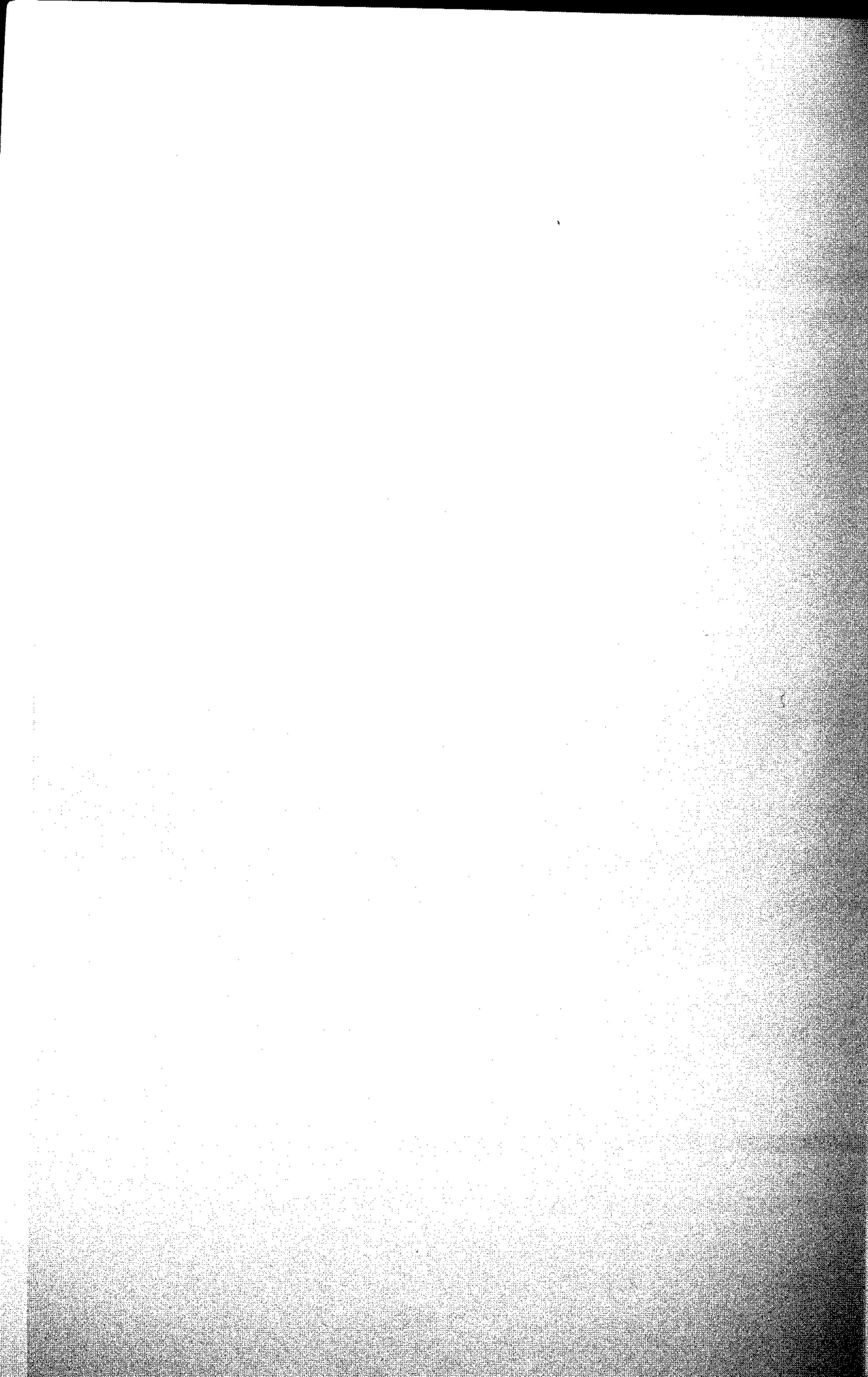


LOST IN HISTORY



GUNISHA KAUR

LOST IN HISTORY 1984 RECONSTRUCTED

Second Edition

SIKH SPIRIT FOUNDATION

2009

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This book is dedicated to the courageous women and men across the world who have given their lives in defending the truth; who have died for our right to live in freedom.

This book is also dedicated to my father,
Satpal Singh, for his brilliant guidance,
endless dedication and unconditional patience.
This book would not have been possible without
his constant encouragement and motivation.

This book is based on views and accounts from:

Amnesty International
Citizens for Democracy
Committee for Coordination on
Disappearances in Punjab
Human Rights Watch – Asia
Human Rights Wing – Akali Dal
People's Union for Civil Liberties
People's Union for Democratic
Rights
Physicians for Human Rights
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Punjab and Haryana High Court
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Eyewitnesses
Indian Government officials
Police officers

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Despite public proclamations as to the democratic nature of the Indian state and its commitments to protect human rights, the Indian Government's treatment not only of the Sikh population of Punjab but of human rights workers attempting to investigate abuses undermines its credibility. A human tragedy on the probable scale of many of the great tragedies of history has occurred in Punjab, and we do a severe disservice to those who have suffered and to those who yet may suffer when we ignore evidence to the effect that all is not well in India.

Ram Narayan Kumar and Cynthia Keppley Mahmood

When the history of Human Rights in India of our half-century comes to be written the most blood-stained pages will be reserved for the three deadly November days in the life of the nation. ... Where is law? Where is justice? What is the truth? Lying dead in the streets of Delhi's democracy? Where are the guilty? Untouchable and unapproachable in high offices? How can the highest in the executive and members of the Supreme Court ever command when mass casualty of human lives and rights remain a poignant interrogation?

Justice V. R. Krishna lyer

PREFACE

was 1999 when I first learned about the recent human rights violations against the Sikhs living in India. Shocked at my ignorance, I resolved to learn more.

Even more shocking, however, was the lack of available information. I had a difficult time getting my hands on relevant materials, but I needed to know what had happened. I gathered sources from anywhere and everywhere, investigating the 1984 attacks on the historical Darbar Sahib (Golden Temple) of Amritsar. As I talked to my friends about my newfound passion, I discovered that few others had heard about the atrocities. I wondered why and eventually realized that we all suffered from a common problem no single work existed that gave an accessible, concise and accurate account of the 1984 assaults on Sikhs and their institutions.

I believed this void needed to be filled, and with the help of family and friends, sought to create awareness by collecting facts and reflections regarding the relationship between Sikhs and the Indian state since independence from British rule. My project focused particularly on the Punjab situation in the last quarter of the twentieth century and culminated in this book: Lost in History: 1984 Reconstructed. By no means is this book flawless and I request the reader to excuse any imperfections.

The information in this book is founded on the evidence, accounts and testimonies validated by reputable authorities from within and outside of India. A great deal of the information here

has been provided by eminent human rights agencies such as Amnesty International, Human Rights Watch and the United Nations. Perhaps the most shocking bits of evidence have come from highly respected authorities such as Indian Prime Ministers, U.S. Congressmen and Justices of the High Courts and Supreme Court of India. Eyewitness accounts, primarily from Punjabis, also testify to the atrocities. The wide breadth of source material demands our attention as important vehicles for viewing and reconstructing the events of 1984.

When discussing Punjab during this historical moment, we must at least introduce Jarnail Singh Bhindranwale, a charismatic and influential leader of the Sikhs in the 1970s and early 1980s. Some have blamed Jarnail Singh for the 1984 assault on the Darbar Sahib, alleging that he was a religious fanatic who inappropriately took refuge in the Darbar Sahib complex. Contrarily, others have praised Jarnail Singh as a religious reformer who sought to defend the Sikh tradition and its institutions.

Although an important issue, this book does not endorse either view. Rather it deflects the question of one man's presence in the Akal Takht to another that is more pressing: How do we even begin to comprehend the massacre of over a hundred thousand innocent people?

Many interpret the Indian Government's 1984 attacks as friction between the Hindus and the Sikhs. This blanket statement proves to be inaccurate and unsubstantiated. The majority of tension cannot be located between the two communities in a general sense. A slightly more nuanced exploration suggests that the discord occurred between the Hindu-dominated Indian government and the Sikh community. This distinction is highly precarious, for even a slight slip can easily lead to bitter animosity and division between the religious communities. Notably, the criticism of extremist Hindu organizations and at times, an extremist

Hindu government, hardly implies criticism of an entire group of religious followers.

To be clear, this work critiques the modern *Hindutva* ideology, which promotes divisiveness and hate through the ethno-nationalist rhetoric of Hindu nationalism. In no way is it a critique of Hindus as a people. In fact, countless Hindus risked their own lives, not to mention the wellbeing of their families, in order to save their Sikh neighbors during the attacks. For example, when my own father was trapped near Bhopal during the November 1984 pogroms, Hindus he had never met intervened to save his life on multiple occasions. In large part, the relatively few Sikhs that managed to survive the government's assaults owe their lives to their Hindu neighbors.

Unfortunately enough, the accounts presented in this book represent only a small fraction of the human rights violations occurring throughout the world today. Sitting in the comfort of our homes, it is easy to bestow the responsibility of action upon others. But the fact that we can afford such comfort indicates our responsibility to defend those who cannot defend themselves. We must stand together and speak out against human rights violations because there truly is power in numbers. Whether through conducting fieldwork or media coverage, influencing legislation or providing healthcare – it is absolutely imperative that each and every one of us fulfills our responsibility by contributing to humanity.

The genocide of 1984 demands our attention, for it is in danger of becoming lost in history, buried under communal politics, international relations and the government's emphatic silencing of human rights workers. It has been my goal to recover and dust off the concealed atrocities that have occurred, and continue to occur in Punjab. As such, this book should serve as an introduction for understanding the 1984 genocide against Sikhs in Punjab.

Additionally, with the hundreds of resources that are provided, this project ought to serve as a stepping-stone and reference guide to launch into a deeper exploration of the nature of human rights violations in India.

Upon completing this book, I challenge each reader to research and take action against such abuses. Individual contributions to the battle against injustice mark significant progress in sparking collective change. Our effort and commitment are the means to free the world of the mass religious and ethnic cleansings that continue unabated across the globe, whether in India, Rwanda or Darfur.

Gunisha Kaur Preface to the Second Edition

CHAPTER 1

The Genesis of Genocide

A just society cannot be built on tolerance for the most egregious acts of violence that occurred in the past, and ... a society cannot heal and achieve new levels of unity and solidarity by turning away from the plight of those who suffered, and are still suffering.

Kofi Annan, United Nations Secretary-General³

Genocide. A term so politically charged that we hesitate to use it, even when the nature of the atrocities against the citizens of a country by their own government can be classified in no other way. This was the situation in Punjab, where the cruel and inhumane torture and killing of over 100,000 religious practitioners by the police and government can only be referred to as genocide, as defined by Article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. To this day the horrific events of 1984 that took place in India remain unknown to most of the world. In order to understand why a government would design the suffocation of an entire religious group, we must take a close look at the foundation of the Sikh tradition and the political situation of India at the time.

Initiated in the fifteenth century, the revolution of Guru Nanak – the founder-prophet of the Sikh faith – forever altered the landscape of India. His revelations, along with those of the other nine Sikh Gurus, emphasized the oneness of the Divine and

the inherent value of all humans as manifestations of the Creator. The message of universal equality presented and practiced by the Sikh Gurus clashed irreconcilably with the fundamental inequality of the unjust social stratification that ruled India and threatened the system on which the division of caste was founded and enforced.

In addition to an ideal of equality, the Sikh doctrine also emphasizes the protection of those who cannot defend themselves. Therefore, to a devout Sikh, spirituality and defending the defenseless are equally important aspects of the faith. Sikhs are required to protect any victim of tyranny and injustice, regardless of their caste, religion, race or any other category of social division. For example, when Emperor Ahmed Shah Abdali raided India for booty and kidnapped women of various faiths, Sikhs rose to the challenge, recapturing the kidnapped women and returning them home safely. In this way, Sikhs challenge injustice simply because it is unjust, without regard to the social or religious identity of the oppressed.

Of course, challenging the power of rulers creates problems for the powerful as well as the challengers. An example more relevant to the scope of the book can be taken from 1975. In this year, Indian Prime Minister Indira Gandhi was convicted of election fraud by the Allahabad High Court and ordered to be unseated from her position in government. Instead of conceding power, Gandhi coerced the Indian President, Fakhruddin Ali Ahmed, to declare a National Emergency. This meant that the Prime Minister had the power to rule by decree, state and parliament elections would be postponed and the civil liberties guaranteed by the Indian Constitution would be suspended. In this way, India Gandhi retained power and imposed an illegitimate and repressive rule over India from 1975 until 1977

True to their principles and traditions, the Sikhs strongly opposed this illiberal regime. Over 50,000 Sikhs courted arrest

during this period as they peacefully marched and protested outside of the Darbar Sahib. Due to these public objections to the abuse of power, as well as the nationwide dissatisfaction with the dictatorial government, Indira Gandhi lost the 1977 Indian elections by a landslide. However, ineffective political action, economic decline and fractioning within the succeeding Janata Party led to Mrs. Gandhi's reelection a mere three years later. Her political strategy remained obstinate over the intervening years and when she returned to power, Indira Gandhi instituted a tighter control over the Indian state by vesting additional power in the offices of the Parliament and Prime Minister, both of which would assuredly be under her control.

In response, the Sikhs launched an agitation demanding decentralization of political power and restoration of civil liberties. The nationwide popularity of the movement did not escape the notice of Mrs. Gandhi and her Congress Party. In reaction to the campaign that was flourishing throughout Punjab, her team devised a strategy of divide-and-conquer. Religious tensions were manufactured, driving Hindus and Sikhs against one another – as long as the agitators were divided, the threat of a decentralization movement would be minimized.

1984 was an important election year and the lack of support from Punjab troubled Mrs. Gandhi. She realized the unlikelihood of receiving votes from the Sikh constituency and began counting on Punjabi Hindu voters to carry the state. For this reason, her campaign bolstered its divide-and-conquer strategy and focused on communal instabilities and insecurities as the underlying theme of her platform. Her campaign depicted Sikhs as an anti-national, violent and separatist community. Punjabi Hindus rallied around her platform, believing that she would best represent their interests.

Mrs. Gandhi's political strategy began with the vilification of the Sikhs' political institutions and leaders in national media

(e.g., newspapers, magazines, television). After using media propaganda to construct the Sikhs as a dangerous and uncontrollable enemy in the eyes of the public, the Indian government projected itself as the savior by launching a full-scale assault on the Darbar Sahib during the first week of June 1984. Although over 100,000 innocent Sikhs were slaughtered in this assault, the government gained public favor by challenging the community that had become synonymous with anti-nationalism and antagonism. Influenced by the media campaigns, few Indians opposed the barbaric human rights violations and mass murder.

Government attempts to silence the decentralization movement neither began nor ended with Operation Bluestar. It extended beyond 1984 in a manner that quickly spun out of control, seeking to crush the spirit of the Sikh community. For this reason, following the attack on the Darbar Sahib, several hundreds of thousands of Sikhs have been killed or tortured to death under various pretexts. For example, a photograph provided by the villagers of Shutrana illustrates the brutal torture of Avtar Singh at the hands of the police. Avtar Singh's limbs are visibly disjointed, horrific iron-shaped burn-marks cover his body and large areas of bone are exposed. The picture also evidences that the soles of his feet have been pierced by hot rods and pliers have been used to wrench out his flesh.

This gruesome example is cited not because it is harshly unique, but rather to exemplify routine methods of torturing and eliminating Sikhs in India. Just as the Jews were killed in the Holocaust simply for being Jewish, Sikhs have been butchered in India simply for being Sikh. Sikhs opposed the illiberal government rule and, as a result, anyone who looked and behaved as a member of the faith was branded and treated as a terrorist without trial or justice.

Moreover, independent human rights organizations such as Amnesty International have been branded as "terrorist sympathizers"

by the Indian government for their efforts to assist the victims and their families. To this day, such organizations have been restricted from parts of Punjab so as to avoid an investigation into the odious crimes against humanity. Several books that address the Sikh Genocide have been banned by the Indian government and labeled as seditious. The few copies of these books available in India were confiscated and burnt shortly after their publication.

For the most part, the government officials and politicians involved in the attacks have escaped criticism, scrutiny and litigation. Those that hold inside information about Operation Bluestar have been reluctant to tell their stories, for they have been silenced by fear of government reprisal. Witnesses fear for their lives and for the lives of their families; to expose the truth about the genocide is to gamble with death. Thus the poignant reality of the human rights violations in India remains primarily in the hearts of those who have miraculously survived the machinations of their own government. Unless we take action urgently, their extraordinary stories will be sealed by their deaths.

The Citizens for Democracy served as one of the most prestigious human rights organizations in India. Comprised of a retired Supreme Court Justice and five eminent Indian intellectuals, this fact-finding team is still considered to be one of the most impartial investigators of the atrocities that took place in 1984 and thereafter. In a work banned by the Indian government entitled *Report to the Nation: Oppression in Punjab*, the group sheds light on the situation in India:¹¹

Today, it is the State itself which openly indulges not only in murder and assault, but also in inhumane torture, molestation of women, non-production of the accused before a Magistrate, destruction of crops, frequent raids, and harassment of the friends and relatives of the accused and false encounters leading to gruesome deaths.

The above speaks to the situation in the world's largest democracy, a country that the United Nations itself has lauded for its dedication to the protection of minority rights. ¹² Faced with such clear and undeniable evidence of the grave human rights violations that have occurred in India, it proves difficult to turn a blind eye to the plight of hundreds of thousands of innocents who continue to suffer from the aftershocks of governmental oppression. I. J. Singh of New York University comments on the situation of Sikhs in India in his essay 1984 Revisited: ¹³

If I can discuss apartheid in South Africa why not the genocidal policies of an Indian government against its own people? ... There is no guarantee that evidence will last, nor that it will not be tarnished in time. If some objectivity can come with time, so can hardened prejudice. There is no reason for neglect. Years from now historians will reconstruct history from what we have said today. ... Respectable authors like Patwant Singh and Khushwant Singh, who have no truck with Sikh separatists, have labeled the killings of Sikhs in India government inspired and organized, akin to the Nazi pogroms against the Jews. Tell the Jews worldwide that what happened to them in Nazi Germany is of no concern outside the borders of Germany. Tell the world that what happens in the Middle East today is irrelevant to the Jew or Arab living in America.

In the valley of fear, brutality and inhumanity, one element stands tall and proud. This is the untold story of the valor and spirit of a brave people who have the courage to sacrifice so that others can live in freedom.

CHAPTER 2

Broken Promises

I ask you [Sikhs] to accept my word ... and the resolution of the Congress that it will not betray a single individual, much less a community. ... Our Sikh friends have no reason to fear that it would betray them. For, the moment it does so, the Congress would not only thereby seal its own doom but that of the country too. Moreover, Sikhs are a brave people. They know how to safeguard their rights by exercise of arms if it should ever come to that.

Mohandas Gandhi¹⁴

In the early 1900s, India sought to gain freedom from the British Empire, which controlled a majority of the subcontinent for nearly a century. Although numerically in the minority, the Sikhs of the Indian Army displayed their strong commitment to the freedom movement by contributing more arms and men to the independence struggle than all other groups combined. The British and Indians alike recognized the Sikh community for its crucial role in winning freedom in South Asia.

Over the course of the independence struggle, several propositions were made to the Sikhs in order to persuade them to break their alliance with the powerful Indian National Congress, later renamed as the Congress Party of India. At the time of the Second Round Table Conference in 1932, the British Government

informally offered the Sikhs an alluring proposal: if they dissociated themselves from the freedom movement, they would be rewarded with complete sovereign control of their homeland, Punjab. Although the Sikh community refused this offer and continued to fight for the independence of the entire subcontinent, the British Cabinet offered a second confidential proposal to the Sikh representative Baldev Singh. Under this proposition, the Sikhs would be permitted "to have political feet of their own on which they may walk into the current of world history." In response, Baldev Singh informed the British government that the Sikhs intended to have their political aspirations fulfilled by the majority community and that the Congress Party had promised the Sikhs a prominent, independent role in the Indian Government. Instead of separating from the independence movement and gaining a sovereign homeland, the Sikh community continued to fight for independence. The sacrifices of the Sikhs in the struggle for independence are displayed in the table below:¹⁷

	Sikhs	Non-Sikhs	Total	China Sanda
Died in battle	1557	618	2175	71%
Imprisoned For Life	2147	499	2646	81%
Killed at Jallianwala Bagh	799	501	1300	61%
Indian National Army	20,000	12,000	32,000	63%

Although they represented only 2% of the Indian population, Sikhs constituted 71% of the people who died fighting in the independence movement. Prime Minister Jawaharlal Nehru acknowledged the sacrifices of the Sikhs at the Congress Working Committee meeting in Calcutta in 1946 and stated, "The brave Sikhs of Punjab are entitled to special consideration. I see nothing wrong in an area and a set-up in the North wherein the Sikhs can also experience the glow of freedom." With these promises of a

religious homeland, the Sikhs fought the colonialists with the expectation that they would not only gain independence for India as a new nation, but also earn the freedom to express their religious beliefs within their own political domain.

On August 15, 1947, the British relinquished control of its South Asian colony and the newly created nations of India and Pakistan celebrated their inceptions. Sir Cyril Radcliffe, in charge of demarcating the boundaries for the two newborn nations of India and Pakistan, drew a line across the middle of Punjab, splitting the butterfly-shaped Sikh homeland in two. This division drove Sikhs from the Pakistani side of Punjab eastwards to the Indian side of Punjab, and Muslims from east Punjab to the westward Pakistani side. The Sikhs had to abandon their fertile and irrigated lands of west Punjab and enter the boundaries of India as orphans with no government aid. Nearly 40% of the Sikh population was forced to leave their homes and an appalling 2.5% was massacred in the violent exodus from Pakistan. Upon their move to India, the Sikhs hoped to realize the promise given by Congress – freedom.¹⁹

Somehow, the Sikh hope for freedom proved too idealistic. A confidential memo issued by the Indian government to all Deputy Commissioners on October 10, 1947, a mere eight weeks after independence from the British, demonstrates the government's true feelings towards the Sikhs and foreshadows the regime's deceit and pretenses:²⁰

The Sikhs, as a community, were a lawless people and were thus a menace to the law abiding Hindus in the province. The Deputy Commissioners are hereby called upon to take special measures against them. You are also instructed that no Sikh will cross Ambala. Keep these germs and bacteria contained between Wagah border and Ambala.

This memo demonstrates the dishonesty that led to major tensions. Based on prior guarantees from government officials, the Sikh community expected to exert political control over Punjab with minimal obligations to the central government. However, as time passed the Sikhs became increasingly wary that the Indian government did not intend to fulfill its promises. In 1950, the Congress Party affirmed this suspicion by declaring their decision to subject Punjab to a heavily centralized government administration. In a trend that would become all too familiar in this narrative, the Sikhs protested vehemently and peacefully, yet their demands for recognition remained unanswered and unaddressed.

As the newborn nation organized itself, state lines within India were drafted according to linguistic boundaries. In essence, a state was created for each community that spoke a distinctive language. Punjab presented a unique situation in which politics was intr mately intertwined with religion: if the Punjabi language was granted its own state in the northwest, the Sikhs would comprise majority of the population. This troubled the central government because a majority-Sikh state would give the community a political voice that would demand acknowledgment by any political force intending to wield power within the state of Punjab. Thus for political reasons, the Congress government sought to avoid the creation of this majority-Sikh Punjabi state, and instead pushed for a mixed Hindu-Sikh or Hindi-Punjabi state. As state lines were established, government propaganda proclaiming "Hinds Hindu, Hindustan" convinced Hindus that the Hindi language was an important and endangered identity marker that required safeguarding. Therefore, in the census of 1951, many Punjabi speaking Hindus claimed Hindi as their mother tongue so as to preserve the language in the face of an apparent threat apping their culture and identity. As a result, Punjab was given bilingual status to accommodate both Punjabi and Hindi, despite the but that a vast majority of Punjabis exclusively spoke the formet.

The issue of language is important and deserves further attention. Most generally, language is the means by which individuals communicate. It serves to bind communities, forge alliances and at times, create resistance. Language is therefore a matter of ethnic identity, unity and necessity. Without this connection, the advancement of societies and their abilities to oppose oppression would cease. As David Crystal states:²²

Language is more than a shared code of symbols for communication. People do not fight and die, as they have done in India, to preserve a set of symbols. They do so because they feel that their identity is at stake — that language preservation is a question of human rights, community status and nationhood.

Denied these freedoms, the Sikhs were repressed politically and culturally. While Punjabis demanded recognition of their language in order to preserve their heritage and identity, the contemporary politicians felt that the demand for a Punjabi-based state was an unreasonable call for autonomy. Despite the fact that precisely the same criteria determined the boundaries for the other states of India, officials of the Indian government argued that such demands indicated a separatist and anti-national Sikh sensibility.

Such moves, taken to suppress any indication of non-conformism, are not without precedent. For centuries, the rich diversity of India has been celebrated, yet homogenized. Efforts to normalize any variation have sought to eliminate diverse elements by taking them under a larger umbrella. From its inception, Brahminism has strived to engulf opposition (e.g., Buddhism, Jainism) by swallowing differences into its folds. Inderjit Jaijee comments on the challenges of survival faced by minority religions in India:²³

Religions which lacked any 'support base' outside the country were soon assimilated into the amorphous matrix of Hinduism. This is what happened to the Indian Buddhists in the early centuries of this millennium. It happened to the Jains and the Lingayats as well. After independence the various indigenous religio-cultural tribal groups felt the tendrils of Hinduism tighten around them.

This challenge confronted the Sikhs in the twentieth century as ethno-nationalism swept through post-colonial India. As mentioned previously, resistance to such homogenizing efforts were labeled as separatism or terrorism and Sikh efforts to maintain a distinct religious identity were received with great resistance. As Ranbir Singh Sandhu explains in Struggle for Justice, "Many Hindus hold the description of the Sikh faith being distinct from Hindu as a mark of hostility." In Tragedy of Punjab, Kuldip Nayar and Khushwant Singh further describe how many Hindus were offended by statements made by Akalis that suggested the distinct nation status of the Sikhs.

The Indian Constitution, the pillar of the world's largest democracy, reflects the massive efforts to assimilate the Sikh faith along with other religious traditions. According to Article 25 of the Indian Constitution, Sikhs, Jains and Buddhists are officially recognized as sects of Hinduism. 26 Despite the unmistakable distinctions between the two religious traditions, the government unabatedly continues its attempts to dilute the identity of the Sikhs by placing them under a larger religious umbrella, stating that they are Hindus. It is under this umbrella that the Sikhs are denied their own political and cultural autonomy.

In the 1940s, the Indian Congress violated the promise that the constitution would not be drafted and implemented without the consent of the Sikhs, as well as Prime Minister Nehru's assurance

that legislation would help preserve the Punjabi culture and language. Based on these retractions, the representatives of the Sikh community to the Constituent Assembly refused to sign the Indian Constitution. When reminded of his promises to the Sikhs, Nehru simply replied, "The Sikhs have missed the bus." ²⁷

The troubles of discrimination against minority communities had only begun for the young Indian nation when China invaded the Indian border in 1962. Three years later, in 1965, India declared war on Pakistan. In both cases, the Sikhs played a critical role in the national defense and security, just as they had in the struggle against the British. Following their services in these conflicts, the Sikhs reiterated their demand for a Punjabi-speaking state, this time with much public endorsement. After 10 years of passionate lobbying, Punjabi was named the official language of the state. It was the last of the 14 languages recognized by Schedule VIII of the Indian Constitution to receive its own statehood.²¹

While it finally seemed that the Sikh state of affairs was progressing, the Indian government implemented further legislation to impede its progress. Indira Gandhi and G.L. Nanda spearheaded the Punjab Reorganization Act of 1966, which significantly and adversely impacted the region. The Act gave control of the pivotal river waters in agriculture-based Punjab to the centralized Indian government, which proceeded to strip the state of its water rights and distributed the most valuable and vital sources to neighboring states. 28 It also dissected Punjab into three parts, leaving it a mere fraction of its original size. The Congress deprived the Sikhs of the land and water they had been promised and thereby divested Punjab's economic potential. With nearly 75% of the water resources and strategically located cities being redistricted into other areas, 29 the state and its people were denied the prospect of success in the traditional foundation of Punjab's economy agriculture.

After contributing greatly to India's independence movement and international wars, the Sikhs were rewarded only with a geographically fractured and linguistically divided state that was dispossessed of its agricultural resources. The Sikhs had spurned opportunities for an independent land, holding on to expectations for freedom and equality. However, as the political boundaries were drawn, the Indian government made their anti-Sikh leanings evident, laying the foundations for political dissatisfaction and unrest.

CHAPTER 3

Building of Tensions

The American Supreme Court ruled, in the infamous Skokie case, that the Constitution's First Amendment protected even the neo-Nazi's right to march through an area of Holocaust survivors in Illinois carrying swastikas. Here in the largest democracy of the world, we are not even allowed to hear complaints of heinous human rights crimes from the people whom the State has decreed to disappear in total obscurity. A State that deems the victims of human rights crimes to be too ignoble even to be heard should at least stop pretending that it respects their citizenship.

Committee for Coordination on Disappearances in Punjab 30

After 18 years of struggle for a homeland, the Sikhs were granted a dissected and repartitioned Punjab. However, due to dissension in the political party of the Sikhs – the Akali Dal – the party split in 1960. One faction was led by Tara Singh, the hero of the independence movement, and one was headed by Fateh Singh, President of the Shiromani Akali Dal. The split led to disunity among the populace, further minimizing the political influence of the Sikhs.

In 1975, the Allahabad High Court found Prime Minister Indira Gandhi guilty of election fraud and ordered her to resign from her seat in office. Rather than complying with the judgment, Mrs. Gandhi coerced the President of India to declare a National

Emergency, which allowed her to rule by decree, postpone state and parliamentary elections indefinitely and suspend civil liberties. Though the declaration of emergency allowed her to defy the verdict of the High Court ruling and retain power, the suspension of civil liberties and human rights incensed the Indian masses. The Sikhs of Punjab took exception and initiated a campaign against Indira Gandhi's unlawful rule. They protested by the hundreds marching out of the Darbar Sahib while singing religious hymns a centuries old Sikh practice of civil disobedience, that had later been adopted by Mohandas Gandhi during India's independence struggle. In the months that followed, over 40,000 Sikhs were imprisoned for their campaign against Indira Gandhi's National Emergency. For their civil disobedience campaign, the Sikhs were vilified by the government-owned media, attacked by the submissive police and oppressed by governmental policies.

Further complicating the precarious situation, the Sikhs believed their voices were being ignored. A clash with a group called the Nirankari Jatha, led by Gurbachan Singh, exemplified the Sikhs' feeling of alienation. Generally, Sikhs consider the Nirankari Jatha to be an offshoot tradition that engages in an altered version of the Sikh beliefs, practices and institutions. Tensions between the Sikhs and Nirankaris have been further compounded by evidence linking the Nirankaris to Hindu nationalist groups, which seek to unite the country under a single religious banner by means of manipulation, subversion or violence. Evidence demonstrates that the Indian Government has backed both the Hindu nationalists and the Nirankaris.

The tensions between the Sikhs and the Nirankaris. on April 13, 1978, a day that holds historical significance for Sikhs and coincides with the Punjabi New Year. The Nirankaris organized a convention in Amritsar on this date and the day before the gathering Gurbachan Singh made several comments that offended Sikh practitioners. His mocking of Sikh traditions and scripture.

resulted in a non-violent protest comprised of members from two distinct groups: the Akhand Kirtani Jatha³² and the Damdami Taksal.³³ One hundred unarmed Sikhs marched to the gathering to demonstrate their dissatisfaction with the derogatory comments. According to eyewitness accounts, the Nirankaris opened fire on the Sikhs with rifles and Sten guns, killing 13 and wounding 78. Firsthand reports describe that the police reacted to the violence by throwing tear gas at the peacefully protesting Sikhs rather than the Nirankaris.³⁴

Disturbed by this unjust and unwarranted aggression and a larger pattern of governmentally sanctioned discrimination, the Sikhs requested that those responsible for the gunfire receive the appropriate legal reprimand. The Sikhs also appealed for protection against the desecration of the Sikh scripture, the Guru Granth Sahib. To appease these impassioned campaigns by the Sikhs, the state charged Gurbachan Singh and complicit Nirankaris with murder.³⁵

However, the charges against Gurbachan Singh never reached the proper court in Punjab; he posted bail and his case was transferred to the neighboring state of Haryana. Furthermore, the judge for the case released the accused *Nirankaris* on the grounds that they had acted in self-defense. These two decisions infuriated the Sikhs and supplemented suspicions that Gurbachan Singh and his followers had the support of powerful government officials and the Punjab Police. As Ranbir Singh Sandhu states in the book *Struggle for Justice*: ³⁶

Every attempt was made to avoid punishing the guilty. Instead of apprehending those who had committed the heinous crime, the local authorities escorted them safely out of the state.

The second Nirankari-Sikh clash in September of 1978 further demonstrated police involvement in the tension. As with the

Amritsar clash on April 13 of the same year, unarmed Sikhs were peacefully protesting what they considered to be offensive comments made by the *Nirankaris* when the police opened fire on a Sikh gathering. Twelve Sikhs were killed in this incident, and several others were injured.

Due to this unabated violence, tremors of resentment began to emerge amongst the Sikhs. Some began to protest that the Indian government was denying freedoms guaranteed by Article 3 of the Indian Constitution: "The right to life, liberty and security of person." Others argued that the judiciary proved as corrupt and dysfunctional as the executive and legislative branches. The denial of justice led to an increasing number of peaceful protests and a gradually increasing exasperation against governmental hegemony.

After being defeated in the 1977 election, Indira Gandhi returned to power in 1980 and methodically placed the Congress Party in control of each of the state assemblies, state by state. Punjab's Akali Government was dissolved and replaced by Gandhi's sycophant, Darbara Singh, who became the Chief Minister of Punjab. In order to win the votes of the Punjabi Hindu population, Mrs. Gandhi strategically fomented hostility between the Hindus and the Sikhs. Her regime portrayed the Sikhs as a violent, anti-national, untrustworthy people. This propaganda unified the Indian masses against the Sikhs, who rallied around Mrs. Gandhi's political campaign while keeping the agitators for decentralization divided. In response to the misinformation campaign, the Sikhs launched another non-violent counter-campaign and publicly exposed the individual police and political leaders responsible for the violence.

Between 1982 and 1983, Hindu-Sikh tensions escalated exponentially. The government endorsed and instigated violence between the two communities. Ranbir Singh Sandhu describes the situation in the following lines:³⁸

To brand devout Sikhs as criminals, the Government stagemanaged numerous crimes. The police would orchestrate a crime and then ascribe it to Sant Bhindranwale. Following this, the law-enforcement agencies would round up devout Sikhs and harass, torture, rape and often 'eliminate' them.

As the government was gaining strength from the newly fashioned anti-Sikh supporters, a religious leader, Jarnail Singh Bhindranwale, launched a campaign demanding recognition of minority rights and decentralization of power from the Indian Government. Jarnail Singh's stance was founded on the demands of the Anandpur Sahib Resolution,³⁹ unanimously ratified by a united Sikh front. The demands included a minimum wage for poor workers, greater autonomy for all Indian States and recognition of the Sikhs as a distinct community. In essence, the stipulations of the Anandpur Sahib Resolution sought social policy changes that would uplift the status of millions of Indians without disrupting political, economic or social harmony. In November of 1983, even Mrs. Gandhi wrote a letter to Jarnail Singh praising his novel ideas and views on social issues. With social change as their platform, the Sikhs petitioned for recognition of the demands of the Anandpur Sahib Resolution and resolved to continue their peaceful protests until these conditions were met.

In advocating such social change, Jarnail Singh developed a large following, primarily consisting of rural youth affected by the government's discriminatory policies against Punjab. These young Sikhs were distressed by the political oppression, the lack of forum to address grievances and affect change and the poverty that the government's rule had brought to Punjab. These poor Punjabi farmers wanted to implement changes in the federal government for a legitimate chance at economic and social success.

Challenged by the rising political power and unity of the Sikhs, Mrs. Gandhi and the Congress party sought to suppress

two of the key representatives of the Sikhs – Jarnail Singh and the Anandpur Sahib Resolution. The Indian government employed national and international media to malign both entities as symbols of extremism and secessionism that posed a considerable threat to the Indian nation.

Contrary to the government's propaganda, Jarnail Singh was not asking for a separate nation. In fact, on May 11, 1983, he explicitly stated, "How can a nation which has sacrificed so much for the freedom of the country want it fragmented?" William Stevens of *The New York Times* examined the government's propaganda and believed it to be a method of legitimizing the government's attacks. Stevens wrote, "One possible explanation advanced for the Government's raising of the *Khalistan* 42 question is that it needs to ... justify the killings in Amritsar and the invasion of the Sikhs' holiest shrine." In this way, misrepresentations regarding Jarnail Singh and the Anandpur Sahib Resolution further inflated the anti-Sikh sentiment that the Congress had been brewing for years.

Furthermore, although the crime rate in Punjab was low in relation to the other Indian states, the perception of an environment ripe with danger and fear was amplified in order to gain public consent for state-sponsored oppression. As a result of convincing the common person that repressive laws were necessary for each citizen's safety, the government and Punjab Police received public sanction for their actions. During this time, acts of violence that occurred against Hindus, whether staged by the government or perpetrated by independent parties, were generally attributed to Jarnail Singh. These accusations solidified the divide between the Hindu and the Sikh communities and eased the passage of anti-Sikh legislation. Independent investigative teams have found that these acts of violence were in fact customarily staged by the Indian Government to justify the terrorism soon to be unleashed against the Sikhs. As a senior officer in Punjab's

capital city stated in *India Today* on December 31, 1983, "It's really shocking that we have so little against him [Jarnail Singh] while we keep blaming him for all sorts of things." ⁴⁷ Yet the divideand-conquer strategy was central to gaining political support of the Hindu population of northern India, so the propaganda vilifying the Sikhs and Jarnail Singh persisted.

Between 1981 and 1984, Indian security forces murdered hundreds of Sikhs in fake "encounters," a euphemism for the extrajudicial execution of individuals. The forces used the tension between the government and the Sikhs as a pretense for unbridled police power. Over 100,000 Sikhs courted arrest during this period,⁴⁸ as they peacefully demanded the rights and liberties guaranteed to all Indian citizens. A report by the Citizens for Democracy explains:⁴⁹

The ruling political party set up organizations to promote divisions within the Sikh religion, encouraged insult and abuse of leaders and founders of the faith, and interfered in religious matters. To preserve their identity, the Sikhs agitated for increased state autonomy, constitutional amendment to recognize their religion as separate from Hindu, and certain territorial and river-water rights. The government treated their peaceful protest as sedition; demand for recognition of their religion as secessionism; confirmation in their religion as separatism, wearing of the external symbols of their religion as extremism, and bearing of arms⁵⁰ – required for all "Amritdhari" Sikhs – as terrorism and armed insurrection.

In 1982, Jarnail Singh moved into the Guru Nanak Niwas, an extension of the Darbar Sahib complex, and the following year, he shifted into the complex itself. Indira Gandhi responded to the increasing pressure of Sikh demands, such as the Anandpur Sahib

Resolution, by declaring President's Rule⁵² in 1983 in Punjab, which allowed her to disband the elected Punjab Government and replace it with her personal staff. The report *Dead Silence: The Legacy of Abuses in Punjab*, produced by Human Rights Watch and Physicians for Human Rights, criticized this move: "The arbitrary manner in which President's Rule has been invoked in Punjab and other states has led critics to observe that it has become a tool for purely partisan purposes." Mrs. Gandhi claimed that the country was in a state of emergency and suspended civil rights laws as she had done with the infamous National Emergency of 1975. Only a few months separated Indira Gandhi and her Congress from the largest genocide in the history of modern India.

Oppression Bluestar

Bodies were being brought in municipal garbage trucks round the clock since early 6 June. We have been really busy. To add to our woes, we don't have enough wood to burn the dead.

Brahma Challaney, Associated Press of America (citing the employee on duty at Amritsar's crematorium)⁵⁴

In June 1, 1984, the Indian Government commenced Operation Bluestar, a full-scale assault on 40 gurduaras⁵⁵ throughout Punjab.⁵⁶ Although complicit in the broader transgressions within Punjab, the government primarily focused its attention on the most venerated and historically significant of gurduaras, the Darbar Sahib of Amritsar.

Within the same complex and across from the Darbar Sahib resides the Akal Takht. The two institutions, originally constructed over 400 years ago, have continued to serve as the center of Sikh polity, decision-making and temporal power. Historically, the Darbar Sahib has also played a central role in the spirit and soul of the Sikh Nation. Notorious invaders from the seventeenth and eighteenth centuries, such as Ahmed Shah Abdali and Nadir Shah, who have attempted to conquer the Sikhs, have targeted this place in particular. For hundreds of years, assaults on the Darbar Sahib of Amritsar have been perceived as assaults on the Sikh religion and people as a whole. For example, while the government claims

Operation Bluestar aimed to weed out terrorists and recover illegal arms and ammunition from the Darbar Sahib,⁵⁷ many Sikhs construe the aggression differently:⁵⁸

'Operation Bluestar' is the Government's term, connoting a necessary military operation to flush out terrorists and recover arms from the Golden Temple; the implication being that it was an unavoidable cleansing operation, an act of purification. Whereas 'Ghallughara' is how the Sikhs of Punjab remember the episode, connoting aggression, massmassacre and religious persecution.

Upon reviewing the details, the notion of mass-genocide does not seem far-fetched. According to Inderjit Jaijee, for instance, Major-General Brar, Lieutenant-General Ranjit Dayal and Lieutenant-General Krishnaswamy Sunderji began planning the army assault on the Darbar Sahib approximately 30 months prior to June 1984. Furthermore, several months before the invasion, the masterminds of the Operation had army units simulate the attack on a replica of the Darbar Sahib constructed near the interior of the Garhwal Hills. Certainly this planning disproves the suggestion that Operation Bluestar was a spontaneous reaction to immediate threats. 60

Additionally, it seems evident that Prime Minister Gandhi's timing of the attack was no accident. The timing of the assault, within the first few days of June, coincided with the days during which Sikhs around the globe commemorate the martyrdom of their fifth Guru, Guru Arjan. Among his many accomplishments, Guru Arjan is renowned as the architect of the Darbar Sahib and hundreds of thousands of Sikhs annually flock to this site in order to pay their respects during the June commemoration.

As in years past, Sikhs filled the complex to maximum capacity in order to honor Guru Arjan in 1984 when Indian government

forces arrived and placed them under siege. A deliberate and calculated massacre ensued, a murderous affair perpetrated by a government against its own citizens. Joyce Pettigrew eloquently explains the underlying purpose of the army invasion:⁶¹

The army went into [the] Darbar Sahib not to eliminate a political figure or a political movement but to suppress the culture of a people, to attack their heart, to strike a blow at their spirit and self-confidence.

S.M. Sikri, former Chief Justice of the Supreme Court of India, elaborates by describing Operation Bluestar as a "massive, deliberate and planned onslaught on the life, property and honor of a comparatively small, but easily identifiable, minority community." ⁶²

In order to give an accurate account of what transpired during these dark days, some testimonies presented in a report by the Citizens for Democracy, entitled *Oppression in Punjab*, will be shared here. This report, which is banned in India, aspires to, "tell the truth, the as-yet untold story and in the process to correct the government's version as put out by the Army, the Press, the Radio, the T.V. and the *White Paper*." Founded by Jaya Prakasyh Narayan, a Hindu who stood as a civil rights leader of great national prominence, the Citizens for Democracy has served as one of the most reliable human rights organizations in India. This organization reconstructed a detailed account of what transpired inside the Darbar Sahib by documenting and evaluating accounts from survivors of Operation Bluestar.

The contents of the accounts of various survivors resonate closely in regards to key details, which indicates the likelihood of their accuracy. Yet these accounts differ sharply from the official version as published in the Indian government's White Paper. By comparing the content, mechanics of data collection and inherent bias of two reports concerning the same event, it seems apparent

that the White Paper is a government cover-up in which propaganda is employed in order to censure the extent of the atrocities. In the interest of space, only a handful of survivor accounts from Oppression in Punjab are presented here.

The first documented eyewitness to the attack on the Darbar Sahib is Devinder Singh Duggal. The equivalent of a head librarian, Duggal was responsible for overseeing the Sikh Reference Library, a large structure located inside the Darbar Sahib complex. According to Duggal, the army opened fire on the Darbar Sahib on June 1,⁶⁴ not on June 5, as the government's *White Paper* claims.⁶⁵ He recalls that the government opened fire around 12:30 p.m. and continued firing for seven hours.⁶⁶ When asked if there was firing in response from within, Duggal stated:⁶⁷

Not a single shot was fired from inside the complex. When I asked some of the boys, as to why they did not answer the firing, they replied that they were under strict orders of the Sant [Jarnail Singh] not to fire a single shot unless and until the security forces or the Army entered the holy Golden Temple.

Contrary to Duggal's account, All India Radio, the only radio station in the country at that time, reported the reverse. On the evening news, this government-owned station reported that there was unprovoked firing from inside the complex and that the security forces had shown extreme restraint and did not fire a single shot in response. The evidence however, demonstrates that on the first day, at least eight people died within the complex and 34 bullet holes damaged the exterior of the Darbar Sahib. 68

According to Duggal, June 2 passed relatively peacefully, with no curfew and no firing from either side. During this time, the military reopened the doors and allowed a large number of Sikhs to enter the Darbar Sahib complex.⁶⁹

While filtering the Sikhs into the complex, the army again sealed the exits, not allowing the innocent civilians an opportunity to leave. The governmental forces began to prepare for their assault the next day by cordoning off the borders of Amritsar and imposing a strict curfew. Unwarned, unaware and unprepared, the masses collected inside the complex oblivious to the merciless violence that would claim over 100,000 lives. 71

At approximately 4 a.m. on June 4, the army attack re-commenced. Duggal reports that, "Thereafter, every second the ferocity of firing increased and it continued unabated till the evening of the sixth of June." Through a window, Duggal vividly recalls seeing piles of dead women and children on the *parikarma*,⁷² again calling into question the ethics of a force recklessly claiming the lives of over a hundred thousand innocents.

According to a member of the All Indian Sikh Student Federation, about 100 Sikhs joined Jarnail Singh to help defend the Darbar Sahib complex with less than 100 arms, most of which dated back to World War II.⁷⁴ A young female student who survived the massacre of June 1984 testified that on June 4, "If a thousand rounds were being fired by the army from outside, then about one or one and a half rounds were fired in reply by the armed militants from inside the Temple complex."

These accounts contradict the government's version in the White Paper, 76 which claimed:

A large quantity of weapons, ammunition and explosives was recovered, including automatic and anti-tank weapons. A small factory for the manufacture of hand grenades and sten guns was also found within the precincts of the Golden Temple.

Once again, the government's claim seems to be of little merit. No evidence has been offered to even suggest the presence of such weapons or factories, and no investigations have been commissioned to gather such evidence. In short, no proof has come forth that would lead one to reasonably believe the allegations of the government.

This is not to say that the Sikhs did not have any weapons, but rather that the scale and sophistication of these weapons was grossly exaggerated in order to justify the invasion.

The brunt of the resistance by the Sikhs began after the army charged into the Darbar Sahib complex on June 5. By this point, nearly all of the Sikhs' resistance forces had been exhausted and only a minimal amount of ammunition remained.

Survivors have recalled that around 1 a.m. on June 6, an armored carrier and eight tanks entered the Darbar Sahib complex. These military vehicles destroyed the precious entrances through which they came and the marble ground on which they drove. Army officers announced from inside the tanks: "Please come out, God's blessings are with you. We will help you reach home absolutely safe and sound." Those who were dehydrated and exhausted came out into the open, hoping to be returned safely to their families and homes. Instead, witnesses testify that those who surrendered were shot down at sight.⁷⁸

Ram Narayan Kumar and Georg Sieberer describe this injustice in their work, The Sikh Struggle:⁷⁹

The army which had suffered a heavy toll in three days of battle went berserk and killed every Sikh to be found inside the temple complex. They were hauled out of the rooms, brought to the corridors in the circumference of the Temple, and with hands tied to their back were shot in cold blood. Among the victims were many old men, women and children.

Brahma Challaney of the Associated Press of America reported that a large number of innocent Sikhs were killed in a barbaric

manner – some officers went around and used the Sikhs' turbans to tie their hands behind their backs, while other officers made rounds among the captives and executed each at point blank range.⁸⁰ The Indian government has emphatically denied these statements, but they have been invariably corroborated by eyewitnesses and post-mortem reports.

This element of the Indian Army's attack on the Darbar Sahib parallels accounts of the murderous and unethical excursions of Alexander the Great. Philosophers have recorded that Aristotle openly and directly criticized Alexander for killing innocents after victory had already been attained. Along similar lines, the Indian regime has opened itself up to criticism by murdering civilians who had willingly and unconditionally surrendered to the Army. The fact that Operation Blustar also entailed assaults on 40 other *gurduaras* in Punjab simultaneously calls into doubt the government's justification that Operation Bluestar was simply an effort to flush out Jarnail Singh and other alleged terrorists from the Darbar Sahib.

The sheer proportion of the assault indicates that the government's objective was likely something other than that which it claimed. As Cynthia Keppley Mahmood points out:⁸³

The key problem was that the scale of the assault was disproportionate to the actual threat that the band of militants posed to the Indian state. There were about two hundred armed insurgents at the Complex on that day, but the army responded with some 70,000 troops who used, among other things, tanks and CS gas in the attack on the Complex.

The times and dates given by various survivors correspond to those given by Devinder Singh Duggal. Notably, none of the survivors in question had previous contact with one another, yet the harmonizing testimonies of each (i.e., Joginder Singh, Giani Puran Singh, Baldev Kaur) speak to the veracity of the accounts collected by the Citizens for Democracy; the cohesiveness amongst their stories suggests that their accounts are among the most accurate pieces of evidence and memory for our examination. The unimpressive series of numbers and figures advertised by the Indian government do not stand up against the consistent and unified accounts of those who experienced and witnessed Operation Bluestar first-hand.

The True Colors of Bluestar

Truth, it is well known, is the biggest casualty in war, and few may be aware, or though aware, would not like to admit that a war is on — an undeclared, unilateral ruthless war — against hundreds of innocent defenseless men and women in far away tiny villages of Punjab from where their voices do not reach the rest of India.

Citizens for Democracy⁸⁴

While the government claims that 675 terrorists and civilians were either killed or injured during attacks on the Darbar Sahib and other Sikh *gurduaras*, so conservative estimates by reputable sources and survivors approximate a minimum of 10,000 casualties. Joyce Pettigrew reports that a senior police officer in Punjab assessed the number of casualties as closer to 20,000. Tet these figures seem remarkably conservative when one logically approximates the number of people present in conjunction with the eyewitness testimony that only a few thousand people survived the assault.

During many gurpurabs – days commemorating major events in the lives of the Gurus – the Darbar Sahib complex is crowded with people. Attendance at such events easily exceeds 100,000 devotees, and the anniversary of Guru Arjan's martyrdom is among the most well attended gurpurabs. Any person who has

attended this gurpurab will be able to confirm that during this time, there is hardly room to move as there are so many people inside the complex – one survivor described it as a sea of people, where each devotee is literally swept through the complex by the crowd. Based on an estimate of how many people are typically inside the Darbar Sahib during Guru Arjan's gurpurab, combined with the observation that only a few thousand survivors emerged from the area after the attack, Operation Bluestar likely claimed more than 100,000 lives.

The number of casualties from Operation Bluestar is just one inconsistency amidst an ocean of discrepancies between the government's official report and the accounts of survivors. One reason for such divergence is the lack of media reporting. In the days leading up to Operation Bluestar, the central government imposed press censorship in Punjab and barred domestic and international reporters from Amritsar.⁸⁸ Therefore, few reliable independent sources have had the opportunity to knowledgeably and accurately depict the siege in Punjab. For the most part, the citizens of India, as well as the international community, could only learn about the situation in Amritsar through the previously mentioned investigative report commissioned by the government titled the White Paper. Independent persons and organizations that sought the truth were charged with sedition, labeled as antinational terrorist sympathizers and thrown into jail. These actions are suggestive of foul play and further indicate the likelihood that the White Paper serves to cover up the truth rather than to disseminate it, making it crucial that the falsities of its propaganda are exposed and the truth is uncovered.

In order to further conceal the extent of its brutal assaults and grave human rights violations, the Indian government broadened its exile of all media outlets by barring access to any and all organizations seeking to provide humanitarian aid. Social interest groups such as the Red Cross, Amnesty International, Human

Rights Watch and the United Nations Human Rights Reporters were denied entry into Punjab and, as a result, were extremely limited in their abilities to evaluate and respond to the atrocities of Operation Bluestar. In a lecture at Cornell University, the former Attorney General of India, Soli Sorabjee, stated that humanitarian organizations such as Amnesty International and Human Rights Watch continue to be restricted from entering areas in Punjab to investigate human rights violations.

Under the conditions of the International Covenant on Civil and Political Rights, to which India is party,⁹¹ United Nations representatives are permitted access into all member countries to investigate claims of heinous crimes such as genocide.⁹² Additionally, according to the United Nations Charter of Human Rights, the Red Cross is permitted to aid the wounded inside a battle zone, even if it is within enemy territory. The Congress Government's exile of such non-partisan organizations suggests that the need to cover up the unlawful actions taking place in Punjab superseded the need to provide relief for the wounded soldiers and victims.

Due to the lack of official, independent and unbiased reporting in Amritsar in June 1984, history must be reconstructed by comparing the *White Paper* alongside the eyewitness accounts of survivors. This narrative begins with the reasons for the assault on the Darbar Sahib.

One of the greatest disputes regarding the events of June is the number of arms present inside the gurduara. The White Paper repeatedly refers to the supposed large stockpile of weapons inside the Darbar Sahib, elaborating that it was only with such weaponry that the alleged terrorists could have defended the complex as intensely as they did. In addition to rifles, Sten guns, explosives, grenades, and mines, the government claims that the Sikhs had automatic and anti-tank weapons.⁹³ On the other side of memory, interviews with those who witnessed Operation Bluestar

and those who frequented the Darbar Sahib have revealed no acknowledgement of a massive quantity of arms or the existence of grenade and Sten gun factories. Rather, the witnesses consistently describe that at the time of the army assault, weapons were so limited that they had to be used quite sparingly. Reputable human rights workers and newspapers have also challenged these claims by the White Paper. For example, a London-based publication, The Economist, reported, Even the tally of captured weapons – fewer than 1,500 guns of all kinds in the entire state of Punjab – does little to bolster the government's allegations of a massive anti-national conspiracy against the Indian union. Not only is the quantity of weapons in question, but the apparent danger of these arms is on trial as well. Iqbal Singh of the University of Chicago states: 6

It is hard to conceive that 1,500 weapons, some of pre-First World War vintage, could even remotely be a challenge to [the] world's fourth largest armed forces composed of a million soldiers, thousands of tanks, aircraft and modern artillery.

A pamphlet published in 1985 by the Committee on Human Rights, *The Turning Point: India's Future Direction?*, further explains the potential unreliability of these numbers that were gathered from official sources: 97

With the passage of time the imposing picture of the arms buildup within the Temple has now begun to shrink in size. The heaviest arms which are claimed to have been recovered are light machine guns. Poised against the heavy tanks and armoured vehicles and the heavy guns of the Indian army, they would appear as toys. But one cannot be sure about the authenticity of even that. After all, it is no problem

for the government and the army to find an assortment of arms to make an exhibit when care had been taken to keep everyone out who could report on arms being brought by the army and para-military forces from outside to make out a case after their action.

Another important question arises regarding the magnitude of the resistance alleged by the Army, a query also posed by the President of India. With the heavy surveillance and searching of each and every person and vehicle that had entered the vicinity of the Darbar Sahib for over a year prior to the attack, it seems that it would have been quite difficult for the supposed terrorists to sneak a large quantity of weapons inside the complex. Ajoy Bose of *The Guardian*, reported on the civil liberties violations in India in his article *The Legacy of Fear*. Bose tells of the armed soldiers that searched not just civilians entering the complex, but even tractors and bullock carts along the highways and streets. The government has yet to account for the flaw in its logic that a massive quantity of arms was brought into the complex during a period of exhaustive and meticulous surveillance.

The President of India during Operation Bluestar, Zail Singh, recalls in his memoirs: 99

In anguish, I asked Mrs. Gandhi what were our intelligence agencies doing all those months, when arms build-up was going on in this religious place. ... It was ironical, I supposed, that innocent people had to pay with their lives for the dereliction of duty by the security forces and the intelligence organs of the Government. Mrs. Gandhi had obviously no plausible answer.

When no answer could be given as to how the alleged terrorists had acquired the arms and ammunition for which they were

charged, the government offered theories that accused the terrorists of snatching them from police officers or raiding arms holdings. More intricate allegations included claiming that the supposed terrorists had acquired arms from some foreign country, most likely Pakistan. Yet even these explanations do not account for how the purported quantity of arms entered the complex.

Another problematic difference between the government's story of Operation Bluestar and the civilians' accounts is the alleged protection of supposed terrorists by the Sikhs. According to the government's White Paper, numerous suspected terrorists were hiding inside the Darbar Sahib complex. ¹⁰¹ The government maintains that all attempts to convince the Shiromani Gurdwara Parbandhak Committee (SGPC) ¹⁰² to turn over the wanted men had failed. ¹⁰³ However, records of this appeal by the government show little evidence of a threat present in the Darbar Sahib.

Subramanian Swamy, a respected member of the Indian Parliament, wrote that the Congress Government repeatedly claimed that hundreds of terrorists had taken refuge in the gurduara, but that the government had only appealed to the SGPC to turn over 40 men. Moreover, Swamy complained that these requests had been made only once, over a year and a half before the events in June 1984. Further, among these 40 men named in the appeal, 18 could not possibly be inside the complex, as they were either dead or had moved to Canada, Germany or Pakistan. The remaining 22 alleged terrorists, according to Swamy, also could not be located inside of the complex by the SGPC's screening committee. Swamy tells of how P.C. Sethi, a member of the Lower House of the Parliament, later admitted these facts and, at another point, Swamy states, "Since then, no further lists have been sent to the SGPC, and yet the government keeps declaring that criminals are hiding in the Temple complex." 104

The charges against Jarnail Singh were minor - the most

serious among them accused him of giving inflammatory speeches. ¹⁰⁵ In fact, the warrants for his arrest were only produced after Operation Bluestar, ¹⁰⁶ after he had already been killed. This seems to support evidence of a pattern of propaganda and intimidation used by the government: charge an individual with a fake crime, attempt to arrest him, and when the innocent does not cooperate, declare him to be a criminal for evading the police. The Committee on Human Rights wrote against the injustice of attacking and killing innocent Sikhs when there were no allegations against them and no reasonable attempt had been made to apprehend the supposed terrorists: ¹⁰⁷

The most disturbing thing about the entire operation was that a whole mass of men, women and children were ordered to be killed merely on the suspicion that some terrorists were operating from the Golden Temple and other Gurdwaras. There had been no judicial verdict of guilt against definite individuals who had been taking shelter in the Golden Temple. ... Thus such a major military attack resulting in the massacre of largely innocent people was undertaken on mere suspicion which had been created by the statements of police and the government themselves.

The White Paper also reports that commanders were instructed to use the public address system for several hours where alleged terrorists were suspected to be hiding. This measure would have allowed the army to avoid the bloodshed and destruction of the Darbar Sahib, yet in the aftermath we learn that the commanders reported that they were reluctant to take these actions. Furthermore, the President of India commented in his memoirs that appeals to surrender were not made and innocents were not warned: 109

I asked the Government whether they had issued a warning on the loudspeakers to the people inside the complex to come out, to which they replied in the affirmative. Later, I came to know that no such warning had been issued by the authorities and the Operation had been suddenly launched.

Adding to the image of destruction presented both by the survivors of the assault as well as rare pictures of the razed buildings taken after the attack, the President of India explains the extent of the damage he witnessed with his own eyes: 110

The gold sheet covering the walls [of the Golden Temple] got pock-marked and those portions had just been replaced, as repairs to them were not possible... Even pieces of gold-sheet covering the dome had fallen off ... I sent a letter to Mrs. Indira Gandhi telling her about the great dimensions of the damage that had occurred to the Akal Takht and the Golden Temple.

A considerable amount of damage must have been incurred by the Darbar Sahib in order to cause the gold plating to fall off. Devinder Singh Duggal observed that the Darbar Sahib bore a few hundred thousand bullet marks.¹¹¹

The White Paper also claims that on June 5, the alleged terrorists set fire to the Sikh Reference Library, which contained hundreds of irreplaceable and priceless original manuscripts and scriptures. The government's report also states that the army's fire rescue squad was unable to help put out the fire due to the machine-gun attacks of the supposed terrorists. Yet the library's caretaker, Devinder Singh Duggal, remembers the structure being intact when he last saw it on June 6, after the complex was under the control of the army. He recalls: 113

On 14th June 1984 I was arrested by the army and taken inside the Golden Temple, where I was shocked to see that the Sikh Reference Library had been burnt. The entire Golden Temple Complex presented a very, very painful look. It bore at least 3 lakhs¹¹⁴ of bullet marks. The Akal Takhat was in shambles. Guru Nanak Nivas, Teja Singh Samundri Hall, Guru Ram Das Serai and the langar buildings had been burnt. When I left the complex on the 6th all those buildings were in good shape in spite of the Army Attack.

Based on his account, the Sikh Reference Library was somehow reduced to ashes between June 6 and June 14. By this time, the Sikhs inside the complex had been arrested or executed. This leads one to deduce that the military further destroyed these buildings after they had been evacuated and secured. Looting, plundering and demolishing this treasure-house of the Sikhs also suggests that Operation Bluestar had less to do with weeding out alleged terrorists than with assailing the spirit of a people.

The government also played the morality card, claiming that, "No women or children were killed in the action by the troops." Instead, the *White Paper* attributed the casualties among the Sikh civilians to the alleged terrorists themselves, claiming that as the innocents surrendered the supposed terrorists shot them down. With over 100,000 innocents killed, human rights reports harshly condemning army brutality, eyewitness testimonies of civilian executions at point blank range, hotographs of women and children lined up with their hands tied behind their backs, and corroborating accounts of esteemed human rights activists such as Ram Narayan Kumar and Georg Sieberer, the government's claim that no women or children were killed by the action of the troops seems like yet another falsity concocted to cover up the harsh reality of Operation Bluestar and evade international uproar.

Multiple prominent journalists reported that in addition to the men and women that perished in Operation Bluestar, children between the ages of two and 12 were arrested subsequent to the Operation. The government identifies these targets as "infant-terrorists." The story of four-year-old Rinku is heart wrenching, only beginning with the disappearance of his mother and murder of his father by the army. Orphaned, jailed and tortured by the government, when asked why his stomach was so big, Rinku replied, "Because I eat clay." 120

Of the 39 children documented to have been captured during Operation Bluestar, three were subsequently classified as "dangerous terrorists." This was the sad state of India, where children, as young as two years of age, understood and experienced the same fear as their parents and grandparents – the horror of being apprehended, tortured and ultimately eliminated. Undoubtedly, the last decades of the twentieth century mark one of the most gruesome chapters in Indian history.

In order to retain popular support while attacking a house of worship that held a special place in the Sikh psyche, the government publicly displayed that it had sufficiently respected the Darbar Sahib and had inflicted the absolute minimal amount of damage. The White Paper states, From the commencement of the planning stage of this operation ... strict instructions had been issued to preserve the buildings. The White Paper also notes that the "utmost reverence" was upheld when occupying the religious sanctuary and that the army exercised extreme restraint and paid great respect to the Sikh faith while capturing the alleged terrorists.

Each of these claims is adequately refuted by photographs taken by army personnel who participated in Operation Bluestar. Several of these images illustrate blatant infringements of protocol within the *gurduara* complex (e.g., uncovered heads, consumption of tobacco and alcohol, presence of shoes). As journalists were

unable to observe or report on such events, only recently have such offenses been uncovered and brought to light. As India's reputable national magazine *India Today* suggested, the government's *White Paper* might more precisely be labeled "Operation Whitewash." ¹²⁷

Not only did the Indian Army neglect to record the names of those killed during Operation Bluestar, it also disrespected the lifeless bodies by dragging them by the limbs and throwing them into dump trucks by the hundreds. The overflow of bodies to the crematoriums resulted in mass cremations. Not enough firewood was available to provide proper cremations on an individual basis, so corpses were piled up and burned by the twenties. As the bodies went undocumented, the government failed to produce a list of the massacred and families of the victims went uninformed. No count was kept of the murdered, and the bodies were burned to destroy the evidence of the mass-scale genocide.

The Citizens for Democracy's report, Oppression in Punjab, summarizes the brutality of the Operation: 130

A number of responsible men and women who were inside the Golden Temple throughout the Army action, described to us how innocent people were slaughtered like rats – first letting them enter the Complex and then declaring the curfew which prevented them from going out – thousands were thus caught unawares; finally when the survivors were asked to surrender they were shot in cold blood; our photograph would show how the hands of men were tied at their back with their own turbans, some of whom were shot. The post mortem reports show how the bullets had pierced their bodies. The eye witnesses witnessed the use of gas by the Army, the pile of dead bodies on the 'parikarma', the arrival of tanks which some of them thought were the ambulance, the hovering of helicopters at night, throwing their searchlight on targets which were bombed, the wanton destruction

The facts have been exposed that the Army's 'restraint' we heard so much of and have proved conclusively that the White Paper is after all not so white. We learnt for the first time with amazement that the Red Cross was not allowed even to enter the Complex to attend to the wounded, many not allowed any water to drink died of thirst; on June 7th, 28 people were pushed inside a strong room without any ventilation and locked up, and when the room was opened, 14 of them were dead. Bodies were left to rot inside the room and then burnt. This was free India's Jallianwala Bagh – leaving the old Jallianwala Bagh of the British days far behind in the number killed and in the manner of killing.

The mercilessness detailed in the above paragraph demonstrates that the alleged terrorists were not the only targets of Operation Bluestar. If they were, the Indian government would have employed another method to remove them from the Darbar Sahib without compromising the lives of countless civilians. Former President Zail Singh writes in his memoirs that a similar thought struck him. He recalls asking Mrs. Gandhi why it had not been possible to give a prior warning of the attack so that the innocents may have had the opportunity to leave safely; why a curfew could not have been imposed to stop the movement of innocent people into the complex once the government had given the army license to attack; why religious leaders could not have been asked to make an appeal to the Sikhs to protect the sanctity of the Darbar Sahib by surrendering; why the Operation had been carried out on a day when it was obvious that the greatest number of Sikhs would have gathered. President Singh writes, "I told her that if notice had been given to those pilgrims over radio, television, and loudspeakers, a majority of them would have come out, including some extremists, to surrender." 131

A comparison of the White Paper's claims with survivor accounts demonstrates notable discrepancies that must be reconciled with a sensible and, where possible, scientific methodology. In considering the available evidence, the inconsistencies between the narratives of the perpetrators and victims beg the question: How much faith should one place in each account of 1984? We can begin to answer this question by recognizing the potential motives that would drive the government's version and the survivors' accounts of the attack. Further, by critically dissecting and analyzing the logic and consistency of the statements from both sides, we can hope to uncover the truth about Operation Bluestar that has lain concealed for decades.

CHAPTER 6

The Nameless Operation

The attacks on members of the Sikh Community ... far from being a spontaneous expression of 'madness' and of popular 'grief and anger' at Mrs. Gandhi's assassination as made out to be by the authorities, were the outcome of a well-organised plan marked by acts of both deliberate commissions and omissions by important politicians of the Congress (I) at the top and by authorities in the administration.

People's Union for Democratic Rights and People's Union for Civil Liberties¹³²

hough similar in the mechanism of mass organization, the gruesome assault on the Darbar Sahib that claimed the lives of over 100,000 innocents was significantly different from the disturbing anti-Sikh pogroms that took place less than five months later. On October 31, 1984, Indira Gandhi was assassinated by her Sikh bodyguards. In the aftermath the Congress Party organized, armed and incited violent mobs to murder Sikhs and destroy their homes, businesses and places of worship. Witnesses have testified that these mobs would seize Sikhs, beat them ruthlessly and burn them alive. The live cremation, notoriously known as "the garland treatment," consisted of throwing a tire around a Sikh's neck, dousing the victim with kerosene and setting him or her alight. Men were scalped, women were raped, residences were looted and gurduaras were razed. Police forces detached from the pogroms

idly stood by observing the violence, and evidence suggests that orders for inaction came from the higher echelon of the police hierarchy. The words of a senior police officer who testified before the Misra Commission substantiate the mass organization of the pogroms: The riots were engineered to teach the Sikhs a lesson. Despite appeals made to Prime Minister Designate Rajiv Gandhi and to Home Minister Narasimha Rao, the army was not called in to protect the civilians for several days and only arrived after remarkable damage had been done and countless lives had already been lost.

When the famous Mohandas Gandhi was assassinated by a Maharashtrian Hindu, the authorities ensured the safety of the Maharashtrian Hindus before formally announcing his death. Similarly, subsequent to Operation Bluestar, the Punjab government prohibited the publication and transmission of material that may have aroused communal zeal and impacted the maintenance of public order. This was primarily enforced to protect the perpetrators from the potential backlash from the Sikh community. In October of 1984 however, no such measure was enacted to protect the vast majority of the Sikh community who did not even have any part in the assassination; rather, Mrs. Gandhi's death was announced extensively via the national radio and newspapers with no regard for the safety of the Sikhs, leaving hundreds of thousands of Indian citizens vulnerable to mob violence and the whims of vigilantes.

The new Prime Minister, Rajiv Gandhi, justified the slaughter of thousands of Sikhs by proclaiming: "There are always tremors when a great tree falls." According to the Washington Post, former Prime Minister Charan Singh criticized Rajiv Gandhi's reaction to the violence and called attention to the new Prime Minister's "ineptness" in handling the carnage. ¹⁴¹

Rather than safeguarding the Sikhs by protecting them against the impending wrath of the right-wing nationalists, the government initiated the circulation of a series of rumors following the announcement of Indira Gandhi's death on October 31.¹⁴² These rumors played into the communal tensions and provoked the already uncontrollable violence. A few of the most egregious rumors follow below:

- 1) Sikhs were distributing sweets and dancing to celebrate Mrs. Gandhi's death. As independent researchers and organized committees have found, those spreading these rumors have admitted that they themselves did not witness Sikhs engaging in any such celebrations. These teams have found that the incidences of happiness expressed upon Mrs. Gandhi's death were isolated cases, and that those displaying celebratory behavior were of various religious backgrounds, Sikhs and non-Sikhs alike. Further explanation can be found in Who Are the Guilty?, a work jointly published by the People's Union for Democratic Rights and the People's Union for Civil Liberites. "These stray incidents were marginal and do not explain the wide scale explosion of indiscriminate violence against all Sikhs throughout India on the same date and the same time, which could be the result of only a well designed strategy." 143
- 2) The drinking water throughout Delhi had been poisoned and trains full of dead Hindus had arrived at the Old Delhi Station from Punjab. According to the rumors, Sikhs were responsible for the poisonings and killings. Research teams have found that police officers traveled to various communities to spread the propaganda of poisoned water and the corpse-filled trains, while in fact, police records demonstrate that no such data has been recorded or filed. Although the rumors of the poisoned water and the dead Hindus in

trains were officially repudiated later, the damage had already been done. The propaganda helped engender a public opinion that endorsed the slaughter of thousands of Sikhs in November of 1984.

During the five deadly days in November, the police force remained absent from, passively observed or actively participated in the pogroms. ¹⁴⁴ In several examples of police neglect, the police arrived in towns simply to announce that they were not responsible for the safety of the Sikhs. Instead, the police decided, the Sikhs ought to protect themselves. ¹⁴⁵

S.M. Sikri, retired Chief Justice of the Indian Supreme Court, offered persuasive evidence demonstrating that the police not only failed in this duty to protect citizens, but in many cases, instigated the arson and violence themselves. The People's Union for Democratic Rights and the People's Union for Civil Liberties reported that Congress leaders personally "led and directed the arsonists and that local cadres of the Congress identified Sikh houses and shops." A senior police officer elaborated on the central role played by these government leaders: 148

The shop signs are either in Hindi or English. How do you expect the illiterate arsonists to know whether these shops belong to Hindus or Sikhs, unless they were identified to them by someone, who is either educated or a local person?

The involvement of the police and government is further established by the use of government-owned vehicles, such as buses from the Delhi Transport Corporation, to transport the mobs from place to place. These mobs used voting lists provided by the Congress to identify and burn down Sikh homes and businesses. In regards to self-defense, President Zail Singh narrates

that Sikhs with licensed arms were actively disarmed by the police and rendered defenseless – the police then directed the mobs to attack these Sikhs.¹⁴⁹

The President writes: 150

One Congress leader vehemently told me of the macabre drama deliberately staged to kill members of the Sikh community as a deterrent, as also to put them in their place. Those Hindus and others, who were noticed by the police trying to protect the Sikhs, were chided, belaboured and even threatened. ... A Sikh was a Sikh and, if he could be cornered by death-hounds, he must be bludgeoned to death with iron rods or burnt alive. A Hindu lady telephoned my secretary to say that she had witnessed Sikhs being given the 'garland treatment,' i.e., being done to death by placing blazing motor tyres around their necks.

Although Congress leaders and police forces have yet to accept responsibility for the November pogroms, they have not been able to adequately deny their complicity. The consistency of the crimes compelled even the most ardent Congress supporters to suspect the government's involvement. President Zail Singh elaborates: 151

It was a strange coincidence that the iron rods used to bludge eon the victims throughout were of the same size and shape. In some States, where the influence of the north Indian Congress ruling class was not pronounced, there were little disturbances. Some states remained totally free of this taint.

Justice V.M. Tarkunde corroborates this notion in his *Tarkunde Report*: "There is much evidence to prove that the local Congress (I) leaders held meetings on the night of October 31st, paying 1,000 rupees to each killer, as boasted by the killers themselves." ¹⁵² In

regards to the part played by the higher authorities, the People's Union for Democratic Rights and the People's Union for Civil Liberties state in their book, *Who Are the Guilty*?: ¹⁵³

Men at the top in the administration and the ruling party displayed repeatedly a curious lack of concern often bordering on deliberate negligence of duty and responsibility throughout the period of October 31 to November 4. ... The authorities at the top, including the four Ministers and senior officials of the Delhi Administration were repeatedly informed about the exact situation in the city and its outskirts from the evening of October 31. Prominent citizens, VIPs and members of the Opposition parties and people from affected localities both phoned and personally went and informed these authorities. Yet during seven valuable hours, between the time of the assassination and the time of the news of the death was made public, no security measures were taken.

N.S. Saxena, a retired police officer, postulated that, had the government-run television channel *Doordarshan* responsibly shown footage of the violence and brutalities that had taken place on the first day of rioting, many of the rioters would have been deterred and the violence would have been minimized.¹⁵⁴ Yet no such poignant footage was shown until after the pogroms concluded. President Zail Singh recalls that rather than using media as a means to quell the massacre, videos on *Doordarshan* incited the violence by depicting people by the side of Indira Gandhi's corpse shouting highly provocative slogans such as *khun ka badla khun* (avenge blood with blood).¹⁵⁵

Although Prime Minister-Elect Rajiv Gandhi and Home Minister Narasimha Rao cited numerous problems in mobilizing forces to protect the Sikhs in the wake of the assassination, neither

found any trouble in lining up 4,000 men from the Indian Army, Navy and Air Force for Indira Gandhi's funeral only a few days later on November 3. When the army was finally deployed and a curfew was imposed a few days later, no forces were present to implement these orders. The situation remained as chaotic as it had been in the previous days.

Army sources have confirmed that even the deployment of troops followed a curious pattern. The authorities sent them in stages – a procedure never employed previously – and the forces were consistently sent to areas already destroyed by the criminals. ¹⁵⁷ A few army officers complained that they not only lacked cooperation from their own headquarters, but moreover, they were deliberately misled by the police. ¹⁵⁸ The delayed deployment of the army, a lack of intelligence regarding the location of the violence and a purposeful hindering of action by officials rendered the army essentially impotent in its attempts to quash the violence in the November pogroms.

Even the attempts of neutral police officers to perform their duty were hampered by higher-ranking officials who refused to assist the Sikhs. For example, the Sikhs in New Delhi's police force, approximately 20% of the entire staff, were locked up in order to suppress any attempt to control the organized attacks. Despite this, several Hindu police officers and other non-Sikh civilians acted to protect the victims. The few Sikhs who survived the mob violence owe their lives to non-Sikhs, who often risked their own lives and livelihoods to protect the Sikhs from the violence. Contrary to popular belief, the communal tensions between the Sikhs and Hindus had yet to entirely sever ties between the two communities.

In addition to the lives lost in Operation Bluestar, official numbers cite 2,733 casualties from the November pogroms in the nation's capital, New Delhi. This of course calls into question the politics of numbers and how such numbers are determined.

For instance, in the *Christian Science Monitor* on November 15, 1984, ¹⁶⁰ Mary Anne Weaver replayed *Indian Express* reporter Rahul Bedi's example of how the politice intentionally distorted the number of people killed:

Mr. Bedi says he arrived at Trilokpuri early Friday afternoon to find the entrance sealed by police constables who said, 'Nothing much was happening. It's all over. Maybe one or two people had been killed.' Bedi and the other reporter made their way to Block 32 and found the road leading to the temple 'carpeted with bodies, two or three deep, for a distance of nearly 50 feet.'

Distinguished writer Amitav Ghosh recounted in *The New Yorker* that "entire neighborhoods were gutted." During this historical moment, security forces disposed of most bodies without recording the deaths, leaving it virtually impossible to quantify the number of Sikhs murdered in the violence. Inderjit Jaijee offers an insightful estimate in his book, *Politics of Genocide*: ¹⁶²

Delhi is a large sprawling city and if one adds the number of Sikhs killed in scattered localities and in transit, the number would be a minimum of 8,000 and might cross 10,000. ... The cumulative figure of those killed during the November, 1984 genocide all over India would be around 20,000.

The government's neglect of responsibility and lack of concern resulted in a massive loss of Sikh lives through a process of religious cleansing. Effectively, between October 31 and November 3, no government existed for the Sikhs within India and every security force that might come to their defense was immobilized as the mobs thrived in the chaos.

Government and police officials participated in the torture, rape and murder of civilians. More than 50,000 people were displaced and tens of thousands of Sikh homes, gurduaras and businesses were burnt to the ground. Like the deployment of the army, the organization of refugee camps was greatly delayed, and when they were created, survivors recount that they were typically shut down within a few weeks

The perpetrators of the loot, arson and rape were not prosecuted. According to India's President Zail Singh, even those assailants that had initially been arrested were released with exceptionally low bail or had been cleared of charges through the intervention of political leaders. As Amnesty International reports, "Nor have any of the accused policemen and politicians been brought to justice." Rather than punishment, it appears that a majority of the officials complicit in the November 1984 slaughter of the Sikhs have been rewarded with promotions, as several perpetrators continue to serve as prominent members in important government positions, such as office-holders within the Indian Parliament.

The incessant denial of justice inevitably leads to aggravation. Just as injustice and the unwillingness of the government to acknowledge abuses laid the foundations for the American Revolution and the French Revolution, Sikhs in India felt that they had exhausted means of redress via the executive, legislative and judicial branches of the Indian government. The later Prime the plight of the Sikhs, "That it is when the earth shakes that trees of political and economic rights from the Sikhs, prior to the stripping Jawaharlal Nehru and even prior to the birth of free India. This is better understand the dynamics behind it and the plight of a community desperate for redress.

While the death of Mrs. Gandhi naturally led to grief and anger amongst her many followers who considered her "Mother Indira," this does not explain or justify the wide-scale and suspiciously uniform attacks on Sikh civilians throughout India. Rather, the evidence of inaction by the executive branch, involvement of the police and Congress officials and neglect to prosecute the perpetrators of the violence, points to the sanctioning of the pogroms at the highest levels of government. Though acknowledgement of this fact is the first step in healing, it is absolutely vital to provide proper justice to the survivors of the violence. Without justice, the victims of the violence will continue to suffer.

Torture in India

The police took away my husband on 11.11.84 giving no reason for arrest, not saying where he was being taken. On 13.11.84 Ludhiana Police came to tell me that my husband was very ill and I should go with them. Reaching there I found that he was dead, both his arms were broken, there were many injuries on the testicles, the legs had been stretched to such an extent that the body had got torn and his intestines had come out. The body had fallen apart so it could not be brought home for cremation. There was no FIR¹⁶⁷, he was not presented before any Court, he was arrested without warrant and there was no witness like the Sarpanch¹⁶⁸ when he had been taken away.

Gurmit Kaur (age 32), widow of Karnail Singh

mnesty International reports that as the international community turns a blind eye to the situation in the east, "Torture remains a pervasive and daily routine in every one of India's 25 states." Ironically, the institution created for the protection of the people, the police, engages most heavily in the human rights violations. Supported by the Indian government, the Punjab Police is responsible for an inordinate degree of torture, rape and murder of minorities. The eyes of many Indian citizens are well acquainted with the injustices committed by officers of the law, and consequently, their image of the government and police force has been

tainted. Just as Adolf Hitler encouraged the slaughter of gypsies and homosexuals but specifically targeted the Jews, Indira Gandhi sought to silence the oppositional minority communities while primarily targeting the Sikhs. The Citizens for Democracy reports: 171

India is the only country which did not sign the new UN convention against torture and other cruel, inhuman or degrading treatment as punishment. The rulers who say that they believe in democracy, secularism, freedom of worship, social justice, and human rights have themselves enacted black laws and have let loose unabashed State terrorism which has been unleashed specially on the Sikhs – because they are Sikhs.

India has explicitly targeted Sikhs by their distinct beliefs and identities. For example, Issue 153 of the Indian Army Bulletin, *Baat Cheet*, contains clear instructions to consider and treat every initiated Sikh, or *Amritdhari*, as a terrorist: ¹⁷²

Any knowledge of the 'Amritdharis' who are dangerous people and pledged to commit murders, arson, and acts of terrorism should immediately be brought to the notice of the authorities. These people may appear harmless from outside but they are basically committed to terrorism. In the interest of all of us their identity and whereabouts must always be disclosed.

The Citizens for Democracy report addresses the categorization of *Amritdhari* Sikhs as terrorists in the following line: 173

Amritdhari Sikhs are not 'dangerous criminals' as the obsessed Army has declared, but the Amritdhari Sikhs are in danger – their fate is uncertain.

While initiated Sikhs have been officially targeted, the story proves no different for non-initiated Sikhs. Like a recurring nightmare, the pattern of genocide recurred from village to village: innocent Sikh men would be arrested and taken to an interrogation center while the kidnappers would give no information regarding their whereabouts to their families. At this "safe house," police officers would employ inhumane methods of physical and psychological torture such as the ghotna 174 and belna. 175 The officers would refuse to provide food and water until the prisoner would be so hungry and thirsty that he would eat his own feces and drink his own urine. When water would be offered, police officers would first taunt the imprisoned by bringing a glass to his mouth and then withdrawing it. The captive would be allowed no more than two minutes to use the bathroom and would be beaten mercilessly if he took too much time. The prisoners would be kept in solitary confinement at all times unless undergoing "interrogation," a notorious euphemism for torture. The police would raid the prisoner's house repeatedly and loot anything of value. They would also torture the women and children of the house by asking about the whereabouts of their husbands and fathers before beating and raping them. To add financial destruction to the physical and emotional terror, the Punjab Police would set fire to fields of innocent farmers, obliterating any source of income for this community founded on agriculture. Though this pattern might vary slightly from one victim to another, this was the basic blueprint of torture in post-1984 Punjab. Inderjit Jaijee explains torture in India in the following lines: 176

Torture is our cultural heritage. Grisly tales from the ancient and feudal ages abound and today's journalism is often no more than a repetition of yesterday's history. ... Torture is the major and at times, sole, weapon of the country's police.

Torture is used to extract information, to settle old scores or to 'teach a lesson' to persons. As interrogation generally takes place away from public gaze, very little restraint is exercised.

Much of our information regarding the agonizing, sadistic and inhumane persecution of prisoners in the custody of the Punjab Police comes from those who have survived their ruthlessness. Surinderjit Singh Bains gave three stories of victims of police aggression during an interview of Jarnail Singh in 1983:¹⁷⁷

The police took Kulwant Singh of Nagoke in their custody, hung him upside down and pierced his body with heated steel rods. They broke him joint by joint, broke his right leg and then shot him. They reported that there had been a police 'encounter.'

The police tied up the penises of Sukhdev Singh and Jasbir Singh, both from Isapur village. Their bodies got bloated. The police tore off their flesh with pliers, pulled flesh from their upper arms, tore out their eyes and then shot them.

All the ten nails from the hands as well as from the feet of Gurmeet Singh of Dhulkot were extracted with pliers and salt sprinkled over the wounds. Candles were lit under his hands and he was burnt. Then he was shot.

Following World War II, in which Hitler's army committed grave crimes against humanity, the Geneva Convention of 1949 set restrictions on the maltreatment of prisoners. The Convention prohibited mutilation, cruel treatment and torture, as well as attacks on personal dignity via humiliating and degrading treatment. Further, the Geneva Convention rejected the passing of

sentences and the performance of executions without a fair trial. In 1975, the United Nations General Assembly adopted a declaration in which all acts of torture were prohibited. Despite the resolutions contained within these international agreements, torture was pervasive in Punjab throughout the 1980s and 1990s. In the hands of the lawless officers under the direction of K.P.S. Gill, tens of thousands of Sikhs were tortured by the Punjab Police. 179

Due to an obligation to international law, the Punjab Police employed several manipulative strategies when dealing with illegally abducted and tortured victims. The security forces either denied ever holding these Sikhs in their custody or killed the victims before they or their families could file a report. ¹⁸⁰

For example, Amrik Singh was a tractor mechanic and resided in the quiet village of Shutrana in the Patiala district. On May 8, 1995, Surjit Sarpanch, an informer or "cat" of the Punjab Police, attempted to take 20,000 Rupees from Amrik Singh by means of extortion. Amrik Singh refused to pay. The following morning, Amrik Singh and his brother, Bhagwant Singh, were working when they were approached by Police Station Head Officer Jaspal Singh along with several other policemen. A crowd that had gathered outside of the brothers' shop witnessed the police taking them away in a police vehicle. At 8 p.m. that night, the Assistant Sub-Inspector, Gurdev Singh, and several other policemen came to the station drunk: 181

Amrik Singh was stripped, kicked and struck with lathis. 182 His legs were pulled apart repeatedly until they were disjointed. Electric shocks were administered on Amrik Singh's tongue, ears and penis. All the while the police declared again and again that they were teaching Amrik Singh a lesson for defying a police 'cat'. Finally the police left

the unconscious Amrik Singh and his brother alone in the lock-up. Bhagwant Singh believes that his brother's arms and legs were broken. On May 10, the ASI Gurdev Singh had the brothers taken to the Shutrana Police Chowki, some 7 km away. They were kept there without food or water and again that evening around 8 p.m. the ASI, the 'cat', and other policemen, all drunk, dragged Amrik Singh out of the lock-up and began to kick him. Bhagwant Singh watched from his cell and pleaded with the policemen to spare his brother. Amrik Singh died under the kicks and blows of the police. The ASI removed the cord from the waistband of Amrik Singh's underwear, tied it around Amrik Singh's neck and dragged him back to the lock-up.

When Inder Singh, father of Amrik and Bhagwant, went to the police station on May 11, he was told that his son had committed suicide. The police also told Inder Singh that if he wanted to live, he should comply with the police's version of the story. Under the threat of death, both Bhagwant Singh and Inder Singh were forced to sign statements fabricated by the police stating that Amrik Singh had committed suicide. At 5 p.m. Amrik's body was brought back to the police station and again threatened with death, Inder Singh was ordered to secretly cremate his son. While Amrik Singh's body was being cremated, the police cordoned the village to make sure that no pictures or videos of the mutilated body would be taken as evidence. ¹⁸³

Tens of thousands of innocent Sikh men, women and children have suffered in this way. The most poignant part of the typical tale is that the survivors have no idea whether their family members are alive or dead. Because the police withhold this information, these families await the homecoming of their loved ones each and every day. Government relief efforts are almost

non-existent and compensation for the death of a family member at the hands of the police is rarely provided because records of detention do not exist.

The use of torture in India peaked in the mid-1990s, and the unlawful methods of interrogation had the overt and explicit approval of leading politicians and policemen. For example, Chief Justice of the Supreme Court of India, Ranganath Misra, openly expressed his belief that "third degree methods are justified." Furthermore, abuses that have occurred for decades in India have gone unnoticed and unpunished. Victims and their families continue to await justice and suffer from the unabated violence against the Sikhs. If we also shut our eyes to the mass religious cleansing occurring in India, then we have accepted and condoned the brutal police tactics. Public opposition to the genocide in India is quite possibly the only hope of survival for innocent minorities whose cries will otherwise be stifled by the threat of torture, rape and murder.

Disappearances in Punjab

The disappeared have floated away as ash on Punjab's rivers or been carried skyward as smoke into Punjab's scorching heavens. The few bits of evidence we have shock and repel us: a photo of a heap of partially-burned bodies, eerily reminiscent of the Holocaust. ... Another grainy Polaroid print of a wild dog tearing at the charcoal remains of a human leg. ... India is a place where innocent people die, where canals are clogged with bodies and crematoria sweep away nameless ashes, where human rights workers disappear or are thrown in jail. It is both a cradle and a grave.

Cynthia Keppley Mahmood 185

While the Indian government has emphatically denied all allegations, independent research teams and human rights organizations have demonstrated that illegal abductions, extra-judicial killings and mass cremations have occurred on an immense scale in Punjab. Young Sikh men were specifically targeted, and the police justified such arrests by accusing these men of being threats to national security. Governmental accountability was on the decline and police brutality against the Punjabis was escalating exponentially. The 1980s and 1990s marked a period of panic and fear in India, an era of unlawful and systematic murders of civilians. Writing for the *Christian Science Monitor*, Mary Anne Weaver reported: 187

The pattern in each village appears to be the same. The Army moves in during the early evening, cordons a village, and announces over loudspeakers that everyone must come out. All males between the ages of 15 and 35 are trussed and blindfolded, then taken away. Thousands have disappeared in the Punjab since the Army operation began. The Government has provided no lists of names; families don't know if sons and husbands are arrested, underground or dead.

In the torture chamber, detainees were interrogated about the whereabouts of wanted men, their own alleged participation in terrorist activities and the hiding places of supposed arms. Evidence that these detainees were part of, or even aware of such schemes was flimsy at best. Interrogation techniques and abuse of prisoners escalated in severity as such actions went unchallenged. Consequently, the police force's arrests increasingly resulted in the execution of mutilated and disfigured detainees. The Khalsa Human Rights Organization evaluated and explained the justification given by police for a swelling death toll of prisoners in custody: 188

Many cases of disappearances result in death. Disfigured bodies found in canals, by railway tracks and roadsides are testimony to the cover-up of state murder that is so much a part of everyday life in some parts of India. If suspicion of the killing is successfully laid at the feet of the police, it is often denied or invalidated by one of two improbable excuses; that whilst trying to escape he was shot or that he died in an encounter. An encounter, according to the security forces, is where a person is killed during a clash between security personnel and armed militant groups. Members of the security forces are allegedly ambushed and during the crossfire the suspect is killed. It is worth noting that, according to

Amnesty International (based on newspaper reports), in 1990 alone, encounters claimed the lives of 346 Sikh militants but only 25 police officers. The interpretation of an encounter by human rights groups is that a suspected militant is either arbitrarily killed or dies as a result of severe torture and the security forces cover up the murder by claiming the person died in an encounter.

Families of victims who sought redress often had nowhere to turn for justice. The police purposefully neglected to record the abduction and detention of individuals, making it nearly impossible to establish the involvement of security forces in these extra-judicial disappearances. 189 In addition to the psychological and emotional trauma caused by these tactics was the financial burden that it produced. Officials provided no certificate of death, and as the survivors of the victims could not prove that their fathers, sons or husbands were deceased, they could not receive compensation, transfer property or even access the required bank accounts. 190 This economic difficulty was magnified several-fold as the victim often served as the sole breadwinner of the household. As discussed previously, in June 1984 the Indian government banned all human rights agencies from entering significant parts of Punjab. Humanitarian organizations made persistent efforts to investigate the violence in India and provide support for victims but their appeals fell on deaf ears. Moreover, private investigations by similar organizations within India (e.g., Human Rights Wing of the Akali Dal) were impeded by the intervention of the Punjab Police and the High Courts. Members of domestic human rights organizations were personally threatened by police officers and repeatedly commanded to cease their investigations. Often, when activists ignored the warnings of corrupt offenders and refused to surrender their investigations, they would end up amongst those they were defending - disappeared. 191

In 1995, the Human Rights Wing of the Akali Dal published several press releases regarding its findings on the increasing number of cases of disappearances and illegal cremations in Punjab. On the basis of firewood purchase records collected meticulously from the cremation grounds in the cities of Amritsar, Patti and Tarn Taran, the group estimated that the police had cremated 25,000 unclaimed bodies in Punjab within the past decade. In addition to publishing this information, the Human Rights Wing of the Akali Dal produced evidence that the unidentified bodies in these cremation grounds could reliably be linked to disappeared Sikhs. This breakthrough investigation demonstrated that the police had cremated tens of thousands of Sikhs after they had been abducted and murdered in an extra-judicial manner.

The Human Rights Wing astutely called attention to the flawed logic of the police. In short, the organization questioned how the police could capture, torture and execute a Sikh on the grounds of involvement in terrorism, yet, subsequently claim that the identity of the individual could not be determined. A press release issued by the Human Rights Wing also argued that the police had been illegally cremating these bodies in violation of Rule 25.38 in Chapter 25 of the Punjab Police Rules of 1934, under the Police Act of 1861, which clearly outlines the mandatory procedure in reporting an unidentified body. 194

The rampant, unrestrained and undocumented slaughter of innocent Sikhs compelled Jaswant Singh Khalra, General Secretary of the Human Rights Wing of the Akali Dal, to file a petition in the Punjab and Haryana High Court for further independent investigations. These investigations would scrutinize the illegality of the killings by the police and the cremation of unidentified individuals. Unfortunately the corruption that had seeped into the justice system resulted in the court's dismissal of the petition stating that Khalra had no locus standi, meaning that he had no legal grounds to file such a petition, since the petition did not

legally involve him. Instead, the court recommended that the families of the disappeared should themselves file such petitions. 196

During the course of his corruption-exposing work, Jaswant Singh Khalra endured numerous death threats, including one from Senior Superintendent of Police at Tarn Taran, Ajit Sandhu, who claimed, "We made 25,000 disappear. We can make one more disappear." 197 Despite such intimidation, Jaswant Singh Khalra continued to petition for justice for the families of victims. On September 6, 1995, eight months after publishing the report on the disappeared and requesting further investigations into the cases of the missing, Jaswant Singh Khalra himself disappeared. At 9:15 a.m., the Punjab Police abducted Khalra from outside his home in Kabir Park, Amritsar. 198 Despite requests from Amnesty International and the United States Congress, demands by the Supreme Court of India and a writ of habeas corpus submitted by his wife, the police denied having taken Jawant Singh Khalra into custody and refused to produce his body in court for several years. An Indian Special Police Officer, Kuldip Singh, was in charge of Jaswant Singh Khalra's detainment and admitted to witnessing the torture of Khalra and the dumping of his body in the Harike Canal. Kuldip Singh submitted a formal statement against the Punjab Police to the Central Bureau of Investigation (CBI) on March 2, 1998,200 and as a means to document the tale, 33 U.S. Congressmen narrated his account to then-President Bill Clinton in a letter. 201 The CBI however dismissed Kuldip Singh's statement, evidencing the influence and power of the Punjab Police, as well as the deep-rooted corruption pervading all levels of the government.

Hope revealed itself at the highest level of the judicial system when the Supreme Court ordered the CBI to examine the allegations against the Punjab Police. The resulting investigation revealed a "flagrant violation of human rights on a mass scale," and the court established the National Human Rights Commission (NHRC) to

"have the matter examined in accordance with law." ²⁰² Despite this advancement, the mandate and reach of the NHRC investigation took several years to elucidate, particularly due to a lack of cooperation from the police. After much delay, the capacity and terms of the investigation were clarified, yet government sanctions rendered the organization ineffective in taking action against the perpetrators of these human rights violations. The NHRC was restricted from investigating the misconduct of security forces, investigating cases more than one year old or making any form of policy. These limitations left the NHRC virtually powerless to significantly contribute to the struggle against human rights violations in India and the attainment of justice for victims and their families.

In reaction to the impotency of the NHRC, the Committee for Coordination on Disappearances in Punjab (CCDP) was created on November 9, 1997. The CCDP sought to investigate disappearances across the state and lobby for the Indian government to conform its domestic laws on torture, disappearances, accountability and compensation to mirror those of the United Nations. In 1998, this committee founded the People's Commission, which served to investigate the complaints of illegal abductions, torture, enforced disappearances, extra-judicial executions and illegal cremations of Sikhs in Punjab. 204

Headed by K.J. Reddy, a retired Justice of the Supreme Court of India and former Chairman of the Law Commission, the People's Commission included D.S. Tewatia, former Chief Justice of the Calcutta High Court and H. Suresh, a retired judge of the Bombay High Court. The Commission was comprised of three reputable and respected men from the Indian judicial system, who competently and ethically engaged with a task that the Indian judicial system proved it was incapable of accomplishing: investigating the human rights abuses in Punjab.

After the first meeting of the People's Commission in August

of 1998, the Director General of the Punjab Police appealed to the High Court to ban the Commission. The petition stated that the Commission posed a serious threat to India's national security interests and that it intended to undermine India's judicial system by setting up a parallel institution. Eventually, the Supreme Court of India gave the NHRC complete control over the Punjab situation, and the People's Commission, with no legal authority to conduct investigations, disbanded shortly thereafter. The NHRC bore the sole responsibility of investigating the allegations levied against state authorities of mass murder and illegal cremations. Due to many inherent limitations and restrictions however, the NHRC failed in its primary goal of providing redress to victims and their families. For example, the mandate of the NHRC limited the organization to making inquiries in Amritsar, though it was clear from the report published by the Committee for Coordination on Disappearances in Punjab that illegal mass cremations had taken place in almost all of the major cities in Punjab (e.g., Faridkot, Kapurthala, Ludhiana, Mansa, Moga, Zira). 205

The NHRC intended to provide financial compensation to victims whose family members had been extra-judicially executed. However, this endeavor proved virtually impossible because arrests and detentions had not been documented. This catch-22 rendered the NHRC ineffective and left widows and their families unable to afford shelter, money and food. In 1999, Amnesty International wrote to the Chair of the NHRC, appealing for change in their policies, explaining, "Looking exclusively at only those cases where there is proof of illegal cremation by the police would exclude a vast number of Human Rights violations which have been reported from the state."

Furthermore, the components of redress for victims of human rights violations, as stated in Article 19 of the United Nations Declaration on the Protection of All Persons from Enforced

Disappearance, include significantly more than financial compensation to families.²⁰⁷ As defined by Amnesty International, appropriate redress consists of restitution, compensation, rehabilitation and satisfaction and guarantees of non-repetition.²⁰⁸ A report by Amnesty International entitled *India: A Vital Opportunity to End Impunity in Punjab*, puts forth the importance of each of these components:²⁰⁹

The awarding of compensation does not relieve the state of the need to admit responsibility for human rights violations and to bring perpetrators to justice. Similarly, it does not bring to an end the ordeal of the relatives of the victim who, in the absence of justice for those responsible, may continue to face harassment and further human rights violations.

In order to rebuild trust, each component of redress must be fulfilled. These components establish genuine condemnation of violations and demonstrate to victims that violence will not be repeated. This is an initial step in the healing process. In other countries with genocidal pasts (e.g., South Africa), the processes of truth and reconciliation have occurred after the removal of the genocidal governments and the rise of a new regime committed to justice. Unfortunately, this is not the case in India. The same government that promoted ruthless atrocities against its own citizens remains in power, and the officials most active in the violence have been remunerated with promotions. For this reason, the measures for providing redress are unfeasible in the Indian context, where the corrupt government plays the role of oppressor, prosecutor, jury and judge.

The United Nations International Covenant on Civil and Political Rights (ICCPR)²¹⁰ states in Article 2 that it is imperative for a country to ensure the right to life, safeguard against torture and arbitrary detention and provide redress to victims of human

rights violations. When attending to the issue of the right to life, the Human Rights Committee of the ICCPR has specifically commented on "disappearances" as a violation of this covenant and the need to create "effective facilities and procedures to investigate thoroughly cases of missing and disappeared persons in circumstances which may involve a violation of the right to life." Articles 13 and 14 of the *United Nations Declaration on the Protection of All Persons from Enforced Disappearance* ²¹¹ also unconditionally state that allegations of enforced disappearances should be investigated thoroughly and that those responsible should be prosecuted accordingly.

Bound by these operating principles of the United Nations ICCPR, India is obligated to conduct impartial investigations into the extra-judicial crimes of the police and provide relief to the families of the victims in Punjab. However, as Amnesty International reports, the actions of the Indian administration are inconsistent with their responsibilities:²¹²

Against the backdrop of these international standards, Amnesty International has been concerned at consistent attempts by both the State Government of Punjab and the Central Government to impede investigation, prosecution and reparation for past human rights violations in Punjab. Many of the obstructive actions of the state and central governments as well as the police have been documented by Amnesty International in the past.

The government-sponsored National Human Rights Commission not only made it virtually impossible for a family to receive due compensation, but it also neglected to raise the issues of restitution, rehabilitation and protection of victims from future human rights violations. Government officials and police officers have escaped punishment for their horrific crimes, and instead,

have been praised and rewarded. Ram Narayan Kumar and Cynthia Keppley Mahmood state in their report, Disappearances in Punjab and the Impunity of the Indian State: 213

Despite public proclamations as to the democratic nature of the Indian state and its commitments to protect human rights, the Indian Government's treatment not only of the Sikh population of Punjab but of human rights workers attempting to investigate abuses undermined its credibility. A human tragedy on the probable scale of many of the great tragedies of history has occurred in Punjab, and we do a severe disservice to those who have suffered and to those who yet may suffer when we ignore evidence to the effect that all is not well in India ... We ask that India be urged to live up to its founding ideals by allowing and indeed supporting a full-scale accounting of atrocities in Punjab as a first step toward accountability, healing, and the restoration of democracy. We believe that respect for Human Rights and accountability for abuses thereof will be the only long-term guarantee of stability and peace in this important and volatile – and now nuclear – region of the world.

Lawlessness of the Administration

Human Rights becomes secondary in conditions when men were more concerned about their own safety and the safety of their property. In the present situation, human rights take a back seat.

K.P.S. Gill, Chief of Punjab Police, later Director General of Police²¹⁴

India's parliamentary system is largely derived from that of the British. Due to corruption and a lack of legislative implementation, however, the Indian model has proven to be dysfunctional. Often, Congress officials ignore the constitution, the judiciary overlooks legislation and the police force is notorious for its egregious violation of law.

One example of this problem can be observed in Section 167 of India's Code of Criminal Procedure, which states that any arrested individual must be produced before a magistrate within 24 hours. On the other hand, police officials have been trained and authorized to abduct their targets without documentation, thus bypassing the obligation to take the accused before a judge. This functional model assumes the target to be guilty until proven innocent. In 1992, Ajit Singh Bains, retired Justice from the High Court of Punjab and Haryana, wrote about this problem explaining, "In the hands of unscrupulous people, even the most

democratic and humane state can become oppressive, tyrannical and dictatorial. In such cases, the rule of law is the casualty."²¹⁵

Since the birth of India in 1947, the Sikh community persistently appealed to the government for the removal of discriminatory legislation and policies. When their requests went unacknowledged, Sikhs initially employed peaceful protests as a means to achieve recognition of the violations, and some eventually turned to an agitated struggle for recognition of their rights. Both methods have historically been employed throughout time and place by freedom fighters, and the struggle in India serves as just one example among many. As retired Justice Ajit Singh Bains observes:²¹⁶

Armed struggle by large or small sections of the people against governments which are either colonial or totalitarian in essence, or oblivious to the desires and wishes of the populace, cannot be included in the definition of terrorism. When every recourse to justice is exhausted, the people are compelled to take the road of armed struggle and this measure is applauded and broadly supported. Armed struggle is nothing new and there are so many such struggles recorded in modern history, from the American War of Independence in 1776 and the French Revolution in 1789 to the anti-fascist world war of liberation and the struggle of the Vietnamese and Indochinese people and others since then. To equate this means of liberation with terrorism will not hold. ... Terrorism, strictly speaking, is an act of intimidation of innocent people, threatening their lives, destroying their property, depriving them of their liberty and creating tension amongst them. ... It is to sabotage a just struggle and make the people vulnerable to the attacks of the state. ... The struggle of the people of South Africa against the racist regime

cannot be called a terrorist movement. ... If a state gives rise to a cult of violence and replaces democratic means with dictatorship, it is universally recognized that people have no other recourse.

The support and triumph of a protest movement largely depends on its public perception, primarily because propaganda is a highly powerful tool that can either cultivate mass support or mass rejection of an idea, movement or group of people. In the American Revolution, the British Government sought to craft public opinion against the founding fathers by representing them as unpatriotic secessionists; in South Africa, Nelson Mandela and the African National Congress were portrayed as militaristic terrorists in order to generate mass opposition against their freedom struggle. These are a few of the rare moments in history when freedom fighters have been able to triumph over negative media propaganda. In most instances, such as Rwanda, Darfur and Punjab, the reverse is true; the government sponsors propaganda against an oppressed group, which generally influences the public reaction and helps to crush any and all resistance.

Some intellectuals argue that in a political system comprised of legislative, judicial and executive branches, media functions as the fourth branch of the government, particularly because it provides an additional system of checks and balances. This notion assumes that media is independent of political influence. The credibility of this fourth branch is derived from its sovereign nature. Regrettably, this is not the case in India. Reporters and media outlets alike are overtly controlled by the government. Heavy censorship and surveillance following the events of 1984 resulted in cover-up efforts across the nation. Government inspectors forced editors to hand over finalized versions of their newspapers in order to censor articles that might invoke the

sympathies of the public or negatively portray the ruling party. In fact, the inspectors would delete entire articles, leaving large, blank spaces scattered throughout newspapers. In protest of this censorship, newspapers began to intentionally leave unnecessary blank spaces in their publications.²¹⁹ These empty blocks seem to be a common theme in media repression, as similar blanks have appeared in national newspapers during analogous oppressive government campaigns (e.g., Operation Bluestar, Operation Woodrose, Operation Rakshak, President's Rule).²²⁰

Additionally, nationally renowned journalists were bribed by the state to write with a government-oriented slant. Cooperating with the government, journalists would publish partisan articles and receive monetary and material rewards. A striking majority of journalists residing in Chandigarh lived in houses specially made for government employees, a fact that even more clearly elucidates the relationship between the media and the government. While shocking to a Western observer, mass corruption of India's media has become so prevalent and commonplace that it has ceased to be shocking to Indians.²²¹

In addition to writing in the government's favor and over-looking newsworthy events that might arouse public sympathy towards the Sikhs, national media outlets manipulated stories to provoke violence against the minority community. For example, an article in the *Times of India* on August 4, 1984, bore a headline that depicted Sikhs in a negative light: "Two Sikhs hijack bus, kidnap boy." The article proceeded to narrate that two Sikh men hijacked a bus and kidnapped a young boy. However, a closer investigation of the happenings revealed that a servant who was just fired by a Sikh family had kidnapped their son and was holding him for ransom. The two men had entered the bus to reclaim their boy. After careful evaluation, it appears that the headline above was intentionally composed to vilify the Sikhs. As Pritam Singh analyzed in *Punjab in Indian Politics*, the headline could have easily

read, "School bus hijacked, Sikh child kidnapped." One version portrays the Sikhs as the aggressor while the other portrays the Sikhs as the victim of violence. While both headlines are accurate, each sends a different message. The presentation given by the newspaper indicates its own leanings. This particular case is a pertinent example that reflects the larger trend of maligning Sikhs in the media.

One of the most effective ways to rally public opinion around an idea is to convince people that their individual lives are under threat and their collective existence is under attack. The Indian government crafted an environment of fear, uncertainty and violence by publicly alleging that a majority of Sikhs were engaged in terrorism. The inflammatory propaganda bombarded the country through national media outlets, convincing the public to approve of illegitimate action against the alleged militants.

President's Rule was enacted, suspending conventional law and eradicating possible opposition or supervision within the police force. As a result, the Punjab Police assumed control over the state. Rather than bringing order and justice, the police unleashed a reign of terror that targeted the already suffering Sikhs of Punjab. Inderjit Jaijee lamented, "If only it could have been some tournament match on a chessboard. But it wasn't: the pawns were men, women and children and the most tragic victim was respect for the rule of law." In this way, state terrorism prevailed through the disregard for national and international laws.

Retired Justice Ajit Singh Bains served on the Punjab and Haryana High Court and is intimately familiar with the Indian system of law enforcement and justice. In 1992, he wrote the following in regards to state terrorism:²²⁴

The state uses this method [terrorism] in several ways, two of which have gained much notoriety. The first is the direct and indiscriminate use of terror by the state against the people in

killings through 'fake encounters', the torture of individuals in police stations and interrogation centres, extortion through arrests or threats of imprisonment or rape, and various other acts of violence against the people. The state also finances non-governmental, specialized terrorist organizations to carry out various forms of intimidation such as bombings, kidnappings, hijackings and indiscriminate killings. The aim of the latter is to create an atmosphere of anarchy and violence so that, out of frustration, the people absolve the state for its direct use of violence and other means of repression.

Punjab's elected government was disbanded and Congress sympathizers were hand-picked to monitor state affairs, which effectively left the law in the hands of the police. Because President's Rule privileged the police with authority, the police sought to retain their power for as long as possible. According to the Indian Constitution, President's Rule can only be imposed for a period of six months. However, the authoritarian rule lasted a great deal longer than six months, even overriding the state elections of Punjab in 1992. When President's Rule was lifted and elections were finally set, the Punjab Police managed to postpone the elections for three months as candidates and supporters of the Akali party were killed, arrested and barred from voting.²²⁵ To protest the assassinations of their candidates, surviving Akali Party members boycotted the 1992 state elections. As a result of both the obstruction of voting as well as the boycott by the Akalis, the Congress government came into power again in Punjab. A mere 23.8 percent of the electorate participated in the elections, 226 25-40 percent of voters turned out in urban areas and only 5-20 percent voted in rural constituencies.227

These numbers hardly represent a democratic election. Farooq Abdullah, former Chief Minister of Jammu and Kashmir protested: "The Punjab elections were fake; people did not vote. Security

forces masquerading as people did." ²²⁸ Since Indira Gandhi's reign, democracy did not truly exist in Punjab – the Punjab Police had absolute and uncontested control. President's Rule, with the abolishment of the elected government, was instituted six times between 1966 and 1985 in Punjab. During these times, the Punjab Police notoriously indulged in extra-judicial extortion, murder and torture, usually targeting individuals who were considered to pose a threat to the authoritarian rule.

In March of 1988, the Indian Parliament's Upper House approved and passed the fifty-ninth amendment to the Indian Constitution, which enabled the central government to extend President's Rule within any state beyond one year, impose Emergency on the basis of "internal disturbance" and suspend Article 21 of the Indian Constitution, which guarantees that no person can be deprived of life or liberty except through procedures that are in accordance with the law. The potency of this shocking act manifested itself in 1991 in Punjab as Cynthia Keppley Mahmood explains in *Writing the Bones*: ²³⁰

Punjab was then declared a 'Disturbed Area' under the Disturbed Areas Act of 1991. This astonishing move, though unheralded in the international press, meant that India was legally suspending protection of the right to life against arbitrary violation in one of its key states.

The government passed similar legislation (e.g., Armed Forces Special Powers Act, Punjab Disturbed Areas Act, Terrorist Affected Areas [Special Courts] Act) that allowed for the suspension of most laws protecting the legal rights of minorities in India. The new policies enabled search and seizure to take place without a warrant, security forces to destroy an area on the mere suspicion that it was a terrorist hideout and the killing of a suspected person without evidence – all with total immunity from prosecution. The

notorious Terrorist and Disruptive Activities Prevention Act (TADA) explicitly declared a person guilty until proven innocent and officially placed the burden of proving the innocence on the accused. TADA denied the citizen bail and allowed the police to keep the accused in their custody for an unspecified period of time. As a means to make it virtually impossible for the accused to gather evidence of their innocence, prisoners from one state were often kept in jails in distant states so that evidence and judges would be continuously in flux.

Notably, such legislation continues to plague Indian polity. Despite the *United Nations Declaration of Human Rights*, citizens have persistently been deprived of their basic human rights. After TADA lapsed in 1995, a parallel piece of legislation, the Prevention of Terrorism Act (POTA), was passed in 2001. Similar to TADA, POTA allows the police to detain any citizen for up to 180 days without filing so much as a charge sheet and places the burden of proof on the accused. POTA also permits statements from police officers to stand as evidence and continues to consider the accused to be guilty until proven innocent.²³¹

As if the legal mandate authorizing the absolute power of the police force was not enough, the Punjab Police engaged in a number of highly illegal activities for personal gain. For example, international human rights workers have testified that the Punjab Police had become infamous for compiling hit lists. The hit lists frequently served as a supplemental source of income for the police officers in the following way: The police would abduct a man and take him into custody, detaining him for an extended period of time. During this period, the police would pin numerous egregious crimes to the man's name, which would drive up the reward for his apprehension. When the value for the prisoner's capture reached a desirable amount, police officers would kill the man in a staged encounter and collected the bounty. In addition to being a highly profitable operation, this system enabled the police

to obliterate entire towns and villages, first by murdering civilians and ascribing the murders to the man in custody, and second by killing the wanted man himself. Despite the atrociousness of such actions, depictions by the media remained all too familiar – an uncooperative militant unintentionally killed by the police in an encounter.²³³

On August 30, 1988, the Director General of Police, K.P.S. Gill, posted lists of 53 men who were wanted dead or alive. The postings included the addresses of these men and offered cash prizes between 25,000 and 100,000 rupees: "Reward for apprehension/liquidation of wanted terrorists/extremists as mentioned against the name here are hereby sanctioned." Shockingly, but without doubt, the Director General of Police was publicly sanctioning the murder of untried citizens. ²³⁴ Inderjit Jaijee writes: ²³⁵

For these and other such services, officers of the Punjab Police are given awards and honors. Estimates as to the number of awards given range from 1.5 million to 2.0 million, which is considerably higher than the number of awards given to the combined Axis and Allied forces during both World Wars.

The system for evading punishment and accounting for the gross number of disappearances and murders in Punjab is both convoluted and easy. Rarely does a case reach a judge or jury, and, even when a case is filed in the courts requiring the police to produce a live detainee or corpse, it is then transferred from court to court, district to district, and state to state. Consequently, the proceedings are effectively delayed for years. When senior police personnel and judges fail to appear, court dates are postponed repeatedly. The exiguous evidence that exists on behalf of the defendant – a gruesome photo showing the man or women's tortured body, the moving story of a family member or the horrifying testimony of a witness of torture – also become tarnished and lost

over time. After the case has been prolonged for a period of years to decades, it is simply dismissed.

Evading the obligation to produce evidence, however, did not mean that all the evidence had disappeared. For example, after murdering thousands upon thousands of civilians each year, the Punjab Police soon ran out of places to hide the corpses of the butchered. Ram Narayan Kumar and Cynthia Keppley Mahmood explain: ²³⁶

Punjab's irrigation canals had become the dumping grounds for bodies of disappeared citizens as well as of executed militants, and the state government of Rajasthan to the south formally complained of dead bodies floating down from Punjab. News reports said that the dead bodies of Sikhs, many with hands and feet tied together, were being fished out when water in-flow channels were dredged for repairs. These reports stood in contradiction to the government claim that the missing Sikhs were all militants who had fled to Pakistan or abroad to continue the separatist insurgency. For a tiny minority this was a possible scenario, but the allegations of executions and disappearances were by that time numbering in the thousands. Interviewing their relatives, human rights workers found it impossible to believe that all were militants escaping into hiding overseas. Most of the relatives affirmed strongly that the victims had no connections with politics or insurgency.

The case discussed by Mahmood and Kumar is no anomaly. For example, human rights workers searched 19 kilometers of the Sirhind Irrigation Canal, and in that stretch alone, discovered 19 corpses, suggesting an average of one corpse per kilometer. Inderjit Jaijee bemoans the despair of the situation: "It is difficult to arrive at the exact number of lives lost because of the illegal nature of the

killings and the deliberate disinformation spread by the government about the number killed." ²³⁷

Another astounding figure is that of the officers comprising the Punjab Police. Supplemented by paramilitary forces and battalions from the states of Uttar Pradesh, Madhya Pradesh, Rajasthan, Gujarat and Andhra Pradesh, over 600,000 security officers served in Punjab during the early 1990s. Considering that Punjab consisted of approximately three million Sikhs between the ages of 15 and 60, the ratio suggests one police or paramilitary officer for every five Sikh adults. Eventually, in light of the violence and tensions afflicting Punjab, on September 16, 1994, the Supreme Court confessed that it was "deeply concerned about the safety of the citizenry at the hands of such an errant high-handed and unchecked police force."

Before resigning on May 31, 1990, Governor of Punjab Nirmal Mukarji told a correspondent for the *Times of India* that, "the brunt of the police *raaj* was being felt by the Sikh masses who had no place to go for redressal of their grievances." Later, on September 5, 1991, a report published in the Indian newspaper *The Tribune* stated, "Although the police is openly resorting to the illegal arrest of released militants, neither the Punjab and Haryana High Court nor the Sessions Judge has power to give directions to the police to stop this." The Punjab Police, with the sanction of the Indian government's legislative branch, had spun out of control and the judiciary recognized that they had no authority over the unwieldy force. The Citizens for Democracy report quotes a villager in Punjab at this time: ²⁴³

Police is terrorising the people. All those who are to protect us, like B.S.F. [Border Security Force], Punjab Police, C.R.P. [Central Reserve Police], military and Central Government forces are the real terrorists and extremists; because terrorists are those who have crossed all limits of law and humanity.

CHAPTER 10

The Struggle for Justice

It is a terrible tale, carefully documented, of sadistic torture, ruthless killings, fake encounters, calculated ill-treatment of women and children, and corruption and graft on a large scale.

Justice V.M. Tarkunde, Bombay High Court 244

Since the formation of India in 1947, the Sikh community has undergone unyielding oppression, first through the denial of political and language rights and then through organized violence against the Sikhs in the last quarter of the twentieth century. According to the Punjab State Magistracy and members of the United States House of Representatives, over 250,000 Sikhs have been killed in India since June of 1984. As the Citizens for Democracy powerfully states, this moment indeed marks "one of the most gory and tragic chapters in the entire history of modern India."

Tens of thousands of innocent Sikhs have been detained in prisons for alleged acts of violence that, as a police officer admitted, they have never committed nor are they capable of committing: 247

The number of cases had been intentionally increased by creating false cases, in order to justify the existence of Special Courts and N.S.A. [National Security Act] As the trial takes

a very long time, generally the accused, though innocent, 'confess' the guilt in the hope of quick release.

In this way, the detained rot in prison while their cases are forgotten over the years. Yet the detained seem fortunate in relation to the Sikhs arrested by the police and brutally tortured and executed. The families of these victims have no source of income and are generally reduced to poverty. As aforementioned, former Attorney General of India Soli Sorabjee admitted that human rights agencies continued to be barred from entering areas in Punjab, leaving little hope for the victims. Domestic groups, such as the judicial system and the NHRC have not made progress in identifying and punishing the perpetrators of human rights violations, nor have they provided redress to a substantial proportion of the victims.

Recent human rights violations lead us to believe that Mahmood and Kumar's statement – "All is not well in India" – has been true for at least the past few decades. Evidence of recurrent foul play in India is exemplified by the 1992 storming of the Babri Masjid as well as the 2002 Gujarat violence against Muslims. India's record of chronic human rights abuses and manipulation of events and facts necessitates investigation and intervention. Without strong action against the perpetrators of genocide, history threatens to repeat itself.

In his foreword to *Oppression in Punjab*, Justice V. M. Tarkunde of the Bombay High Court explained why the truth about Operation Bluestar and the subsequent events is crucial information with implications on local, national and international levels: ²⁵⁰

This is necessary not only for understanding the present situation in Punjab, but also in order that we should appreciate what happens when democratic rule is allowed to be

replaced by a rule of the army and the police. The recent events in Punjab present an object lesson of how a democratic polity should not deal with a situation of acute public unrest.

In a democracy, public unrest must be met by democratic means. ... Law and order have to be maintained, but they must be maintained by just and fair laws. Terrorism must be eliminated, but that should be done by taking [the] public into confidence and isolating the terrorists from the bulk of the people. Justice and fair play must characterize the approach of a democratic government on all occasions of public unrest.

Many leaders in the United States dedicated to the ideals of democracy have brought the issue of the injustices against minorities in India to the U.S. House and Senate floors. Over 100 congressmen wrote to then President Ronald Reagan demanding action against India for its perpetration of atrocities in 1984. On February 28, 2002, 42 members of the U.S. Congress appealed to then President George W. Bush to request India's release of over 50,000 Sikh political prisoners that were being held illegally in Indian jails. U.S. Congressional Records from 2002 state: ²⁵¹

A report issued last year by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive 'Terrorist and Disruptive Activities Act' (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. ... The MASR report quotes the Punjab Civil

Magistracy as writing 'if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands].'

International awareness of India's draconian laws and the genocide these laws have facilitated is the only hope for survival for the hundreds of thousands of defenseless victims in Punjab. Sadly, the cries of the tortured and abused in Punjab have largely fallen on deaf ears. The brutalities, murder, desecration and destruction of human life and dignity by the Indian government and Punjab Police have received little response from the international community. The unwillingness to hold a perpetrator accountable for acts of genocide does little to repudiate inhumane violence. Recognition of and reaction to human rights violations contributes to the safety and security of victims. In August of 1999, United States Congressman Dana Rohrabacher stated that for minorities such as Sikhs and Kashmiri Muslims, "India might as well be Nazi Germany."252 The world abhors the ideology and rhetoric of Nazi Germany, yet India continues to tread a similar path of ethnic and religious cleansing.

Trends of ethno-nationalism further compound the human rights abuses against Sikhs. Hindu nationalist organizations have united to overpower minority faith groups in India through manipulation and violence. Propaganda campaigns have directly challenged the Sikh identity, portraying the Sikh Gurus as Hindu deities, the Sikh scriptural cannon as a part of the Hindu textual tradition and Sikh practitioners as devout Hindus. Hindu nationalist organizations supplement these efforts with communal violence. For example Balasaheb Thackeray, a leading figure of the Hindu nationalist group Shiv Sena, offered a disturbing response regarding the treatment of Muslims in India as comparable to that of Jews in Nazi Germany. "If they behaved like Jews in Nazi Germany, then there is nothing wrong if they are treated as Jews

were in Nazi Germany."²⁵³ Anti-minority and exclusivist attitudes like those expressed by Hindu nationalist groups tear at the fibers of diversity that weave the fabric of India and serve to fuel the violence between communities.

Over the past few decades, life in Punjab has also been altered drastically. The prosperous, fertile land of a culturally rich people has been transformed into an arid and sterile land suffering from a multi-dimensional crisis. Water rights, as demanded by the Anandpur Sahib Resolution in the 1970s and 1980s, have become an increasingly important issue in Punjab as 75% of Punjab's waters have illegally been redistributed to other states by the central government. Due to this unlawful stripping of vital resources from an agriculturally dependent state, the economic viability of Punjab has been destroyed. Tens of thousands of Punjabis, unable to sustain themselves due to oppressive governmental policies, have committed suicide. Farmer rights clearly form the basis of tension between the Punjabis and the central government and have prominently strained relations between the two groups over the past several decades. In an analysis of the role of the Punjab river waters dispute, the Institute of Sikh Studies reports, "The River-Waters Dispute forms the prime social, economic and political issue in the Punjab, and is central to the solution of the socio-political problems in the state, since all further progress in the social, economic and political fields depends on the fair and constitutional resolution of this matter." 254

Punjab is currently suffering from an economic, social, environmental and medical crisis, with these individual catastrophes leading to a convoluted web of unprecedented drug addiction and suicide, unthinkable rates of female infanticide and the rise of untreatable, rare diseases as the result of the growing pesticide use. Decades after the events of 1984, the Punjab issues have become a moral imperative, commanding us to take part in the movement

to restore justice, freedom and human rights. It is our duty to ensure that the right to life of all persons is upheld, regardless of their age, religion or gender. If a government is particularly tyrannical, then we must call attention to this unjust rule. If we shut our eyes to these atrocities and shut our ears to the anguished cries of our fellow human beings, we silently acquiesce to inhumanity. How could we then say that we are any better than those committing such crimes? Only by acknowledging and correcting past atrocities can we expect that our children and future generations will not fall prey to such grave abuses.

Violence which destroys homes and buildings is serious, but violence directed against the dignity of the individual is intolerable and unworthy of man. ... If we remain silent, the clamor of violence will stifle the cry of the people, who call for justice and peace.

Pope John Paul II²²⁵

NOTES

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 - a. Killing members of the group;
 - b. Causing serious bodily or mental harm to members of the group;
 - c. Deliberately inflicting on the group conditions of life calculated to bring out its physical destruction in whole or in part;
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CHAPTER 2

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- 193. Ram Narayan Kumar, Amrik Singh, Ashok Agrwaal and Jaskaran Kaur, REDUCED TO ASHES, 54, 56, 58.
- 194. The Punjab Police Rules of 1934, Chapter XXV, Rule 25.38 Ram Narayan Kumar, Amrik Singh, Ashok Agrwaal and Jaskaran Kaur, REDUCED TO ASHES, 54: "The rule requires that before carrying out the cremation, the investigating officer write down a careful description of the body, giving 'all marks, peculiarities, deformities and distinctive features' and also take the finger impressions and photographs. The rule also says that the investigating officer must also 'take all other reasonable steps to secure identification' and, when desirable, publish the description in the criminal intelligence gazette. After completing the process, the investigating officer should hand over the body to a willing charitable society. The police are to burn or bury the body if no such society should come forward."
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Movement Against State Repression, World Human Rights Protection Council, Human Rights and Democracy Forum, Lawyers for Human Rights, Khalra Action Committee, Bhartiya Kisan Union, the three branches of the Akali Dal (Wadala, Mann, Panthik), Punjab Janata Morcha, Bahujan Samaj Party, Internationalist Democratic Party, Sikh Students Federation (Mehta/Chawla), Babbar Akali Dal, Akal Federation and, the World Sikh Council (which joined later).

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- 207. United Nations. Declaration on the Protection of all Persons from Enforced Disappearance. General Assembly resolution 47/133. 18 December 1992. http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.47.133.En?OpenDocument
- 208. Amnesty International. India: A vital opportunity to end impunity in Punjab.
 - 1) Restitution: steps should be taken to restore the victims to the situation they were in before the violation occurred, including restoration of their legal rights, social status, family life, place of residence, property and employment.
 - 2) Compensation: steps should be taken to compensate for any economically assessable damage resulting from violations including physical or mental harm, emotional distress, lost educational opportunities, loss of earnings, legal and/or medical costs.
 - 3) Rehabilitation: steps should be taken to ensure medical and psychological care if necessary as well as legal and social services.
 - 4) Satisfaction and guarantees of non-repetition: steps should be taken to ensure cessation of continuing violations, public disclosure of truth behind violations, official declaration of responsibility and/or apologies, public acknowledgment of violations, as well as judicial or administrative sanction, and preventive measures including Human Rights training.
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A.RES.47.133.En

- 212. Amnesty International, India: A vital opportunity to end impunity in Punjab.
- 213. Ram Narayan Kumar and Cynthia Keppley Mahmood, Disappearances in Punjab and the Impunity of the Indian State.

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- 215. Justice Ajit Singh Bains. State Terrorism and Human Rights. http://www.cpcml.ca/tmld/TMLD222.htm
- 216. Ibid.
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- 218. Ibid, 225, 227, 231.
- 219. Ibid, 225.
- 220. Ibid, 225.
- 221. Ibid, 234-235.
- 222. Ibid, 232-233.
- 223. Ibid, 18.
- 224. Justice Ajit Singh Bains, State Terrorism and Human Rights. http://www.cpcml.ca/tmld/TMLD222.htm
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- 228. HINDUSTAN TIMES. 3 November 1995.
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- 230. Cynthia Keppley Mahmood, Writing the Bones, 28.
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- 233. Inderjit Jaijee, POLITICS OF GENCIDE, 75-78.
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- 235. Ibid, 49.
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The case of the government and the Congress-I is simple: Their foul deeds and criminal acts shall not be exposed. They will run wild in Punjab, killing innocent people, they will organise mass killings of Sikhs in Delhi and elsewhere; they will promote criminals in politics and in public life; they will let the police kill people without provocation. If anyone should document these brutal and criminal acts and publish the reports, such individuals or organisations that do this must be scandalised, terrorized and suppressed. This is precisely what fascism is about.

George Fernandes, former Defense Minister of India 25th

PUNJAB POLICE RANKINGS (Highest to Lowest)

Director General of Police
Inspector General of Police (IG)
Deputy Inspector General of Police (DIG)
Senior Superintendent of Police (SSP)
Superintendent of Police (SP)

Deputy Superintendent of Police (DSP)

Inspector

Sub-Inspector (SI)

Assistant Sub-Inspector

Havaldar

Head Constable

Constable

FURTHER READING

BOOKS

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Cynthia Keppley Mahmood
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Cynthia Keppley Mahmood
Human Rights Review, Vol. 1, 1999

A BITTER HARVEST: FARMER SUICIDE AND THE UNFORSEEN SOCIAL, ENVIRONMENTAL AND ECONOMIC IMPACTS OF THE GREEN REVOLUTION IN PUNJAB, INDIA Bryan Newman
Food First: Institute for Food and Development Policy, Oakland, 2007

THE RISE OF AN ILLIBERAL DEMOCRACY: A CASE-STUDY IN THE CRISIS OF PUNJAB
Sikh Genocide Project

THE GHOST OF INDIRA GANDHI Amitav Gosh The New Yorker, 1995

IMPLEMENTATION OF PRESIDENT'S RULE IN PUNJAB

Chief Minister	Beginning	Ending	Party	
G.C. Bhargava	August 1947	April 1949	Congress	
B.S. Sachar	April 1949	October 1949	Congress	
G.C. Bhargava	October 1949			
President's Rule	June 1951	April 1952		
B.S. Sachar	April 1952	January 1956	Congress	
P.S. Kairon	January 1956	June 1964	Congress	
G.C. Bhargava	June 1964	July 1964	Congress	
R. Kishan	July 1964	July 1966	Congress	
President's Rule	July 1966	November 1966		
G.S. Mussafir	November 1966	March 1967	Congress	
G. Singh	March 1967	November 1967	Akali Dal	
L.S. Gill	November 1967	August 1968	Akali Dal	
President's Rule	August 1968	February 1969		
G. Singh	February 1969	March 1970	Akali Dal	
P.S. Badal	March 1970	June 1971	Akali Dal	
President's Rule	June 1971	March 1972		
Z. Singh	March 1972	April 1977	Congress	
President's Rule	April 1977	June 1977		
P.S. Badal	June 1977	February 1980	Akali Dal	
President's Rule	February 1980	June 1980		
D. Singh	June 1980	October 1983	Congress	
President's Rule	October 1983	September 1985		
S.S. Barnala	September 1985	June 1987	Akali Dal	
President's Rule	June 1987	February 1992		
B. Singh	February 1992	August 1995	Congress	
H.S. Brar	August 1995	January 1996	Congress	
R.K. Bhattal	January 1996	February 1997	Congress	
P.S. Badal	February 1997	February 2002	Akali Dal	
A. Singh	February 2002	March 2007	Congress	
P.S. Badal	March 2007	Present	Akali Dal	

Have they behaved like the Jews in Nazi Germany? If so, there is nothing wrong if they are treated as Jews were in Nazi Germany.

Balasaheb Thackeray, founder and head of Shiv Sena^{256, 257}

To preserve the unity of India, if we have to eradicate 2-kror [20 million] Sikhs, we will do so.

Balram Jakhar, Speaker of the Indian Parliament, 1980-1989²⁵⁸

... the Indian Government has been the major cause of bloodshed in the state (Punjab) ...

New York Times, 16 September 1985

[The] Indian Government is accused of inhuman barbarities against the people of Punjab.

Justice V.M. Tarkunde, Bombay High Court 259

A member of the Indian Government's 'Red Brigade' confessed to State-sponsored terrorism against the Sikhs.

The Ottowa Citizen, 12 February 1989

They put [Bagail Kaur, 7 month old] on a colony of ants, coated her arms and legs with sugar and let the ants bite away at her. They watched as she cried out helplessly as if close to death. These tyrants possess not even a grain of mercy.

U.S. Congressional Records, 12 August 1992

You do not know the might of armed forces. We will eliminate 5,000 Sikh youths and the world will know nothing about it.

Chandra Shekhar, Prime Minister of India, 1990-1991²⁶⁰

ABBUT THE AUTHOR

GUNISHA KAUR has been a human rights activist from the beginning of her years at Williamsville North High School, from where she graduated in 2002. It was during her studies there that she began this project on human rights violations in India. She was active in researching human rights violations throughout her high school years, and continues on this journey even today. The manuscript of this book has won the Joanne Champion Granger Award Human Rights Award in 2002.

During her years as an undergraduate student at Cornell University, Gunisha focused her study on the genocide that has been taking place in India. She has been actively involved in several written works as well as presentations throughout the U.S. and Canada that aim to educate people about these human rights violations in punjab. Currently a medical student at the Cornell Medical College in New York City, Gunisha aims to apply her medical training to human rights work in the future.

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Gunisha Kaur's Lost In History 1984 Reconstructed is a heartfelt and brave witness to one of the great scenes of human cruelty in the 20th century—the widescale torture and slaughter of the Sikhs in Punjab. Little-known to those not tracking human rights abuses, this story is clearly and passionately told by a young woman who documents on behalf of her people and all humanity. The clarity and strength of her vision are compelling.

Dr. Diane Christian
SUNY Distinguished Teaching Professor
Author of "Blood Sacrifice" and "The Priesthood of Death"

In 1984, India launched a full scale army invasion of the Golden Temple and many Sikh places of worship acro Punjab in northwest India, suspended all legal safeguards, and transformed the villages of Punjab into killing fields with no accounting of the dead and the maimed. Human rights organizations were and continue to be denied access to conduct honest inquiry.

What was the genesis of the problems in Punjab? Though the issues no longer occupy center stage, they continue to fester. How has the Indian society chosen to respond to them? These questions remain vital to the place of minorities in India; they will shape the world's largest democracy.

Now, 25 years later, Gunisha Kaur explores afresh the events that rent Punjab and India when she was barely a toddler. There are at least two good reasons to do so: the record is important: it speaks for itself but it can become degraded or forgotten if neglected. Also, it is time to explore the response of the Indian government to the demands for redress and justice. Justice, though delayed, must not be allowed to become justice denied to the some principles hold true universally, whether it is the Holocaust in Europe, apartheid in South Africa, or genocide in Rwanda.

Gunisha's voice is fresh, her writing sensitive. It has an overwhelming sadness about 1984 but it is not without hope. Hope can flourish only if the record does not get lost in the contrived passages and cunning corridors of history.

In the face of overwhelming trauma all that any citizen can do is not to cease thinking and not to hold one's tongue. This Gunisha has done most effectively and admiraby.

Dr. I.J. Singh
New York University
Author of "The Sikh Way: A Pilgrim's Progress," "Sikhs & Sikhism: A View with a Bias."
and "Being and Becoming a Sikh"



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