

The Queen
– v –
GS, BS and KS

**An anthropologically grounded
assessment of the underlying
issues at stake in these
proceedings**

by

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1. The basis on which this report has been prepared

1.1. My instructions

This report has been prepared in response to instructions from Mann and Co, solicitors to prepare an anthropologically grounded assessment on the underlying social, cultural and familial issues at stake in these proceedings.

1.2. My academic and professional knowledge and experience of issues in this sphere

During the course of my professional career as a social anthropologist I have taken a specialist interest in South Asia. As an academic, I have been actively involved in researching these developments for the past thirty years, and during the course of so doing I have conducted extensive ethnographic fieldwork in both India and Pakistan, as well as amongst the settlers from those areas who have established themselves in the UK. In doing so I have taken a particular interest in the interpersonal consequences of the processes of racial, ethnic, and religious polarisation which have become such a salient feature of the local social order in all of the social arenas with which I have been concerned. Over the years I have published a large number of academic papers outlining my findings, with the result that I can now reasonably claim to be one of Britain's leading academic experts in this field. As a result I am frequently called upon to prepare expert reports for use in all manner of proceedings – no less in civil and criminal proceedings than in the Asylum and Immigration Tribunal – in which people of South Asian descent have found themselves involved. Having retired from my post as Senior Lecturer in South Asian Studies at the University of Manchester, I now operate as the Director of the independent Centre for Applied South Asian Studies in. (I have attached a fuller CV as an Appendix to this document).

I should also add that I have also taken a particularly close interest in the internal dynamics of South Asian families, and most especially in the way in which internal disputes within and between families can lead to the breakdown of marriages, most especially when one of the spouses was born and brought up in the subcontinent. I should also add that I am very familiar with the specific context within which this case is set, since I have conducted extensive ethnographic fieldwork in the Jalandhar District of Punjab, as well as within the diasporic ethnic colonies which Jalandhari Sikhs have established in the UK during the course of the past century.

Last but not least I would like to take the opportunity to indicate that I was recently instructed to prepare a report for use in a case where the issues at stake were remarkably similar to those

in this case, insofar as it not only involved a Sikh family in which a newly arrived bride had also made allegations of rape and physical maltreatment against her husband and in-laws, but also a prosecution launched by the West Mercia Police. The Trial was due to take place in Shrewsbury, but I understand that having received my report the prosecution asked for the prosecution the proceedings to be adjourned whilst the CPS reconsidered its position.

1.3. The materials on which I have relied

The documents on which I have relied in preparing this report include:

- i. The prosecution bundle, and especially the transcripts of Police interviews with P***** as well as the three defendants
- ii. Statement by Kulwant ****
- iii. Statement by Balbir ****
- iv. Statement by Gurpreet ****
- v. Statement by Gurbaksh Kaur

whose contents I have considered and reviewed in the light of my professional knowledge and experience of the internal interpersonal dynamics of Sikh extended families, no less in the Punjab than the Punjabi diaspora.

I should also add that I have had a number of brief conversations over the telephone with the defendants, in which I have sought clarification of a number of specific details, most especially with respect to names, times and places. Otherwise I have not met the defendants, since I found that bar a few odd details, the documents before me provided me with sufficient information on the basis of which to prepare a report to my professional satisfaction.

1.4. Statement of truth

In preparing this report, I have taken it for granted that my principal obligation is to the tribunal, rather than to those instructing me. In fulfilling my instructions I have also made my best efforts to present an objective account of the internal dynamics of Punjabi Sikh families, no less in Punjab itself than in its diaspora. I can consequently confirm that all the analyses I have developed and conclusions that I reached in the Report represent my considered professional opinion and are true to the best of my knowledge and belief.

2. My approach to the issues at stake in the current proceedings

2.1. The facts of the case

In preparing reports for use in criminal proceedings, I invariably begin by reviewing the evidential material before me in order to set out an account of the facts of the case. However given that the charges laid against the defendants in this case are of rape and sexual assault, and that the incidents in question took place both in private and in a familial context, with the result that there are no independent witnesses of the acts of which the three all comprehensively deny, there is no concrete evidence of the alleged incidents which I am in a position to present as broadly agreed upon facts of the case.

2.2. My role as an anthropologist

Not that it is any part of my role as an anthropological expert to seek to usurp the role the ultimate finders of fact in this case: namely the jury. The central reason why I am regularly instructed to prepare reports in which all those involved in the proceedings are South Asian origin, the issues at stake are primarily domestic and familial in character, and where there are good grounds for supposing that the things said and done which are the focus of the proceedings were significantly conditioned by the distinctive cultural, religious and familial premises of the specific community from which the litigants are drawn – as is manifestly the case in these proceedings – is to assist the jury further illuminate the physical facts of the case by setting them in their appropriate cultural, religious and familial context, thereby offering members of the jury with an indication of the yardsticks which it might be appropriate to use as they set about the task of reaching their verdict.

To be quite specific about what I have in mind on this score, I would like to take the opportunity of quoting what I had to say about my approach in a recently published volume entitled *Cultural Expertise and Litigation* (Routledge 2011):

The core issue what is meant by 'culture'. Whilst I am arguing that evidence of things said and done in cultural contexts which are unfamiliar to the jury (and indeed to most other participants in the proceedings as well) will need to be carefully contextualised if it is ever to be properly understood, I am most certainly not suggesting my contextualising effort can or should be used as an excuse for criminal malfeasance. Rather, I am suggesting that if the jury is to interpret the evidence before it on an equitable basis, and above all to avoid reading it through the distorting premises of its members' own taken for granted assumptions and stereotypes, it is essential that they should have access to an ethno-sensitive 'translation' of the things said and done into a conceptual framework with which they themselves are familiar. In the absence of such a perspective, there is a strong likelihood that they will grasp the wrong end of the stick.

With such consideration in mind, I can readily confirm that in no way would I ever seek to suggest that violent non-consensual sexual activity can be translated away on a 'cultural' basis as something other than rape. My agenda here is quite different. The ultimate issue which the jury will in due course have to determine in reaching their verdict is as to whether they accept that the complainant actually suffered from the catalogue of sexual violence which she has described to the prosecution, or whether, to the contrary, she has been making it all up, as the defendants assert. What they might or should decide by way of their verdict is by definition none of my business.

But given that the facts of this particular case are such that the jury will have to rely almost exclusively on their assessment of circumstantial evidence laid before them, and given that much of that evidential material has to do with the internal dynamics of a transjurisdictionally extended Punjabi Sikh family, together with the efforts which its members have made to manoeuvre their way through the UK's immigration procedures, all of which are matters with which the jury is unlikely to be in any way familiar, it is these contextualising issues on which the contents of this report are overwhelmingly focused, in the hope that filling in the background will assist the jury in coming to a decision as to whether the complaints made about the behaviour of the three defendants, and hence the charges made against them, stand up to critical scrutiny.

3. The Prosecution case as it stands

3.1. The prosecution case outline

The prosecution bundle with which I have been supplied opens with a case summary prepared by the CPS, set out in a document headed **Outline of Allegation and Issues for the Judge and Defence only**. In it, the prosecution briefly sets out the basis of its case against the defendants as follows:

The circumstances of the offence are that on 26th July 2008 the victim entered this country on a religious visa. She immediately went to live with the defendants and started work at their shop the following day. In October 2008 she married Gurpreet ****.

She states that the abuse started in August 2008 when she went to Ireland with the **** family to a wedding. She stated that Balbir **** (her husband's uncle) touched her breasts and put his hand inside her trousers.

She stated that her husband (Gurpreet ****), first raped her about a month after they were married, the rape was coupled with violence. She stated that she wanted to go

to sleep, he hit her and kicked her in the stomach and then took her into the bathroom where he hit her and then returned her to the bedroom where he raped her. She stated that he would forcibly remove her clothes, sometimes ripping them and would put his penis into her vagina by force. She stated that she did not consent to this and it happened many times. She stated that the last time he raped her it was at a relative's house in Stourbridge near the Aldi shop. It was on the floor of the children's bedroom. He threw her on the floor and forced her to have sex on the floor and bit her breasts.

The victim stated that the defendant Kulwant **** (her husband's uncle) would give her a lift home late at night after she had been working in the shop. Whilst taking her home he would touch her breasts and vagina. He would do this to her with force. She stated that she told her husband Gurpreet but he told her it wasn't hurting her and that she wasn't dead. She further stated that Kulwant raped her twice. The first occasion was in January 2009 in the office of the shop where he kissed her all over her body, forced his penis into her vagina and told her that he had used a condom. The second occasion was in March 2009 at the family home, **** Villa. She stated that she was ill at home and he entered her bedroom. He pushed her on the bed and ripped her top. He told her to be quiet or he would strangle her. He kissed her body, then raped her vaginally and anally.

All 3 defendants denied the allegations in interview.

With this summary in mind, the key factual elements (i.e. those about which there is no disagreement) are as follows:

- i. P**** entered the UK from Punjab on a religious visa on 26th July 2008
- ii. She married Gurpreet **** in October 2008
- iii. At some point in on or after March 2009 she launched a complaint of rape and sexual harassment against Balbir, Gurpreet, and Kulwant ****.
- iv. When arrested by the Police, all three defendants denied all the allegations of sexual harassment laid against them.

The prosecution time line

It is worth noting that more than two years have now passed since the alleged incidents occurred, and for reasons which will become clear in the course of my analysis, there are in my view good reasons to suppose that all manner of processes were going on within this period – and indeed in the run-up to it – which need to be carefully borne in mind if we are to fully appreciate the underlying issues in this case.

3.2. The circumstances in which this matter initially came to the attention of the authorities

The next document in the prosecution bundle is a witness statement prepared by Farzana Bashir, a Community Development Worker attached to the Social Services office in Stourbridge. It reads as follows:

I am making this statement in relation to a female I know as P**** born 18/12/1987.

On 14th May 2009 a phone call was received by the duty social services team at Stourbridge from a member of the public who had befriended P****. As a result of the phone call a joint visit was arranged to assess P****, at this time there were concerns for her welfare.

At 1300 hours on Monday 18th May 2009 I was in company with Ghulam SHABAR an employee from Lye community project. Ghulam and I attended Select and Save shop premises High Street, BROCKMOOR this was in secret as not to alert members of her family who run the shop premises opposite Select and Save. I was aware that P**** was working at the shop. During my conversation with P**** I obtained her personal details.

She told me that she is from Jalandhar, India and arrived in the UK on 26th June 2008 on a 6 month visitor's visa for religious purposes. Her aunt in India took a commission for arranging a marriage and when she arrived she was married in a house with observance of Sikh religious rules, this was against her will. P**** informed, me that she may be pregnant. She told me that the people who control, her are using her for cheap labour and they are very wealthy business men. She feared that if she spoke out about them her life and the lives of her family in India would be at risk. She says that she receives verbal and physical abuse from the man in charge **** for not complying with her husband's demands.

It is striking that P**** appears to have made no reference to sexual assault at this stage. Rather she suggested that she had been trafficked ('her aunt in India took a commission for arranging her marriage'), that she had had a forced marriage ('it was against her will'), that she was being exploited for her labour power (the people who control, her are using her for cheap labour and they are very wealthy business men) and that she was being subjected to oppression (she was receiving verbal and physical abuse from the man in charge **** for not complying with her husband's demands).

At 1400 hours on Thursday 21st May 2009 I visited P**** at Select and Save and she told me that she was pregnant but did not wish to proceed with the pregnancy.

On 29th May 2009 I received a phone call from PC Jill Ansell domestic abuse officer based at Brierley Hill Police Station she informed me that she and another colleague PS Alison Street had removed P**** from Select and Save shop premises and that P**** had requested my presence and support at the Police Station, I attended the Police station at P****'s request.

I visited P**** on 30th May 2009 to take her some clothing, I spoke to her on several occasions following this date.

It is clear that these complaints set alarm bells ringing, with the result that P***** she was in due course removed and taken to a place of safety at her request.

3.3. Initial intervention by the Police

The next document indicates that this removal was precipitated by a telephone call which P***** made to the Police Domestic Abuse Unit at Brierley Hill Police station (possibly on the basis of Ms. Bashir's recommendation), as a result of which WPC Ansell went to check out the position in which P***** found herself at first hand. As she puts it in her statement:

I am WPC 2875 Ansell of the West Midlands Police Force currently stationed at Halesowen Police Station in the Public Protection Unit. At 1300hrs on Friday 29th May 2009 in company with PS Street I attended a shop known as Select and Save, High Street, Brockmoor, Brierley Hill following information regarding a female by the name of P**** who was unwell and being abused by her husband and family and was desperate to leave and be safe.

On entering the shop I saw P**** was standing at the till. She appeared to be very pale and looked tired. I approached P**** and explained who I was and that I was here to help her and safeguard her. P**** became very scared and told me to get out of the shop. An Asian male came from the rear of the shop and I asked him if he was P****'s husband and straight away he said no and walked away back to the rear of the shop. This male I now know to be Gurpreet ****, P****'s husband.

P**** kept on looking out of the shop window in the direction of the shop on the opposite side of the road. She appeared to be very scared and distressed. She said that she couldn't go with me to a place of safety because the Boss man was there. I took this to be Kulwant Singh ****. Eventually I persuaded P**** to leave with me and on exiting the shop Mr Kulwant **** came over to me. I explained to him that P**** was being taken to a place of safety and if that he had any further queries then to contact Brierley Hill Police Station.

P**** was taken initially to Brierley Hill Police Station. Here with the help of Farzana Bashir, Social Worker, funding was obtained and a place of safety was found. P**** was taken to this place of safety and continues to be safeguarded. On the 3rd June 2009 a female by the name of Gurdeep Kaur **** attended Brierley Hill Police Station with some of P****'s property.

WPC Ansell's observations serve to indicate that there was a good deal of tension between P***** and Gurpreet (who walked away denying that he was P*****'s husband) as well as between P***** and Kulwant (of whose reactions she was clearly frightened); the grounds on which WPC Ansell suggested that P***** should accompany her was that she understood that "P***** was unwell and being abused by her husband and family and was desperate to leave and be safe".

It is also worth noting that when arrangements had been made for P**** to have access to a place of safety (I presume in a Women's Refuge of some sort) Kulwant's brother Balbir's wife voluntarily visited the police station with some of P****'s property. However as she goes on to report

On the 9th June 2009 I attended 78 Vicarage Road, Wollaston and saw Gurdeep and Kulwant **** at this address where the remainder of P****'s property was collected. P****'s jewellery, passport, and wages were not returned to her. All the property was recorded and signed accordingly on property disclaimers.

*3.4. P**** lodges a complaint of having been subjected to rape and sexual violence*

When these events reported above took place, P**** appears to have made no mention of being subjected to rape or any other form of sexual violence. However on 9th September 2008 P**** was interviewed at length by DC May-Lyn Peard, during the course of which she made the allegations which have led to the current prosecution.

In due course DC Peard appears to have arranged for P**** to have a medical examination, which was conducted by Dr. Deepa Patil 19th November 2009, more than two months after P**** had lodged her complaint, and more than six months after the alleged incidents of rape had taken place. Having conducted her examination, Dr. Patil reported as follows:

At 10:35 hours on 19/11/2009 at the request of West Midlands Police via Primecare Forensic Medical, I attended SARC Walsall. This was in connection with the Police investigation of alleged sexual assault of P**** (date of birth 18/11/1987). I was requested to see if the complainant had any evidence of anal injuries

9. I explained to Ms P**** my role as an independent medical witness and the procedures that would be likely to follow. She gave verbal informed consent allowing me to take P****'s medical history, complete a medical examination, make appropriate notes and records, take swabs and samples for forensic analysis, and write a witness statement and release any information about this to Police or Crown Prosecutor as requested.

C. History

10. The attending officer Peard 8298 told me what she understood of the allegations as follows:

11. She alleges that her husband and uncle sexually assaulted her by forced penile vaginal and anal penetration on several occasions; last offence was in May 2009. She complained of pain and bleeding from the back passage at the time of offence. She said she has no bleeding at present and pain has decreased now. She complained of pain during defecation sometimes.

D. General Examination

12. My examination commenced at 10:35 and was completed at 10:55 on 19/11/2009.

13. In presence during the examination was DC Peard 8298

E. Peri-Anal examination:

14. Perianal area: no injuries seen

F. Discussion

15. Interpreting examination findings following allegations of physical or sexual assault can be extremely difficult and has been described as one of the most difficult and controversial aspects of forensic medicine. The public and many professionals, including a number of doctors, may have unrealistic expectations as to what conclusions may be reached following the medical examination

16. Sexual activity (intercourse or rape) can occur without any resulting medical signs and during consensual sexual intercourse injuries can occur. During forced sexual activity, injuries may result but also no injuries are occasioned. The lack of injury does not preclude the allegation occurring in the way outlined by the complainant.

G. Opinion:

17. In my opinion the lack of injury of P****'s perianal area is neutral in determining if there had been any sexual activity earlier and if there had, whether any sexual activity that had occurred had been with or without consent. Thus lack of injury does not assist in determining the allegation of penile-anal penetration.

Dr. Patel's findings were such that there was no evidence one way or the other as to whether P**** had been subjected either to vaginal or to anal rape. I can only presume there must have been considerable discussion as to how to proceed in these circumstances, but there is mention of these in the documents before me.

3.5. The defendants are arrested and charged

Although P**** lodged her allegations of rape in early September, there is little sign that DC Peard took the view that these allegations should be investigated as a matter of urgency, given that P**** was not subjected to a medical examination until two months later: more over the findings of the examination were inconclusive.

Moreover so far as I can see it is at this stage that DC Peard drops out of the story, for even though it was she who conducted the interview with P**** in which she made her allegations against the defendants, the case appears to have been handed over to WPC Nicola Hampshire, of the West Mercia Domestic Abuse Unit. So far as I can see WPC Hampshire made no further investigations of the matter (in particular she does not seem to have re-interviewed P****), but simply proceeded to arrest and in due course to charge the three defendants. As she puts it in her witness statement: `

At 1000 hours on Wednesday 9th December 2009, I attended, Bridgenorth Road, WOLLASTON, West Midlands, with DC 1107 Steven HAY, where I arrested Gurpreet

Singh **** (DOB 23/6/83) on suspicion of rape. He was cautioned to which he made no reply. He was then conveyed to REDDITCH Police Station, where he was documented and searched.

At 14.50 hours, I interviewed Gurpreet Singh **** at REDDITCH Police Station, with DC May Lynne PEARD, of West Midlands Police, Mr David SHEPHERD, solicitor and Mr Ahmed BUTT, Interpreter.

At 13.25 hours on Friday 8th January 2010, I arrested Kulwant Singh **** (dob 15/5/54) at KIDDERMINSTER Police Station. He was cautioned to which he made no reply and was taken into the Custody area where he was documented and searched.

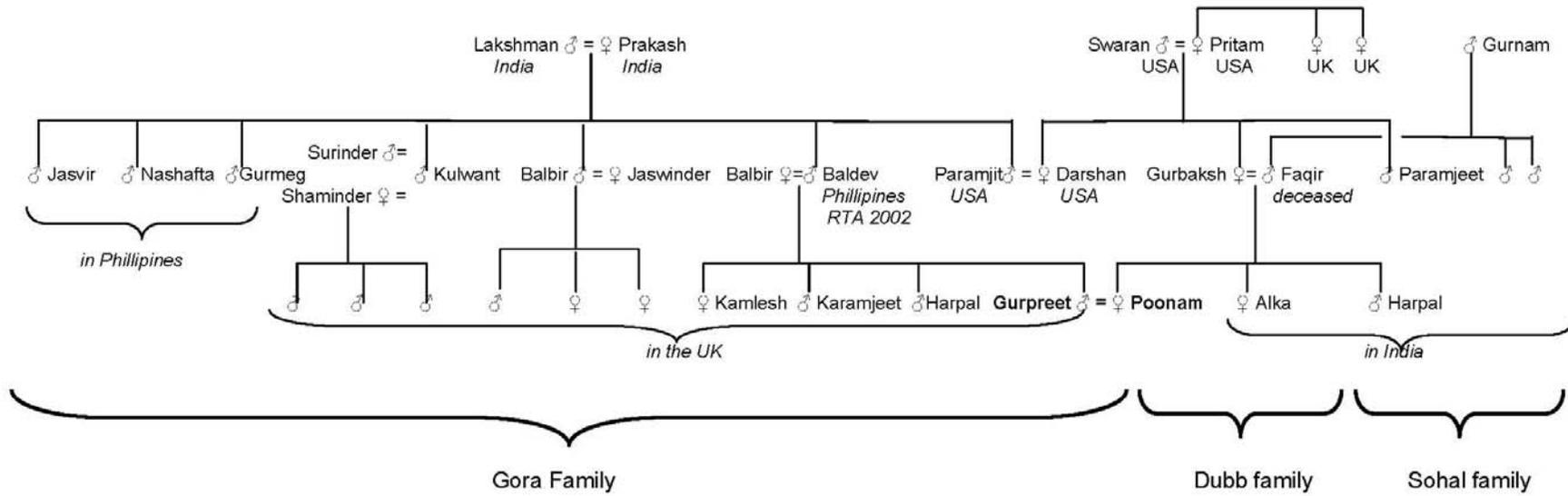
At 10.25 hours on Tuesday, 13th July 2010, I charged Kulwant Singh **** with five charges of Rape. He was cautioned to which he made no reply.

At 14.11 hours on Thursday, 15th July 2010, I charged Gurpreet Singh **** with three charges of Rape. He was cautioned to which he made no reply.

3.6. A further sub-text

The evidence bundle submitted by the prosecution also contains a number of further documents relating to both P*****'s and Gurpreet's immigration status. It is unclear as to just when it was that the Police approached UKBA to gain access to this information, but in my experience they would almost certainly have done so at an early stage of their investigations. However the prosecution case as formally set out contains no mention of the prospect that immigration matters might be an underlying issue in this case.

As will become apparent below, I am of the opinion that dispute and conflicts over matters of immigration may well lie at the heart of the self-evident breakdown in relationships between P***** and the defendants. Given the lengthy delay between P*****'s decision to seek assistance from the Police and the point at which the defendants were arrested and charged, it seems to me that the officers who were responsible for investigating this case before WPC Hampshire took over in December 2009 harboured similar suspicions. I will take up these matters in much greater detail at a later stage in this report.



Gurpreet and Poonam in their genealogical context

4. The broader context: family background and immigration history

4.1. *Gurpreet and P**** in their genealogical context*

Whenever I am instructed to prepare reports with respect to disputes involving Punjabi families, I invariably begin by preparing a genealogy setting out the details of the entire extended family before proceeding any further. Having carefully worked my way through all the documentation before me, and having taken further instructions from Kulwant as to the precise make-up of his extended family, I have not only been able to construct the genealogy set out in Figure 1. Not only does this serve to highlight the scale and complexity of the extended family of which the defendants are members, but also the closeness of the kinship connections between P**** and the defendants. Moreover an examination of the immigration history of the three families in the genealogy serves to firmly to contextualise most of the issues which are at stake in these proceedings.

4.2. *The background of the **** family*

Kulwant and Balbir's parents, Lakshman Singh and Prakash Kaur, are based in a village just outside the booming city of Jalandhar, in the midst of an area from has for many years witnessed a heavy outflow of emigration, not just to the UK, but also to North America and to South East Asia. Both their parents are still alive, and still based in Jalandhar, but all of their seven sons have moved off overseas, either to the Philippines, or to the UK (as in the case of Kulwant and his younger brother), and most recently of all in the USA.

However it should not be supposed that these migratory initiatives have split the family asunder: as I have demonstrated in great detail in the course of my academic writing, patterns of mutual reciprocity within such transjurisdictional families are more often than not *reinforced* in South Asian diasporic contexts, not least because they facilitate the circulation of information, of assets, and above all of personnel on a global scale.¹ Whilst the **** family is no exception to this trend, the manner in which they have done so has of necessity been significantly conditioned by the steadily rising impact of immigrations controls – which consequently form a significant component of the background issues of which the finders of fact in these proceedings need to be aware..

¹ See, for example, the analysis I have set out in Ballard, Roger 2009 “The Dynamics of Translocal and Transjurisdictional Networks: A Diasporic Perspective” in *South Asian Diaspora* Vol11, (2) 141 -166

4.3. The significance of immigration restrictions

When large-scale immigration from the subcontinent began in the aftermath of World War II, there were no restrictions on Commonwealth subjects taking up residence in the UK: indeed their arrival was generally welcomed, since there was an acute shortage of labour in many of Britain's industrial cities. However since the mid-1960s ever more draconian forms of immigration control have been introduced. Since then only way in which young men (and women) from India could gain permission to take up residence in the UK on both a legitimate and permanent basis was by demonstrating to that they had a close relationship of some sort with the UK. Provided that they could establish the existence of such a relationship they could apply for a visa granting them Indefinite Leave to Remain in the UK, which enabled them in due course to apply for full UK citizenship.

By contrast a time-limited visa enabling the holder to enter the UK as a visitor was much easier to obtain. Such visas normally entitled the holder to remain for six months, and if the visa was not renewed, their holders were required to leave. Visitors who stayed on for longer than six months and who failed to apply for and/or to obtain an extension had by definition exceeded their leave to remain, and could therefore be ordered to leave, and if necessary could be deported. Meanwhile those who entered the UK surreptitiously (as in the back of a truck, for example) had no right to be in the UK at all. If their presence was detected they, too, could be ordered to leave, and if necessary deported.

Against that background, and to cut a long story short, the easiest way in which those wishing to find their way through the thicket of the UK's ever more complex thicket of immigration control was by means of marriage. In the Indian case that usually entailed a union between a UK-based spouse who was either a fully-fledged UK citizen (or failing that someone who had been granted Indefinite Leave to Remain) visiting India marry an India-based partner; once married, the India-based spouse could then go on to apply for a ILR visa to enable him or her to join the UK-based spouse.

4.4. Kulwant and Balbir's arrival in the UK and settlement in the UK

Kulwant Singh established himself in the UK on precisely this basis. In 1978 he married his first wife, Surinder Kaur, a UK citizen, at his parent's home in Jalandhar, and in due course joined her in the UK. His younger brother Balbir married his UK-based wife Jaswinder some years later, whereupon the two brothers teamed up together, and in due course opened a string of businesses in and around Stourbridge. Their businesses prospered, with the result, that they were able to build a large house, ***** Villa, in which to house both their extended

families – together with space to accommodate other members of their globally distributed extended family as and when they passed through the UK.

4.5. The background of Gurpreet's arrival in the UK

Gurpreet is the youngest son of Kulwant's eldest brother Baldev, who long ago emigrated to the Philippines. By the time that Gurpreet's father lost his life in a road traffic accident in the Philippines 2002, his three elder siblings, Kamlesh, Karamjeet and Harpal had all established themselves in the UK, whilst Gurpreet was living with mother and his paternal grandparents in Jalandhar. As a result he found himself at a loose end: he could see little future for himself in Jullundur, nor indeed in the Philippines. Instead set his sights on getting to the UK, not least because his older siblings, as well as his uncles Kulwant and Balbir were already settled there. But despite the fact that the greater part of his immediate family were living in the UK, given that he was over the age of 18, and so could not claim to be dependent on them, his relationship with them was not of a kind on the basis of which he could hope to obtain a visa which would enable him to settle in the UK. As we have just seen, virtually the only way in which he could hope to fulfil his ambition was by marrying a partner who already had ILR in the UK, such that he could apply to join her as his spouse.

However potential Sikh brides in the UK have by now become exceptionally choosy, so whilst arrangements were successfully made for Kulwant and Balbir to enter the UK on this basis, the prospect of similar arrangements being made on his behalf two decades later had become disappearingly slim. In these circumstances Gurpreet appears to have turned to his uncle Balbir for assistance, by suggesting that Balbir might be able to volunteer his girlfriend Ruby as a means of facilitating his objectives.

5. A sub-plot: Gurpreet's involvement with Ruby Bhella

The documents before me contain three separate – and significantly discrepant – accounts of Gurpreet's involvement with Ruby Bhella. In my view this sub-plot may well be a complete red herring; but since the matter has been raised by the prosecution I have taken the opportunity to address the issue in some detail.

5.1. Evidence produced by the UKBA

As I noted earlier, in the course of their investigations into the background to this background to this case, the Police approached UKBA to check out Gurpreet's immigration history. In due course the obtained a witness statement from Ms. Francis Barrado, the first paragraph of which reads as follows:

I produce a copy of Gurpreet SINGH's visa Application Details, as exhibit FB/003. I produce a copy of a Statutory Declaration, dated 12th June 2002, submitted by Ruby Bhella in support of this application, as exhibit FB/004. On 20th June 2002, this application was refused. On 22nd July 2002, an appeal was lodged against this decision. On 12th March 2004, the appeal was dismissed by an Adjudicator.

It follows that as a result of failing to report his place of residence to the immigration authorities, Gurpreet has had no rights of residence in the UK since he surreptitiously re-entered this jurisdiction following his removal to Calais.

5.2. Ms Ruby Bhella's statement

Following up the basis on which Gurpreet had applied for marriage visa to enter the UK back in 2002, the police obtained a statement from Ms. Ruby Bhella which serves to highlight the underpinnings of Gurpreet's initial effort to gain entry into the UK as her spouse:

I live at the address overleaf. I have lived there for ten years. I am a divorcee and I live alone. I first came to England in 1996 when I married and moved over from India. I have been a United Kingdom citizen since 1997 and I hold a British passport.

In 2000, whilst I was living in Handsworth, Birmingham, I met a male called Balbir Singh **** who was aged in his thirties at that time. I was attracted to him and we started a relationship. I was aware that he was married at that time. We did have a very loving relationship and he used to visit me whenever he could. He treated me very well and would buy me gifts. I was aware that he was wealthy and his family had money.

In December 2001, Balbir **** told me that he wanted to bring his nephew, Gurpreet Singh ****, to live in England. Balbir sent me some forms in relation to getting Gurpreet in to England. I did not do anything with the papers. I did not view them, they were in a sealed envelope. I was asked to take the envelope with me on a trip to India to see Balbir's parents in December 2001. I went and visited Balbir's parents, Mr **** and Mrs ****. I do not know their first names. I gave the envelope to a male who I believe was Balbir's brother Paramjit.

I was at their home in Jalandhar, Punjab, India. A male who I now know as Gurpreet **** bought me a drink of water. I thought he was one of the ****'s servants. Paramjit told me that Gurpreet was Balbir's nephew. I realised at that time that they intended bringing Gurpreet to the United Kingdom. Paramjit took photographs on my camera of me with Gurpreet and his family,

I then went and stayed with my family who lived one and half hour's drive away in Ludhiana, Punjab, for a few weeks, and then I returned home back to England. In February 2002, Balbir was putting pressure on me to go to India so that I could bring Gurpreet back to England and fill in his paperwork. I went over to India about 14th February 2002 to attend the wedding of Gurpreet's brother, Karamjeet **** to Gurdeep. Balbir **** and Kulwant ****, his brother, also went to India for the wedding.

On about 15th February 2002, Kulwant **** told me that I had to wear a red wedding dress. They put me under pressure to put it on. I wanted to run away. I did not want

to have a wedding. Balbir and Kulwant told me that I just had to put the dress on and pretend I was getting married. I was told that my pretend groom was going to be Gurpreet. I was frightened and crying so I agreed to do it. I loved Balbir so I did it for him as a favour.

There were a lot of photographs taken but I did not have any of them. The photos were to show that we had had some form of marriage, that is that Gurpreet and myself were married. It was solely for the purpose of immigration to believe we were married. We did not have any legal or religious ceremony and we were never officially married. Gurpreet was under 18 at the time and was not old enough to get married. Karamjit's wedding to Gurdeep was also at the same time and their wedding did go ahead.

I did not have anything to do with Gurpreet at the time in India I think he was fearful of me. He is very short in height and I was about 6 years older than him. I returned back to England a short time after the wedding. Balbir asked me to write a letter to Gurpreet when I returned to say that I was missing him and I could not wait for him to come to England.

I did not really want to do it so to be difficult I wrote the letter in English. Gurpreet returned my letter calling me 'Aunty' which I found very funny, it was very poor English. He used to phone me and say "Hello, I am Gurpreet from India." I used to tell him I did not want to talk to him. I was aware that the contact was being made as the family wanted to make it look like I was in a relationship with Gurpreet. I was not happy with this.

I decided to inform the Home Office of what was happening and they took action and Gurpreet was refused entry to this country. At this point Balbir and Kulwant did not know I had done this and they did not know why he had been refused a Visa, so they put an appeal in on my behalf. I never attended the hearings. I need to mention that whilst Balbir and Kulwant were trying to get Gurpreet into the United Kingdom, that they were getting documents together to make it appear to the Home Office that I was earning more than I was and that I was able to provide a home for Gurpreet. The Home Office are fully aware of all of this,

I was still in a relationship with Balbir about this time. I was also pregnant with Balbir's child at this time. I was pregnant in about January 2002 and I would have been pregnant at the sham marriage. I had a termination in about April 2002, as I realised Balbir was not going to be there for me. He wanted a son. Balbir and I split up a short time after that. Balbir tried to contact me a few times after that. I remarried in 2005 and divorced in 2007 as a result of domestic abuse. When I remarried I destroyed all the documentation to do with Gurpreet, Balbir and Kulwant ****.

I have not had any contact with Balbir since September 2002. At the end of 2005, beginning of 2006, a male who I know as Shamsheer SINGH came to my house and told me that Balbir wanted to speak to me. He told me that Balbir had fallen out of a tree and broke both his legs. I told him that I did not want anything to do with Balbir.

At the end of 2008, I heard on the grape vine that Gurpreet was living in England and that he was going to marry an illegal immigrant from India who was related to him. I heard that Balbir and Kulwant were going to host their wedding at their house in Kidderminster. On 15th March 2010, I was in *** when I saw an uncle of P**** who

told me that P**** had made allegations against Balbir, Gurpreet and Kulwant. He asked if I would pass my mobile number to her so that the Police would be able to contact me. I did pass the number on. I did not know the nature of the allegations. I was aware that she had told him that she was being treated like a slave.

I have been approached by the Police to provide a statement. I have not done this statement to be malicious. I am willing to support Police proceedings and attend court and in witness should I be needed.

5.3. Gurpreet's account of his involvement with Ruby Bhella

However Gurpreet presents a very different interpretation of what went on between himself and Ruby

I had known Ruby since 2002. Ruby came to my house in Jalandhar. I assumed she came to India from the UK. I assumed she came to visit my family as she may have been sent from the UK. When Ruby came to the house, I said hello. We sat in the living room and I came and gave Ruby some water. She drank some water. We sat remaining in the room and began to talk.

Paramjit, my uncle then took some photographs of me on Ruby's camera. Ruby then asked me if I was married. I said that I was not. She asked me what I did. I said that I did not do anything. Ruby said that she liked me and then after speaking for a little while longer she left. Ruby then went to her home village of Ludhiana and we maintained contact over the telephone. Ruby would call me twice a day, normally in the morning and evening. This was when she was in India.

Ruby suggested we get married and a ceremony was arranged to take place at the local temple. Ruby had previously been married. I do not know to whom. Around 20 people attended the wedding and we had a small ceremony. Kulwant came to the wedding, my father and mother attended the wedding, my grandfather, grandmother and sister also attended. Ruby's mother and father were at the wedding, her brothers, sisters were also at the wedding. We got married and Ruby said that she could not wait to spend her life with me.

I was 18 when we married. We did not have sex during the course of our marriage as Ruby said that we would have sex once back in the United Kingdom. Ruby then came back to the United Kingdom and we continued to speak both over the telephone and via letters. We exchanged around 4 letters. It was at this stage that an application was put forward for me to come to the United Kingdom. This was at the instigation of Ruby. The initial application was refused and Ruby renewed this application in the United Kingdom. I knew of this as Ruby told me in 2009.

5.4. A failed application for a visa which would allow Gurpreet to join Ruby in the UK as her spouse

Regardless of the discrepancies between these different accounts, what we do know for certain is that in due course an application for Gurpreet to be granted an entry visa to the UK, in which Ruby Bhella was identified as both his sponsor and his spouse, was lodged at the British High Commission in Delhi. However the Entry Certificate Officer detected all manner

of inconsistencies in the application, with the result that he refused to proceed with the application. The matter was in due course appealed before an IAA adjudicator in the UK, and the case was heard on 12th March 2004. No-one turned up to represent Gurpreet at the hearing, and the adjudicator concluded that:

In the absence of evidence from the sponsor save for her Statutory Declaration and her letter, I have had to rely on the contemporaneous record of the appellant's interview with the ECO and the documents produced by him. Far from satisfying me on the balance of probabilities that this was a genuine and subsisting marriage, it convinced me that the alleged marriage was not legal, that the parties barely knew each other, and that they had had negligible, if any, intervening contact with one other.

What emerges from this interview is a dishonest and clumsy attempt by the appellant, with the cooperation of the sponsor, to obtain settlement in the United Kingdom on the basis of an invalid and sham marriage. I accept and adopt all the reasons given by the ECO in his Explanatory Statement for disallowing this application, in addition to my own reasons listed above for dismissing the appeal.

5.5. Concluding observations on the Ruby Bhella issue

Whilst I would in no way disagree with the adjudicator's findings in this case, I can see no easy means of resolving the very substantial discrepancies between Gurpreet's and Ruby's accounts of this 'marriage' without a great deal of further investigation. However even if such an investigation were to be carried out, I can see no reason to suspect that it would have any significant impact on the core issues at stake in this case.

5.6. The remaining paragraphs of Ms. Barrado's witness statement

On 5th May 2005, Gurpreet Singh **** was encountered by Immigration Officials at the Port of Dover, concealed within a freight vehicle. On the same day, he was served with Immigration Enforcement papers, as an illegal entrant. On 6th May 2005, he was removed from the United Kingdom to Calais.

On 14th November 2007, Gurpreet Singh **** was encountered working illegally by Immigration Officials. He claimed to have returned to the United Kingdom illegally, in September 2005. Further checks revealed that he had previously claimed Asylum in Slovakia. On the same day, he was released on Temporary Admission, with reporting restrictions at Midlands Enforcement Unit.

UKBA records show that he failed to report as required, and was subsequently listed as an absconder from Temporary Admission.

In the light of all this it seems clear that Gurpreet's determination to make his way to the UK was in no way diminished by the failure of efforts – by whomsoever they were articulated – to facilitate his entry into the UK as Ms. Bhella's spouse. Instead Gurpreet set about doing so 'under the wire'; and even though his attempted entry in the back of a lorry was detected the

first time round, with the result that he was sent back to Calais, he subsequently managed to evade border controls the next time round, whereupon he made his way to Stourbridge, where he teamed up with his siblings, as well as his uncles Kulwant and Balbir.

Although the family would have been well aware that that Gurpreet had entered the UK on a less than legitimate basis, they nevertheless appear to have taken the view that the issue of their nephew's legal status was of no concern of theirs, with the result that welcomed him into the family fold come what may.

6. P**'s personal background and Immigration History**

6.1. The evidence advanced by the prosecution

In the course of her police interview conducted by DC Peard on 9th September 2009 – which I can only observe was rendered seriously chaotic as a result of P****'s propensity to answer simpler dimensions of question put to her the interpreter in English, whilst frequently switching into Punjabi in mid-sentence, together with interpreter's difficulty in rendering the Punjabi dimensions of her replies into English – some basic dimensions of P****'s account of her family background can fairly readily be distilled from the transcript. The essence of what she had to say about her background in Punjab, the arrangement of her marriage to Gurpreet, the basis on which she obtained a visa which would enabled her to come to the UK, and hence to be married to Gurpreet **** is set out over the course of pages 2 – 12 of her initial interview with DC Peard, and can be summed up as follows:

My maternal grandparents put pressure on the ****s. They forced my mother for this arrangement, for this alliance. They got the visa themselves, my visa. I had my visa in Bombay. They know a guy by the name of Balvir Singh, and Balvir Singh, and then father knows another man, who was supposed to be their agent. And he took me with him, they took me to Bombay to get my visa. And there were two of them people. I came here on a Gurdwara base. There were three of us who came, two ladies. One, myself, another lady Jaswinder and a man named Baljit. We all came here for on religious basis as singers of Punjabi hymns.

That's how they called me over here. Before I came into this country, while I was still there, they used to say to me that we have bought out the place, the judge, the solicitors in this country [i.e. the UK] We have bought them out and we can do anything we like, because we are powerful people. You don't know, if we can buy men in India, why can't we buy them here, buy 'em out?

When I came into this country, they had told my mother that the boy is British, that was when I was already in India. My mother didn't want this alliance at all. My mother didn't want, didn't want any kind of alliance about myself with this boy, with this boy or his family. But they put a lot of pressure on my family to do so, because I have no

father, and I belong to a very poor family. My maternal grandparents also put pressure.

I came into this country on, in 2008, 26th of July, on Saturday. I reached home at 7 o'clock in the evening. And next day they took me to work. Then from that day I was working. I was to work from half 7 to half 11 at night. They used to torture me a lot when I first got married. They used to talk a lot and they used to say that you have come over here, and the money that we spent on you, £50,000 we spent on you, and we need to get that back in any way from you, whether by work, either which way.

Both Kulwant Singh **** and Balvir Singh **** tortured me tremendously. They used to say, "Keep your mouth shut, if you ever open your mouth, whatever we do, with you, or whatever we say to you, anything that happens in the house you cannot mention to anyone. If you tell anything to your family then it's not gonna be no good for you, you're gonna be worse off, you know that. You know how powerful we are. We can get your family lifted up, picked up. We can send your brother to prison. We've opened up a business, kind of, over here, you know where the girls go to meet other men for sex". And they said, "Your sister's gonna be one of them as well if you open your mouth." I was just all hurting, everything. And then then straight away my marriage with Gurpreet was arranged for 4th of October.

So far as I can see this interview was precipitated by an allegation made by P***** on 23rd June 2009, which was in due course recorded in the Police log, indicating that P***** had disclosed that she wished to make a complaint of rape against Kulwant **** and her husband. The entry in the log goes on to record that:

Ascertained that this was after her wedding and took place at **** Villa. No further questions asked. Stated she was scared for her mother in India – explained that this was out of our control!

P**** was told that this matter would be handed over to the CID Halesowen.

The next significant entry in the log is dated 12th August and reads

Visit in company with DC Peard, CID Halesowen, who will be ABE P****. P**** unhappy – she has had no contact with her mother, brother or sister for the past three weeks due to the pressure of them to return to India or [to] her husband.

The log then goes on to record DC Peard's interview on 9th September, the gist of whose opening section I have summed up above. In the light of all this a number of points are worth making

- i. It is unclear as to whether the P***** gave any interviews to the Police prior to that with DC Peard on 9th September: if there were, none appear to have been disclosed to the defence, at least so far as I am aware
- ii. Investigating P*****'s allegations do not appear to have been a matter of urgency, since two and a half months passed between the point at which P***** first articulated her allegations and her interview by DC Peard.

- iii. So far as I can see DC Peard was in possession of little background information about P****, and although she did elicit the material highlighted above at the outset of the interview, thereafter P**** effectively took command with the result that virtually all the remainder of the interview, and of its two successors, consists of P**** setting out her allegations of rape, harassment and inappropriate activity in graphic detail. In other words at no stage does DC Peard appear to have gone back to the beginning to check out the basic contextual details which P**** had briefly described at the outset.
- iv. Nevertheless the basic points which P**** appears to have been concerned to make in the course of so doing appear to be
 - a. Her marriage to Gurpreet had been arranged by her maternal grandparents
 - b. Her mother had been opposed to the marriage, as had the ****s, but her grandparents had insisted that it should go ahead
 - c. That she and her mother had been told that the boy was 'British' (i.e. he was not 'un-legal', and that she had only discovered otherwise when she arrived in the UK
 - d. That she was one of a group of three persons who were given time-limited visas to enter the UK as singer of religious hymns
 - e. That Kulwant and Balbir had represented themselves as well-connected thugs whose orders should be obeyed, since they were as well connected with the Police and Judges in the UK as they were with those in the Punjab.
 - f. That Kulwant and Balbir had been harassing and exploiting her since the moment she arrived in the UK
 - g. That she was fearful of what would happen to her sister and mother back in Punjab, since Kulwant and Balbir were issuing threats against them.
 - h. That her mother was now putting pressure on her to make up her mind, and either to return to her husband or to return home to the Punjab.

7. P**'s Immigration Status**

7.1. A report obtained from UKBA reads as follows

UK Border Agency records show, on 27th July 2008, P****, an Indian national, date of birth 18th December 1987, arrived with Entry Clearance issued at the British High Commission in Mumbai, to enter the United Kingdom, as a Religious Worker, on condition that recourse to public funds was prohibited, and that she worked with the Bhai Mardana Gurmat Missionary Society, and any changes to work must be authorised, valid until 1st January 2009.

On 25th November 2008, P**** applied for further leave to remain in the United Kingdom, as a Religious Worker. On 30th March 2009, this application was rejected, as the application form was submitted incomplete. On 8th April 2009, P**** resubmitted the application for further leave to remain, as a Religious Worker.

On 27th May 2009, she was granted further Leave to Remain in the United Kingdom, as a Religious Worker, on the same conditions previously imposed, valid until 15th July 2010. To the best of my knowledge and belief, this information is correct based on the UKBA records available to me at the time of writing. P**** is subject to control under the Immigration Act 1971 (as amended), and as such is liable to deportation or administrative removal from the United Kingdom.

It follows that P**** entered the UK legally on the grounds of her association with the Bhai Mardana Gurmat Missionary Society on 27th July 2008, and that her temporary leave to remain was successively renewed thereafter. I have taken the opportunity to check up the details of the Bhai Mardana Gurmat Missionary Society on the internet, which revealed the following details about the organisation:²

I asked Kulwant whether he was associated with this organisation, given that it is located in Stourbridge, and that I had not heard of it before. He informed me that he had no formal connection with the society, although its headquarters (which also functioned as a small Gurudwara) are located in the upstairs portion of the building in which one of his shops is located.

*7.2. Kulwant ****'s account of P****'s arrival in the UK in the course of his police interview*

In his interview with DC Hampshire on 8th January 2010, Kulwant **** provided detailed answers to the questions put to him, in the course of which he comprehensively denied all of P****'s allegations of rape and sexual harassment.³ For the reasons explained earlier I have paid no explicit attention to these answers – although I obviously acknowledge their existence. Rather what I have highlighted here is his more positive remarks about the circumstances of P****'s arrival in the UK.

Mr. **** confirmed P**** is his sister-in-law's niece. He had known her since she was a 4 - 5 years of age, whilst visiting his family in India. He confirmed P****'s husband is his nephew. He explained P**** came to England in June/July in order to marry. The wedding ceremony took place in his grounds at **** Villa.

Mr. **** explained in August, P**** travelled with him and his family to Longford in Southern Ireland, in order to attend a wedding. He confirmed his brother is called Balvir Singh ****, who lives with him at **** Villa. Mr. **** confirmed his nephew, Gurpreet, had lived with him at **** Villa for approximately 12 months.

² <http://www.charitiesdirect.com/charities/bhai-mardana-gurmat-missionary-society-1140162.html>

³ Unfortunately the record is in the form of contemporaneous notes, rather than the transcription of a taped interview. Having read the document I fear it may well be that the record is not as detailed, or as accurate, as it might be.

Mr. **** denied that he had arranged for P**** to come to England. He was asked to explain: how he she came to live in his house - he stated he picked P**** up from a London Airport. -I said to P**** 'I can drop you', I rang her family, her relative 'Can I bring your daughter P****', because they were closer to her [than I was]. 'Can I bring P**** to your home?'

They told me 'We are not home tonight, we will come to see her tomorrow' and P**** said 'I don't want to go to that home, I want to my mom said you go there'. I said 'I need to speak to your mom'. Her mom rang me and my brother rang me 'Can you take P**** home', we brought her [to **** villa]

Mr. **** confirmed everything was arranged in India tor P**** to marry Gurpreet in England, He denied being involved with the planning of the wedding, but admitted he helped to make arrangements for the reception to take place in his grounds at **** Villa. He stated his parents paid for the wedding,

The remainder of the interview is solely concerned with allegations of rape, which Kulwant comprehensively denies.

*7.3. Balbir's account of P****'s arrival in the UK in the course of his police interview*

In parallel with the course of his elder brother's interview, the questions put to Balbir by DC Hampshire follow a very similar course. Nevertheless in a few of his answers Balbir also addresses the issue of the circumstances of P****'s arrival in the UK, as well as the character of his relationship with her:

P**** is married to my nephew.

Q. So you know P**** through her marriage with Gurpreet.

A. Yes.

Q. Correct. I believe that P**** has been brought over here from India for the purpose of marrying Gurpreet. Is that correct?

A. No I haven't brought her over here no. We have brought her over here.

Q So, so.

A. I haven't brought her here neither the family.

Q. Right so how, how did she end up over here, living at **** Villa?

A. I don't know how she came here. My brother received a telephone call from her mother that her daughter is coming. When she's here help her to stay here, and that we arrange her marriage with Gurpreet. Gurpreet's, sorry P****'s maternal grandmother and grandfather and maternal uncle came from America and they organised the wedding.

Q Okay and the wedding I believe took place at **** Villa.

A. Yes.

Q. Which is where you live. ..

A Yes that's right.

Q. Correct? Do you know how she was brought over to this country?

A. I don't

Q. So you have never sponsored her? No

A. Okay, what is your relationship with P****? P**** is married to my nephew

Q. Mmm Hmm

A. And I treat her as I treat my own daughters

Q.P**** has made an allegation that you have touched her breasts and her vagina

A. I haven't

Q. Okay

A. She's like my daughter; she's like a daughter to me

8. The Defence perspective

*8.1. Gurpreet's statement with respect to the background of his marriage to P*****

In his defence statement Gurpreet sets out a much more illuminating account of the history of his relationship with P****, and in due course of their marriage in the UK, than that which emerged during the course of his Police interview, during which he was not invited to expand on the matter:

8.1.1. Early history

I have known P**** since childhood from India. I used to live in Gakhal in Jalandhar and P**** used to live in the next village called Sodhur which was also in Jalandhar. P**** lived around 30 minutes away from where I did. My family knew her family very well. As a family we used to visit each others' houses at least once or twice a week. Whenever I saw P**** we would speak and exchange pleasantries by saying hello and asking about how each of us were. We would also speak generally about things and life.

P**** would stay at our family house during the course of the school holidays. This would be for around 6 weeks when she used to stay we would play together. It would normally be me, my uncle's children, my sister and also other children from the family. We used to play together and have a fun time. We would then go to sleep and do the same the following day. This was during our school days.

When I grew older and started to drive I would regularly go to P****'s house. I would drop things off at their house including food and any other items that needed dropping off. I would also drop P**** off home if she had been in our house and would also pick her up if she wanted to come to my house from her house. When we were together we would spend a lot of time together. I also helped P**** and her family when her father was ill.

I know that P****'s mother was close to my uncle Kulwant and Balbir in this country. I was also close to them. Whenever Kulwant and Balbir came to India I knew that they

would meet up with P**** and P****'s family to see how they were. Kulwant, Balbir and his family knew of P**** when she was a child growing up.

8.1.2. Marriage negotiations between the elders

When in India my uncles from there, Parmjit and his wife, my auntie, Darshan told P****'s mother that I was in the United Kingdom and that I was illegal and that I was looking to get married. It was at this stage that P****'s mother spoke to P****'s grandmother and grandfather and discussed our marriage proposal. P****'s grandfather and grandmother said that this was all fine. At this stage P****'s mother spoke to Darshan and said that she agreed to the marriage.

Our family then spoke amongst ourselves and also agreed to the marriage. I was told that P****'s mother spoke to P**** and that P**** was happy to get married to me having known me for a number of years. This discussion took place over a year and this was in 2007. In 2008 we got married.

The wedding took place in **** Village. P****'s relatives from America arrived, her uncle, grandmother and grandfather. P**** also had a lot of relatives from the United Kingdom who arrived at the wedding. A lot of our relatives were also at the wedding and it was a large affair. We got married and things started off well.

*8.1.3. Kulwant's account of the circumstances in which P**** was married to Gurpreet*

In his defence statement commenting of P****'s account on the circumstances of her wedding, Kulwant also sets out a much more detailed account than that which emerged during the course of his Police interview, during which he was not invited to expand on the matter. In doing so he vigorously contradicts P****'s assertions that she was pressed into marrying Gurpreet against her will. On the contrary he suggests that she was only too keen to see the marriage celebrated, and frequently complained to him about the delay:

[P****] was pressing us to set the date to marry Gurpreet. She was desperate to marry Gurpreet. She thought that I would give her one of the houses because everyone else in the family had a house in their name.

Why we would insist on the wedding taking place at our house? The responsibility of venue is down to the girl's family. We took that responsibility because her family did not want to spend any money. Her family never offered to arrange the wedding venue.

She has never been threatened. My family did not own any clubs or hotels. She has never been threatened to be forced into prostitution. My family or my father offered to pay for any costs of the wedding. If she had any relations with her family then why did she not speak to them about these made up problems?

At the time of marriage P****'s maternal grandparents and an uncle from America were present. Her uncle came for a week and stayed somewhere in Birmingham. He came to the UK for a week. Her grandparents stayed with us for about two weeks and then also with others for a couple of weeks. Her grandmother offered my father US \$2,000 as contribution towards the costs of the wedding, but he did not accept it.

During the wedding ceremonies she slept with her grandparents. There are separate living quarters at the rear of my house and she slept there for several nights with her grandparents. She had ample opportunity to talk to her family if any of this were true.

Also, on the day of wedding she spent about three or four hours with the beautician, alone, away from the house; she could have declared her position here to. It is a lie that we have made threats to her to keep quiet. She had often times spent time alone when she could raise the alarm.

That the marriage took place in in some style in under Kulwant's aegis in **** Villa is beyond doubt, given the evidence of wedding photographs and the wedding video recording the detail of the celebration. Moreover it is equally clear that Kulwant not only stood at the centre of the celebrations, but did his best to replicate P****'s symbolic transfer from her natal family to her in-law's family which lies at the heart of a Punjabi wedding – even though the celebrations were in this case not only taking place in the wife receivers' house, rather than that of the wife-givers, but there appear to have been no representative of the bride's father's family (i.e. the Sohals), and instead their role had been taken over by P****'s maternal kin, the ***, whose most senior representatives had just flown in from the USA. How, then, was the bride to be properly given away?

The answer that emerges from Kulwant's statement is that P****'s grandparents were assigned separate territory (the separate living quarters at the rear of the house) where P**** went to stay during the run up to the marriage, with the result that the symbolic logic of bride transfer could be replicated during the course of the marriage: namely all the pre-marriage rituals could be completed in the annexe, and having been fully prepared in her bridal regalia P**** could step out of her grandparents' 'house' in the annexe, be married to Gurpreet in *anand karaj* in the garden, and in the aftermath of her marriage could be duly transported to join her in-laws in the main house.

In other words in the eyes of both families, as well as all the guests who had been invited to attend, P**** ***/Sohal had been comprehensively and very publicly been incorporated into the **** family as Gurpreet's wife.

8.2. *Gurpreet's account of his experience of marriage*

The wedding took place in **** Village. P****'s relatives from America arrived, her uncle, grandmother and grandfather. P**** also had a lot of relatives from the United Kingdom who arrived at the wedding. A lot of our relatives were also at the wedding and it was a large affair. We got married and things started off well.

When we first got married things were fine. We lived in **** Villa. We slept in the same room and things were fine. We used to live together and eat together. We got married on the 4th October 2008. This was a Saturday. On Sunday the 5th October

2008 we had sex for the first time. At this time we were not at work, we spent the day together and then went to bed. We were on the bed, we started kissing. P**** then took her clothes off, she was completely naked. P**** then took my clothes off and I was completely naked. It was at this stage we started to have sex.

After a month, we would have sex normally once a week. This was because P**** said that she was tired. Our marriage continued and we were enjoying being a married couple. Our sex life was also good. P**** started working at the Kidderminster Shop a week after our marriage. Kulwant asked P**** if she wanted to work, she said that she did so she started to work. She used to work at 11.00am in the morning until around 9.00pm at night. P**** worked at the Kidderminster Shop for around 2-3 weeks and the last we moved around to the Brierley Hill shop as she thought it would be a little easier. The Kidderminster Shop was more busy then the Brierley Hill one. Both shops were supermarkets however the Brierley Hill store did not sell alcohol. P**** worked for a considerable period of time in the Brierley Hill shop, she worked there for around 12 months up until our arrest.

P**** never complained about working. She didn't mention that she found the Kidderminster shop tiring as it was busy and that was why she asked to be moved to the Brierley Hill shop. Kulwant never had any problems with this. Our marriage continued. P**** never complained and always appeared happy. We were like any normal couple. We did argue just like any other couple but we were both fine.

There was an occasion when P**** ordered some underwear. She ordered these items from Shamsher. P**** came home one day with a carrier bag; she went straight upstairs with the bag and put it away. Uncle's daughter saw what P**** had in her bag and told uncle Kulwant. Kulwant questioned P**** about what was in the bag. P**** said she ordered it from her mother's brother, P**** was lying. This resulted in an argument between us both and P**** grabbed me around the throat and said that she wanted to live separately.

It was at this stage my grandfather and grandmother came and my uncle arrived and discussed matters and things sorted themselves out. It was at this stage around a week later when we moved to [my brother's house] at Vicarage Road. We stayed there for a week prior to the Police's arrival.

From a Punjabi perspective the significance of the incidents described in the last two paragraphs of the excerpt cited from Gurpreet's statement cited above are easy enough to interpret. Given his position as the patriarch of the UK branch of the **** family, Kulwant had manifestly been acting as P****'s *de facto* father-in-law, and had continued to do so for some months thereafter. However as not infrequently happens when even when the father-in-law in question is the groom's real father, rather than a stand-in, daughters-in-law can begin to chafe at the bit, looking for greater a rather greater degree of independence for herself and her spouse. Moreover given that several of Gurpreet's siblings lived nearby, it made immediate sense for the problem to be resolved by the couple moving out and taking up

residence taking up residence with his elder brother. The family clearly made a collective agreement that they should do so.

8.3. *Kulwant's account of P****'s change in attitude towards her.*

P****'s attitude changed around six months after her arrival in the UK. P**** made an application to extend her visa, which was returned as a result of her filling out the wrong form. She resubmitted her application, and waited for it to be returned. P**** would regularly keep asking me questions about when her passport would be returned. I told her that I did not have it, and that I would give it to her when immigration returned it. P**** was very polite to my face, but spoke very badly about me to my staff. She was always concerned about her passport. At the time when the Police took her away the passport had still not arrived.

I received a call from the agent that had arranged for P**** to come over [Shamsher?], saying that he had received her passport and that he was going to send it back to Immigration. I know that P**** was close to Shamsher⁴, used to live in a flat above the sop where P**** worked, and that he was even a relative of hers. I believe they were guiding her through how and what to say regarding her immigration status.

I know that Gurpreet spoke to P****, and said that if she did not want to stay in the UK they could move back to India. Gurpreet said that she did not want to move to India. She wanted to stay in the UK. If Gurpreet wanted to go to India he could go on his own. P**** said that she also wanted to call up all her family over to the UK.

P**** regularly tried to create problems. On one occasion I told her she has to clean her own bedroom and her own en-suite. She told Gurpreet that I was wrong telling her to do so. In addition she would regularly take items from the shop without paying for them. I explained that she would need either to pay for them herself, or leave a receipt, otherwise the books would not balance. She was not happy when I said this.

P**** would regularly be on the landline in the shop. Whenever I walked into the shop she would put the phone down. When I asked her who it was she said it was a prank call.

P**** seemed to want something for nothing. She would always talk about having a house from me. On one occasion when I was in the shop with my children, P**** asked me whether all my wealth would go to my children. I told her that whilst they would have to work for it, it would ultimately all go to them. To me it seemed that she was always playing a game. She didn't seem to care about Gurpreet and our family, all she wanted was to be permanent in this country. I believe she was under the impression that it was easy to become permanent in this country, and that when she found out how difficult it was she changed completely.

4

It is worth Shamsher appears at several other points in the evidence: as an intermediary of some sort when the Gurpreet's alleged marriage with Ruby Bhella took place; in the dispute which broke out when P**** brought back a bag of clothes; and now we find Shamsher apparently facilitating the renewal of P****'s visa. Assuming that it is the same Shamsher, it looks to me as if there is a significant sub-text here.

9. An anthropologically informed overview of developments since P** arrived in the UK**

9.1. The development of the prosecution case

The I can readily appreciate the basis on which the Police responded to what credible cries for assistance from a young Punjabi woman who claimed that she had been put through a forced marriage, and subsequently required to work day and night in her in-laws' businesses, so much so that her health had begun to suffer. A damsel in distress, in other words.

However Police would have found themselves in ever deeper water when they discovered that P**** had in all probability entered the UK on visa which was issued to her on an illegitimate basis, and hence that she could find herself the a subject of deportation order – especially when the news that that was indeed the case caused their presumptively innocent damsel even deeper distress. Moreover I have little doubt that their concern would have escalated yet further when P**** began to up the ante, and to suggest that the reason why she had sought assistance was not just because her husband and his uncles had subjected her to physical violence, but to sexual violence as well. Moreover I have little doubt that they were further confused because all this had happened within the context of a family whose members not only ordered their behaviour in terms of Punjabi, rather than English, cultural conventions, but this was also a family which had numerous overseas connections.

Moreover there was an extensive delay before a decision to interview P****'s alleged tormentors took place, but when the decision was made to do so – more than six months after the Police removed her from a place of safety – all three defendants flatly denied that the incidents of rape and sexual harassment described by P**** had ever taken place.

As I indicated at the outset of this report, it is no part of my task as an expert to usurp the role of the jury on this matter: rather it is to assist them in their task by setting the evidence which has been laid before them, no less by the Prosecution than the Defence, in its appropriate cultural context – most especially because at no stage do the investigating officers attempted to do so. I should emphasise that this should not necessarily be read as a criticism of the professionalism of the investigating officers, but rather an observation with respect to the complexity of the task with which they found themselves been confronted, and their self-evident lack of familiarity with Punjabi lifestyles and their associated cultural premises, given that officers in West Mercia have a great deal less experience of dealing with cases of this kind than their colleagues in the West Midlands force.

If this was indeed the case, this may well serve to explain why it was that the officers deputed to investigate P****'s allegations focused their investigatory activities almost entirely on the issues with which they were familiar – namely allegations of violence, subsequently stepped up to rape – with result that details of the familial cultural context within which the incidents which they were investigating allegedly took place went largely unexamined. Moreover so far as I can see the CPS concurred with the approach taken by the Prosecution in the course of laying out their case against the appellants.

*9.2. The defence view: a contextualised account of P****'s behaviour from a Punjabi perspective*

With such considerations in mind the three defendants not only deny all the allegations laid against the P****, but between them present a lengthy historically grounded account of the history of the interactions between a variety of members of the **** and *** families, no less in Pakistan than in the UK, and the lengthy and often tangled negotiations which eventually led to a marriage in the form of an *anand karaj* in the course of which P**** and Gurpreet were married, at least in the eyes of the community to which they belong. As is clear from the material set out above, the evidence set out by the defence presents an entirely different perspective on the course of P****'s experiences subsequent to her arrival in the UK on a short-term visa as a 'religious worker', her marriage to Gurpreet, and in due course her application for protection from the police on the grounds that she had been exposed to an unacceptable level of domestic violence.

Having been instructed to prepare a background report for use in these proceedings, and having considered the key elements of the evidence placed before me (for there is clearly a great deal more evidential material which has either not been placed before me, or which I have overlooked for brevity's sake) in bringing this report to a conclusion I have found myself filling in three main issues into which those investigating P****'s complaints do not appear to have delved. These include:

- i. The internal dynamics of jurisdictionally extended Punjabi corporate families
- ii. The processes which culminated in P****'s marriage to Gurpreet
- iii. The sense in which P****'s *anand karaj* with Gurpreet was, and was not, a marriage
- iv. The implications of all this for P****'s and for Gurpreet's immigration status
- v. In the light of all this an analysis of P****'s likely motivations in the light of my knowledge and experience of the conceptual challenges which young brides recruited as spouses from rural South Asian routinely encounter on their arrival in the UK

By way of conclusion I will examine each of these issues turn by turn.

10. Conclusion

10.1. The internal dynamics of jurisdictionally extended families

Having been professionally engaged in studying the internal dynamics of transjurisdictionally extended Punjab families for the past four decades, I can readily confirm that I can see nothing particularly unusual about the way in which the **** family has organised itself both locally and transjurisdictionally, or about the way in which members of the *** considerably less affluent and less well connected *** family have done their best to establish closer links with the **** family by arranging a strategically advantageous marriage for P****.

However as will already be apparent, although all Punjabi Sikh families may be ordered I terms of similar principles, that certainly does not mean that inter-personal relationships both within and as between such families can all be expected to be played out in an identical fashion. As we have seen from the evidence in this case, not only do extended families vary enormously in size, the scale of resources available to their members, the contingencies with which themselves confronted, and the strategies they develop to cope with them. Moreover a further obvious feature of such families is their dynamic character.

This dynamism has two main sources. In the first place every member of such collectivity is constantly on the lookout for entrepreneurial opportunities to exploit (and for pitfalls to avoid), of which they regularly set out to make the most in collaboration with, and with the assistance of, the remaining members of the corporate whole; and by utilising strategies of this kind transjurisdictionally extended families have found themselves able to take advantage of the current phase of globalisation to mimic the strategies routinely deployed by multinational corporations, thereby enabling them to articulate their entrepreneurial initiatives on a global scale.

But whilst taken for granted relationships of mutual reciprocity between siblings lie at the heart of this corporate and cooperative whole, and as such provide an exceptionally stable foundation for such entrepreneurial activities, all sorts of ructions periodically erupt within them. These can have many sources. Brothers may sometimes fall out with one another with bitter consequences – although closer inspection regularly reveals that quarrels between wives (who are by origin outsiders to the family) lay at the root of the confrontation. Marriages (which are invariably arranged by the elders) themselves are also a major source of conflict, either as a result disputes as whether the chosen arrangement was strategically

appropriate, or because the arrangement breaks in inter-personal terms. Such breakdowns have unpredictable knock-on effects which are likely to reverberate, sometime for years on end, through the entire extended family, as well as between the extended families between which the marriage in question was the foundation for a strategic alliance.

Moreover as we saw earlier these internal dynamics – whether they prove to be mutually collectivist or mutually competitive in character – are also extensively conditioned by the complexities of immigration control.

10.2. *The processes which culminated in P****'s marriage to Gurpreet*

The evidence before me suggests that P****'s marriage to Gurpreet was the outcome of a long-planned strategic exercise planned by P****'s mother Gurbaksh and her sister Darshan, and further facilitated by the two sister's parents, to yet further strengthen their links with the much more successful **** family. Quite when this strategy began to be floated off is unclear, but it certainly began to crystallise much more strongly once Gurpreet had established himself in the UK-based branch of the **** family.

As it did so I have little doubt that from the perspective *** family Gurpreet was a less than ideal husband for P****, given that he had entered the UK 'under the wire', and hence had no legal status in the UK. But beggars cannot be choosers. Both Gurpreet and P**** had reached the age when they were expected to marry; they already knew, and appeared to get on with one another; and both had limited bargaining power in the Sikh transjurisdictional marriage market – Gurpreet because of his lack of legal status in the UK, and Gurpreet because her family was not well off, and their only immediate transjurisdictional connections were with the **** family. So a deal appears to have been done. An arrangement was made by the *** family for P**** to be flown to the UK as a 'religious worker', and in due course her marriage to Gurpreet was celebrated in some style at **** Villa, with her maternal aunt (Gurpreet's deceased father's sister-in-law) and acting as the *bachola* (intermediary) and her maternal grandparents Swaran and Pritam fulfil the role of bride-givers, given that her own father Faqir had passed away.

10.3. *Married – but in what sense?*

Marriage is not taken lightly in the Sikh community: to publically engage in a sexual relationship (or indeed even to be suspected of having engaged in such a relationship) in the absence of a legitimating *anand karaj* is regarded as deeply shameful, most especially so far

as the female partner is concerned. Hence Kulwant's caution in bringing P**** back to a prospective groom's house following P****'s unexpected arrival at Heathrow.

10.3.1. Two forms (and understandings) of the significance of marriage

But whilst the very public celebration of an *anand karaj* at which representatives of both the **** and the *** family were present firmly legitimised the onset of a conjugal relationship between P**** and Gurpreet, as well as the incorporation of P**** into the **** family as a newly acquired daughter-in-law, it did not have the effect of giving rise to a similar change of status in English law (although if it had been solemnised using exactly the same procedures in India). For such a change of status to be implemented in English law the marriage ceremony must be witness by a registrar, with the result that reason that UK-based Hindus, Muslims and Sikhs resident in the in the UK routinely marry twice: once before a registrar to satisfy the requirements of English law, and secondly following in terms of their own Sikh, Hindu and Islamic ritual. But if the first marriage legitimises the marriage in the eyes of the state, from the personal perspective of all those actively involved it is only when the couple have been properly married in the light of the moral and religious premises of the community to which they belong that it is considered right and proper for them to begin living together as man and wife. To do anything else (or to put it more accurately, to be *perceived* to have done anything else) is deeply shameful.

To put it plainly whilst English law prioritises what Punjabis describe as a 'court marriage', implemented before a registrar, and pays no attention to the performance or lack of performance of Sikh, Hindu and Islamic rituals, members of South Asian communities give little or no weight to the 'court marriage', and instead regard the couple's participation in an *anand karaj* (or its Hindu and Muslim equivalents) as a necessary prerequisite for the legitimate commencement of a conjugal relationship. Moreover as we have also seen, marriage in a Punjabi context does much more than to legitimate the onset of sexual activity: it also precipitates an even more fundamental change: the transfer of the bride out of membership of her natal family, and her incorporation as a daughter-in-law, no less than as a wife, in her husband's family. All this plainly occurred in P****'s case: by participating in an *anand karaj* with Gurpreet she had been incorporated into ****'s transjurisdictionally extended family as a daughter-in-law – and with good fortune on her side, as a mother of future heirs both for her husband, and for the **** family at large.

10.3.2. An English perspective, both in practice and in law

From an English perspective, the niceties are becoming increasingly archaic. Marriage is no longer regarded as a necessary prerequisite for the onset of a conjugal partnership – even in the case of a prospective heir to the throne; and although it is regarded as appropriate for the couple to ‘tie the knot’ in a formal marriage ceremony once the relationship has proved to be stable (as Prince William has just done, to much popular acclaim) there is no necessity to do so. For fully fledged UK citizens, the absence of a formally constituted marriage has ceased to be matter of any great significance, either from a social or a legal perspective.

However persons resident in Britain who are not UK citizens, and who have not been granted Indefinite Leave to Remain, cannot afford to be insouciant about their personal status. If one or both partners do not meet these criteria, a failure to marry (or failing that enter into a formally registered civil partnership) in the English jurisdictional sense can have far-reaching consequences in terms of immigration law, even if the couple have taken care to marry legitimately according to the conventions of their own community.

The ***** family would undoubtedly have been aware of all this, and would have been equally well aware that even if they managed to persuade a registrar to solemnise a marriage between P***** and Gurpreet – which would almost certainly prove to be problematic given the basis on which both of the prospective spouses had entered the UK – it would not secure the legal status of either in them in the UK. Hence the two families took the decision to give ‘court marriage’ a miss.

*10.4. P*****'s likely perspective with respect to the prospect of marrying Gurpreet*

I have little doubt that P***** would have been aware that Gurdeep had entered the UK under the wire, and hence had no legal status in the UK, when Gurbaksh mother broached the prospect of marriage to him to her daughter. Moreover there is every reason to supposed that P***** jumped at the prospect: Jalandhar District has sent large numbers of migrants to the UK, and bright and ambitious young women, and most especially those in less affluent families, all dream of catching the attention of young men visiting Punjab to select a wife to take back to what is routinely perceived as a land of milk and honey. But if marriage with Gurpreet would in principle open up precisely such a prospect, she would also have been alerted to the fact that something was up with Gurpreet in immigration terms, since normal practice is for such grooms to marry in Punjab, and for an application to be submitted for permission for his new-found spouse to come and join him in the UK.

However as I noted earlier, beggars cannot be choosers. The essence of the deal which the *** family appear to have arranged was that if P****'s entry into the UK could be suitably be implemented, an *anand karaj* would in due course be arranged, and P**** would consequently be incorporated into the transjurisdictionally extended **** family – of necessity a major step up in the world.

Had P**** kept her head down, and worked to earn her keep within the **** family in the aftermath of her marriage, there would at least have been a prospect of falling off the UKBA's radar, such that she and Gurpreet would be able to continue to live in the UK on a *de facto* basis within the bosom of the **** family; moreover even if their presence had been detected by UKBA, she would at least have access to the resources of the **** family if they eventually had to take up residence elsewhere.

10.5. *A gold digger?*

However as I read the evidence before me, P**** seems to have set her sights much higher than this, largely because she was unfamiliar with the terrain on which she was now operating.

In the first place she appears to have made a mistake which all too frequently made by incoming brides from Punjab – namely that the fruits of the land of milk and honey simply fall into one's lap. Hence there are excellent reasons to suppose that P**** was disappointed to find that she was expected to work substantial hours in the family businesses, to clean her own room and so forth, which she clearly felt was beneath her. As Kulwant puts it in his statement, she seemed to expect something for nothing. In other words she overlooked the hard work on the basis of which the **** family had built, and continued to maintain, their prosperity.

In the second place she also appears to have grown resentful of the authority which her quasi-father-in-law, Kulwant, sought to exercise over her, which turned into rank suspicion when he failed to return her passport to her after it had been forwarded to UKBA with an application to have her 'religious worker' visa renewed for a further six months. On this front there are also strong indications to suggest that P**** was even more distressed when Kulwant made it clear that despite her marriage to Gurpreet and their commencement of a conjugal relationship, there was still no way in which she could apply for ILR: she might have become an integral part of the **** family, but unfortunately all the Home Office cared about was the legal status of her husband. Since he had not been granted ILR, she could not

apply for ILR as his spouse. Given that P**** was still unfamiliar with UK bureaucratic processes, and hence still retained the Indian view that all such obstacles can readily manoeuvred around either by influence, inside assistance and if necessary the payment of a straightforward bribe, there is in my view every prospect that P**** began to suspect that Kulwant did not have her best interests at heart, and that the time had come to strike out on her own to obtain what was proving to much more of an elusive goal than she had expected.

Thirdly, and in the light of all this, I would also suggest that that there is an excellent prospect that all of P****'s complaints about having been a victim of a people smuggler, of having been forced into marrying Gurpreet against her will, of being subjected to domestic violence, and ultimately of being raped by the three defendants may well have been the outcome of a carefully planned strategy in which she aimed to 'beat the system' and hence secure ILR on her own account, by taking advantage of the 'domestic violence concession' found in the immigration rules.

10.6. The domestic violence concession

The rule in question reads as follows:

Applying for permission to settle here as a victim of domestic violence

If your relationship with a British citizen or a person settled in the UK has broken down as a result of domestic violence, you may be able to apply for permission to settle here permanently.

To be given permission to settle as a victim of domestic violence, you must prove that:

- i. you have been **given permission to enter or remain in the UK as the husband, wife, civil partner or unmarried/same-sex partner of a British citizen or a person settled here** (even if that permission is no longer valid);
- ii. your relationship was existing and genuine (not a 'marriage of convenience', for example) when you were last given permission to enter or remain; and
- iii. you were the victim of domestic violence, and this is what caused the relationship to break down before the end of your permission to enter or remain.

In my view it is most unlikely that P**** was aware of this rule prior to her arrival in the UK. If, however, other South Asians with whom P**** came in to contact in the UK (such as the mysterious Shamsher, for her example) advised her of its existence, there is every reason to suppose that the concession would provide with a direct route to ILR if she was to make a complaint of having been subjected to a gruesome catalogue domestic violence at the hands of her husband and her in-laws that she initially reported to the police. However careful

examination of the rule itself makes it quite clear that even if her complaints were true, she would still not be able to access this rule as a means of gaining ILR, since she does not satisfy any of the requirements set out in sub-clause i. of the rule. Given all this, and if my hypothesis is correct, there is every reason to suppose that when P**** was informed that UKBA was minded to order her deportation on the grounds that the concession did not apply in this case, she decided to make allegations of rape against the defendants in what amounted to a desperate last throw – which so far has succeeded. She is still in the UK.

*10.7. Did P**** have no alternative but to burn her boats in this way?*

The analysis I have set out above is premised on the assumption that P****'s allegations with respect to the defendant's behaviour are false. But what if the analysis of the evidence which I have set out in this report was mistaken, and that P**** was indeed raped and sexually harassed in the manner described? Would she have had any alternative but to seek assistance from the Police, and hence burn all her boats, as the only way out of an appalling situation into which she had been plunged?

In my view the key issue here is the anand karaj. If this ritual did indeed take place at **** Villa, if her grand-parents Swaran and Pritam gave her away, and if her sister and two of her brothers were present at the ceremony – a fact of which there appears to be plentiful photographic evidence, any suggestion that this was a forced marriage in my view falls by the wayside. More significantly still, if the marriage was arranged and celebrated with the backing of all these relatives, she would by Punjabi custom and tradition have an absolute right to call on any or all of these kinsfolk to intervene on her behalf if she was significantly maltreated either by her husband or her in-laws, who could in due course be expected to demand that a family meeting to resolve the contradictions which had erupted.

Indeed there is evidence that just such a meeting appears to have occurred when a decision was taken to the effect that in order to resolve emerging tensions, Gurpreet and P**** should move out of Kulwant's house and instead take up residence with Gurpreet's brother Karamjeet. If domestic matters were really as serious as P**** went on to describe to the police, she could readily have signalled her distress at the family meeting at **** villa, to her brothers after she had moved out, or failing all that to her sister Kamlesh.

So far as I can see P**** was never asked whether or not she had consulted members of her own natal family about these matters; indeed the investigators do not appear even to be aware of their existence.

In the light of the information which I have before me, the best explanation that I can offer is that if P***** only made the most limited efforts to resolve her difficulties by traditional means – or in other words by negotiations within and between the two families – any resolution which could have been achieved would not take her a step further towards gaining ILR in the UK, most especially since Gurpreet had begun to suggest that if she was really unhappy with life in the UK they could readily return to the Punjab. That does not seem to have figured on P*****'s agenda, with the result that she appears – at least in my opinion – to have tried to play the game her own way, only to find herself tramping ever more deeply into a waste-land of her own construction.

Last but not least I would like to take the opportunity to re-emphasise a point made at the outset: namely that I take it for granted that my duty is to the court, rather than to those instructing me, and that all the opinions I have expressed and the conclusions I have reached represent my own professional judgement with respect to the evidence which has so far been put before me. At the same time I am also acutely aware that it is no part of my role to express an opinion on the key issue at stake in this case: namely whether the accusations which P***** has levelled against her husband and his paternal uncles are true or false. That is clearly a matter for the Jury to decide. If at any point appeared to stray over that boundary at any point in my analysis I must apologise to the Court in advance.

Nevertheless in the light of the fact the cultural premises within the events which are in dispute in this case are set are most unlikely to be in any way familiar to the jurors of Worcester, I trust that the analyses I have set out in this report will serve to illuminate the specific premises, practices, and manoeuvres in which the litigants appear to have engaged will assist the jury in reaching their verdict.

I can also confirm that I am ready to give further evidence in person when the case comes to trial.

A handwritten signature in black ink, appearing to read 'Roger Ballard', with a stylized flourish at the end.

Roger Ballard
24th April 2011

ROGER BALLARD CV

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1. Qualifications

1966 B.A. in Social Anthropology, University of Cambridge
 1970 Ph.D. in Sociology, University of Delhi.



2. Membership of Professional Bodies

Fellow of the Royal Anthropological Institute
 Member, Association of Social Anthropologists
 Member, Register of Expert Witnesses

3. Appointments

2002 – Director, Centre for Applied South Asian Studies, University of Manchester
 1989 – 2002 Senior Lecturer in Comparative Religion, University of Manchester
 1975 – 1989 Lecturer in Race Relations, University of Leeds.
 1971 – 1975 Research Associate, SSRC Research Unit on Ethnic Relations, University of Bristol.

4. Fieldwork Experience

India (District Jullundur): 1967-69 (18 months), 1972-73 (6 months), 1981 (6 weeks), 2000 (3 weeks)
 Pakistan (District Mirpur) 1981 (6 weeks), 1984-85 (12 months), 2000 (3 weeks), 2009 (1 week)
 Bangladesh (District Sylhet) 2003 (1 week)
 UK Continuous contact (although of varying intensity) with Punjabi communities throughout the Pennine region during the course of the past 30 years

5. Languages spoken

Punjabi, Urdu

6. Recent consultancies

2003 *The Current Demographic Characteristics of the South Asian Presence in Britain: an analysis of the results of the 2001 Census* Foreign and Commonwealth Office
 2003 *The economic impact of migrant remittances* Department for International Development
 1999 Equal Treatment Advisory Committee, Judicial Studies Board (to contribute to second edition of the JSB's *Equal Treatment Benchbook*).

7. Professional activities

In 2003 I took early retirement from my teaching post in the University of Manchester in order to service an ever-growing number of commissions to act as a Consultant Anthropologist. In doing so I have accepted instructions from a variety of central and local government agencies, but the mainstay of my business has turned out to be the preparation of expert reports for use in legal proceedings in which members of Britain's South Asian minorities have found themselves caught up, and in which social, cultural, linguistic, familial and religious issues are in some way at issue. I have now prepared over 500 such reports for use in the criminal, civil, immigration, family and administrative courts. Much (although by no means all) of the material in my current academic publications is now drawn from my experience of acting as an expert witness.

8. Selected Relevant Publications

- 2011 "Honour Killing? Or just plain homicide?" in Holden, Livia (ed) *Cultural Expertise and Litigation: Patterns, Conflicts, Narratives* London: Routledge 124 - 147
- 2011 "The Re-establishment of Meaning and Purpose: *Mādrī* and *Padre Muzhub* in the Punjabi Diaspora" in Olwig, Karen (ed) *Mobile Bodies, Mobile Souls: Family, religion, and migration in a global world* University of Aarhus Press 27 - 53
- 2009 "The Dynamics of Translocal and Transjurisdictional Networks: A Diasporic Perspective" in *South Asian Diaspora* Vol1, (2) 141 -166
- 2009 "Human Rights in Contexts of Ethnic Plurality: Always a Vehicle for Liberation?*" in Grillo, Ballard, Ferrari, J. Hoekema, and Shah (eds) *Legal Practice and Cultural Diversity* Aldgate 299 - 330.
- 2008 "Minority professionals' experience of marginalisation and exclusion: the rules of ethnic engagement" in Eade, John (ed) *Advancing Multiculturalism, Post 7/7* Cambridge: The Scholar's Press pp 73 - 96.
- 2008 "Inside and Outside: Contrasting perspectives on the dynamics of kinship and marriage in contemporary South Asian transnational networks" in Grillo, R. (ed) *The Family in Question: Immigrants and Minorities in Multicultural Europe* University of Amsterdam Press p. 37 - 70.
- 2007 "Common Law and Common Sense: Juries, Justice and the Challenge of Ethnic Plurality" in Shah, P. (ed) *Socio-Legal Perspectives on Ethnic Plurality*. Leiden: Martinus Nijhoff. p. 69 - 106.
- 2007 "Living with Difference: a forgotten art in urgent need of revival?" in Hinnells, J.R. (ed) *Religious Reconstruction in the South Asian Diasporas: From one generation to another* London: Palgrave Macmillan p. 265 - 301
- 2006 "Forced Marriage: A Criminal Conspiracy?" in N. Schlenzka (ed) *Female Marriage Migrants: Awareness Raising and Violence Prevention*. Berlin: Edition Parabolis 167-180
- 2006 "Popular Islam in Northern Pakistan and its Reconstruction in Urban Britain" in Hinnells and Malik (eds.) *Sufism in the West* London: Routledge p. 160 – 186.
- 2006 "Ethnic diversity and the delivery of justice: the challenge of plurality" in Shah, Prakash (ed) *Migrations, Diasporas and Legal Systems in Europe* London: Routledge Cavendish p. 29 – 56
- 2003 "The South Asian Presence in Britain and its Transnational Connections" in Singh, H. and Vertovec, S. (eds) *Culture and Economy in the Indian Diaspora*, London: Routledge Pages 197 - 222
- 2000 "Religious reconstruction in an alien environment: the Sikh tradition in Britain", in Coward, H. and Hinnells, J.R. (eds), *The South Asian religious diaspora in Britain, Canada and the United States* New York: SUNY Press. Pp. 193 - 124
- 1999 "Communication" and "Ethnic Minority Families", in *Equal Treatment Benchbook* London, Judicial Studies Board, pp. 87 - 98, and 99 - 115.
- 1994 *Desh Pardesh: The South Asian Presence in Britain*. London: C. Hurst and Co., and Vancouver: University of British Columbia Press, pp. 297.
- 1994 "The Evolution of the Sikh Community in Britain", (review article) *International Journal of Punjab Studies*, Vol. 1, pp. 297 – 302
- 1990 "Migration and Kinship: the differential effect of marriage rules on the process of Punjabi migration to Britain", in Clarke, C. Peach, C. and Vertovec, S. (eds.), *South Asians Overseas: Contexts and Communities*, Cambridge: Cambridge University Press pp. 219 – 249
- 1982 "South Asian Families: Structure and Process", in Rapaport, R. Fogarty, M. and Rapaport, R. (eds), *Families in Britain*, London: Routledge. pp. 179 – 204
- 1977 (with Catherine Ballard) "The Sikhs", in Watson, J. L. (ed.), *Between Two Cultures: Migrants and Minorities in Britain* Oxford: Blackwell. pp. 21 – 56