



WORLD SIKH ORGANIZATION
OF CANADA

ENFORCING SILENCE: INDIA'S WAR ON SIKH SOCIAL MEDIA

JULY, 2020





INTRODUCTION AND INSIGHTS

Indian authorities are increasingly using social media to target and prosecute Sikhs and members of other minority communities who advocate on human rights and political issues. Social media posts deemed critical of India or supportive of separatist movements are reported for removal and in some cases, lead to individuals being detained and charged for terrorism related offences. In particular, Sikhs expressing support for Khalistan are being targeted.

Since June 2020, hundreds of Sikhs have been detained and interrogated in India due to their social media activities and some have been charged with offences related to support for Khalistan under the Unlawful Activities Prevention Act (“UAPA”). Likewise, social media content that India deems offensive, particularly in relation to Khalistan, is being reported and flagged for removal on a wide scale.



Khalistan refers to a sovereign state governed in accordance with Sikh principles and values. Khalistan is a construct that is understood in different ways and is a source of robust discourse and debate amongst Sikhs worldwide. Discussing or promoting Khalistan is within recognized freedoms of expression and political discourse and should not be confused with extremism or terrorism. However, Indian authorities attempt to marginalize and repress dissenting voices through draconian anti-terror laws such as the UAPA. Legitimate political expression that India finds objectionable or threatening is branded as extremism and those expressing such views are targeted by the State.



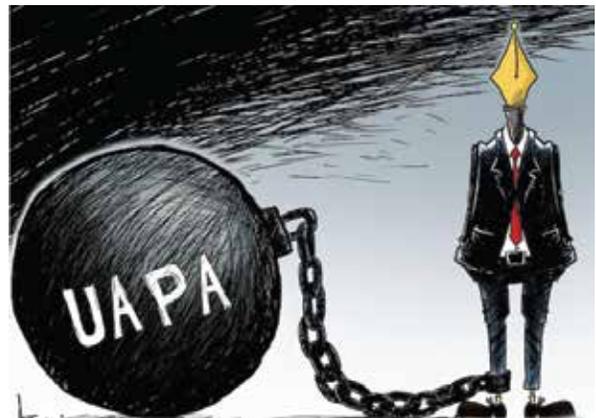
UNLAWFUL ACTIVITIES PREVENTION ACT (UAPA)

The UAPA is draconian law allows authorities to arrest and jail individuals for years at a time without a trial. Under ordinary law, police officers must immediately inform persons of the grounds of their arrest. Under the UAPA, this can happen “as soon as may be”. Arrestees argue against their custody without knowing the grounds for it. Once the police decide to bring charges against an individual, it becomes near-impossible to meet the UAPA’s requirements and convince a court that there isn’t even a prima facie case against the accused (Khaitan, 2020).

The UAPA which is ostensibly aimed at fighting terrorism has largely been used against human rights activists, political dissenters and members of minority communities. The UAPA was strengthened and widened by the right-wing BJP government in July 2019.

According to Amnesty International,

“the UAPA, India’s principal counter-terrorism law was amended to allow the government to designate an individual as a terrorist. It gives an overbroad and ambiguous definition of a ‘terrorist act’ giving unbridled power to the government to brand any ordinary citizen or activist a terrorist. It stands to implicate individuals for being proactive members of the society, ban critical thinking and criminalise dissent by designating them terrorists.” (Amnesty International, 2020)



In Punjab, 99% of those charged under the UAPA have been Sikhs.

Punjab lawyer Jaspal Singh Manjhpur has tracked UAPA cases in Punjab since 2007. Of the 235 people he has tracked with UAPA charges, 162 have been discharged or acquitted, 3 have been convicted, and the rest are still facing trial. Around 175 Sikh youths have been arrested under UAPA during the current Congress government (since March 2017). Manjhpur says “Accused often are not implicated under UAPA to convict them, but to keep them in jail for a long period of time. Majority cases under UAPA have no criminal occurrence. In most of the cases, the police tells court that the accused was planning to carry out some criminal activity and then uses UAPA to ensure that the person does not come out of jail on bail.”

Individuals may stay incarcerated for up to seven years before being acquitted or granted bail (Brar, 2020).



SOCIAL MEDIA USED TO TARGET SIKHS

There has been an increase in the targeting of Sikh activists in recent years, however the surge has been quite dramatic in 2020. Below, we set out some of the arrests of Sikhs in India since 2018 that are related to online activity and advocacy.

- 1.** In April 2018, Punjab Police arrested 4 youths allegedly planning to highlight Khalistan issues at IPL cricket matches. The cyber cell tracked these youths from a Facebook page in the name of “Referendum 2020. The youth were allegedly instructed to put Referendum 2020 posters to get media attention.” (Times of India, 2018)
- 2.** In December 2018, Harpal Singh Naik and Mohiuddin Siddiqui were arrested under the UAPA from Pune, India. The two allegedly created a pro-Khalistan Facebook group, ‘Khalistani Zindabad Khalistan’. The Facebook group had about 2,315 followers. The two were accused of posting “images and videos of Operation Blue Star and pro-Khalistani posts” as well as promoting ‘Referendum 2020’. (Haygunde & Kulkarni, 2018) (Express News Service, 2019).
- 3.** In February, 2019 an 18-year-old boy was detained after he liked a poem on Facebook promoting Khalistan. Authorities released the youth in exchange for a written apology and deactivation of his Facebook account. Authorities say they are now searching for the people who shared the post (Times of India, 2019)

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- 4.** In February 2019 Arwinder Singh, Surjit Singh, and Ranjit Singh were convicted and sentenced to life imprisonment for Waging War Against the state. They were accused of planning violent attacks, having access to deadly weapons, and were found with books and photographs promoting Khalistan. No evidence of violent attacks or weapons was found. The conviction was made solely on the possession of books and photographs promoting Khalistan, posting pro-Khalistan Facebook posts, and sending pro-Khalistan messages over Whatsapp (Sikh Syasat Bureau, 2019).
- 5.** In July 2019, Jarman Singh was convicted of terror related charges. India received assistance from WhatsApp and Facebook servers in the U.S. to secure a conviction. Indian authorities requested access to his chats from Facebook and WhatsApp’s legal division. Jarman was part of WhatsApp groups that promoted Referendum 2020, an online campaign for Khalistan. The NIA said the accused “shared motivational songs on Jarnail Singh Bhindranwale, who was killed in Operation Blue Star in 1984.” (Singh, 2019).



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6. In January 2020 Tirath Singh was arrested under UAPA from Meerut India, for promoting Khalistan over social media. He was also found with posters of Sant Jarnail Singh Bhindranwale, a Sikh leader who was killed in the Indian army’s June 1984 attack on the Darbar Sahib (Golden Temple) Complex in Amritsar (Gaur, 2020). Many Sikh homes and gurdwaras in India and across the world have similar posters.

7. In June 2020 Punjab police arrested Sukhchain Singh, Amritpal Singh, and Jaspreet Singh under the UAPA. It is alleged that three met and organized over social media and were allegedly being directed by Pakistan-based handlers. Jaspreet was released after 16 days in custody after police admitted they had no evidence to support any charges against him (Goel, 2020)(Brar, 2020).

According to Jaspreet’s father:

“He has seen a lot during these 16 days. He has seen police giving third degree torture to his co-accused. He was also thrashed by the police, but he escaped third degree torture, maybe, because he was already not keeping well and eating nothing during the custody. But other co-accused were beaten in front of him.”

8. On June 28, 2020 police arrested Mohinder Pal Singh, Gurtej Singh and Lovepreet Singh and charged with terrorism related offences. Three phones were recovered with videos and photographs related to Khalistani movement and their propagators, police said. Lovepreet was very active on Social Media Platforms and was in contact with other Khalistan supporters through Facebook and Whatsapp. He has made a Facebook Page named ‘KhalsaBhindrewalaji’. He had allegedly shared several posts with videos, pictures, and songs supporting Khalistan leaders and the Khalistan movement. Lovepreet had also served food to Muslim protestors in Delhi during the Shaheen Bagh demonstrations which brought him to the attention of authorities (Haider, 2020) (The Hindustan Times, 2020).





9. A number of Sikh websites, social media accounts and hashtags have been banned. Punjab-based news website Sikh Siyasat was blocked in June 2020 within India. Sikh oriented news channels Akaal Channel, KTV and TV84 were blocked on YouTube. While Akaal Channel is live again, the ban on the YouTube homepages of TV84 and KTV continues. Sikh Siyasat's English website also remains blocked in India (Menon, 2020).



10. On June 10, Sikh-run record label Immortal Productions tweeted that their Facebook page and Instagram account had been disabled without warning. The devotional music production company claimed that the restrictions — imposed right before their upcoming release — was part of a “coordinated censorship attack” aimed at silencing Sikhs (Philipose, 2020).

11. In July of 2020 the Indian government banned 40 websites linked to Sikhs for Justice (SFJ). SFJ is a pro-Khalistan advocacy organization seeking to hold a referendum to gauge interest in Khalistan among the Punjabi population. The Indian government has also declared it a terrorist organization and its US-based founder, Gurpatwant Singh Pannun, an “individual terrorist” under the UAPA. The SFJ website, Facebook page and other social media accounts can no longer be accessed in India (Jain, 2020).

12. On July 1 2020 acting-Jathedar of the Akal Takht, the highest temporal seat of Sikhs, Giani Harpreet Singh, said a new atmosphere is emerging on social media. He appealed to youth to be cautious in their social media posts. Harpreet Singh advised Sikh youth to “think twice” while posting material on social media platforms (Hindustan Times, 2020).

13. On July 7 2020 Akal Takht acting Jathedar Giani Harpreet Singh, head of the highest temporal seat of the Sikhs, reported that Sikh youths have been tortured and harassed mentally in police stations because they have shared pro-Khalistan posts on social media (Hindustan Times, 2020).

...I have been getting many such calls from Sikh youths being summoned by police. How can linking or commenting on Facebook be a crime to summon youth to the police station if it is not spreading hate between communities?”
(Brar, 2020)



POTENTIAL SOLUTIONS FOR MALICIOUS PROSECUTIONS AND RESTRICTIONS ON FREEDOM OF SPEECH

14. On July 9, 2020, Karnail Singh Panjoli, a veteran member of the Shiromani Gurdwara Parbandhak Committee (SGPC), the body that manages Sikh gurdwaras in India, reported being interrogated by police for his Facebook posts. Panjoli said, “I had written nothing wrong in the post. I had objected to the Indian government declaring Gurpatwant Singh Pannu a terrorist. He hasn’t committed any terror activity. If he wants to hold Referendum peacefully then he should be allowed because it would clear his doubts about Punjab and Sikhs.... I have been getting many such calls from Sikh youths being summoned by police. How can linking or commenting on Facebook be a crime to summon youth to the police station if it is not spreading hate between communities?” (Brar, 2020)

In the words of Meenakshi Ganguly, South Asia director for Human Rights Watch,

“Indian authorities are using draconian counterterrorism laws against activists simply for criticizing the government or raising their voices against injustice...The Indian authorities should stop targeting human rights defenders, activists, and journalists for criticizing the government. At a time when governments around the world are releasing prisoners because of coronavirus, it is extraordinary that Indian authorities want to jail activists who should never have been arrested.” (Human Rights Watch, 2020)

Instagram community guidelines (2020) state that Instagram is not a place to support or praise terrorism, organized crime, or hate groups. Facebook community standards define terrorist activity as any non-state actor that

- “Engages in, advocates or lends substantial support to purposive and planned acts of violence,
- Which causes or attempts to cause death, injury or serious harm to civilians, or any other person not taking direct part in the hostilities in a situation of armed conflict, and/or significant damage to property linked to death, serious injury or serious harm to civilians
- With the intent to coerce, intimidate and/or influence a civilian population, government or international organization
- In order to achieve a political, religious or ideological aim.”

India is labelling pro-Khalistan advocacy as terrorist activity and reporting it to social media platforms. Accusations of terrorism from Indian authorities simply based on content related to Khalistan are unjustifiable. Indian authorities must provide evidence of actual terrorism as defined by Facebook and other platforms.



Facebook community standards (2020) also state that content expressing support or praise for groups, leaders, or individuals involved in terrorist activities will be removed. Historical Sikh figures and those who advocated for Khalistan have been labelled by the Indian government as terrorists. **We recommend social media platforms establish a dialogue with the WSO and other Sikh stakeholders to identify these historical figures and to better understand issues such as Khalistan and 1984.**

Given India's disturbing human rights record, as reported regularly by Human Rights Watch and Amnesty International, **we urge social media platforms to always carefully consider whether providing assistance to Indian investigations involving Khalistan or other political advocacy online is based on actual criminal activity or the suppression of dissenting voices.**



Furthermore, **where the disclosure of personal information that would result in a substantial risk of mistreatment of an individual, we strongly recommend that social media platforms not share information.** Social media platforms must implement protections for individuals who express views that states wish to repress and must not contribute to the silencing of dissenting voices or exacerbate human rights violations. Information shared with states, such as India, that routinely use torture would make social media platforms party to human rights abuses.

Finally, **where content is restricted, there must be a clear mechanism within social media platforms to appeal the decision and have it reviewed by a human moderator that is well-versed in the nuances of this topic.** Reasons for blocking content should be made available where requested.





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