PA120&dq=Punjab+communal+violence+1991&hl=en&sa=X&ei=gvmhT6ipAaGjiAfTuYH0BA&ved=0CDkQ6AEwAQ#v=onepage&q=Punjab%20communal%20violence%201991&f=false> – Accessed 27 January 2012.

Asian Centre for Human Rights 2011, *Torture in India*, 21 November, Asia Centre for Human Rights website <http://www.achrweb.org/reports/india/torture2010.pdf> – Accessed 25 November 2011.

Asian Centre for Human Rights 2012, *India’s Draft Universal Periodic Report – II: A Case of Forced Marriage?*, Asian Centre for Human Rights website <http://www.achrweb.org/UN/HRC/UPRIndia2.pdf> – Accessed 27 January 2012.

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.

Human Rights Watch 2012, *World Report 2012*, 23 January.

Human Rights Watch 2009, *Broken System – Dysfunction, Abuse, and Impunity in the Indian Police*, Human Rights Watch website, August <http://www.hrw.org/sites/default/files/reports/india0809web.pdf> – Accessed 28 October 2011.

Internal Displacement Monitoring Centre 2011, ‘Internal Displacement in India’, Internal Displacement Monitoring Centre website, November [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/19467E60DB026358C1257958004C5DC2/\\$file/NRC-IDMC++individual+UPR+submission++India++June+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/19467E60DB026358C1257958004C5DC2/$file/NRC-IDMC++individual+UPR+submission++India++June+2012.pdf) – Accessed 27 January 2012.

Saha, K.C 2000, ‘Rethinking the Guiding Principles: the case of the Kashmiri Pandits’, *Forced Migration Review*, No. 8, August <http://www.fmreview.org/FMRpdfs/FMR08/fmr8.10.pdf> – Accessed 27 January 2012.

Shekhawat, S. 2010, ‘Return and Resettlement of the Displaced Pandits in Jammu and Kashmir’, Internal Displacement Monitoring Centre website [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B2BEADCD7E2D4FC0C125792C0030EDE9/\\$file/20100816+Shekhawat+Pandit+IDPs.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B2BEADCD7E2D4FC0C125792C0030EDE9/$file/20100816+Shekhawat+Pandit+IDPs.pdf) – Accessed 27 January 2012.

Sisson, R. 1972, *Congress Party in Rajasthan: Political Integration and Institution Building in an Indian State*, University of California Press

[http://books.google.com.au/books?id=YNn0L9BmCQcC&pg=PA327&dq=Jat+caste+Rajasthan+Vaishya+OR+Shudra+OR+Harijan&hl=en&ei=BXvoTaCsHYu2vOOZl\\_HXDw&sa=X&oi=book\\_result&ct=result&resnum=1&ved=0CCsQ6AEwAA#v=onepage&q=Jat%20caste%20Rajasthan%20Vaishya%20OR%20Shudra%20OR%20Harijan&f=false](http://books.google.com.au/books?id=YNn0L9BmCQcC&pg=PA327&dq=Jat+caste+Rajasthan+Vaishya+OR+Shudra+OR+Harijan&hl=en&ei=BXvoTaCsHYu2vOOZl_HXDw&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCsQ6AEwAA#v=onepage&q=Jat%20caste%20Rajasthan%20Vaishya%20OR%20Shudra%20OR%20Harijan&f=false) – Accessed 3 June 2011.

US Department of State 2011, *2010 International Religious Freedom Report (July-December) – India*, 13 September.

US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – India*, 8 April.