

The text of the address of Senior Advocate Amar Singh Chahal
(spokesman of Jagtar Singh Hawara, Jathedar, Sri Akal Takht Sahib
– the supreme religious and political seat of the Sikhs)

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(PNSD)

Most distinguished Parliamentarians, National Representatives and Friends,

“Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh”

This slogan is bestowed upon his Singh’s – Khalsa means gathering of pure people, is the creation of God and victory is ever that of God. The 10th Master of the Sikhs, Guru Gobind Singh, acted and did everything as ordained by the almighty.

The Sikh religion was founded by Guru Nanak Dev Ji, the first Guru of the Sikhs in the year 1469. The tenets of Sikhism are work to earn, remembrance of God, sharing of earnings with other needy persons. Guru Nanak Dev ji was succeeded by nine Gurus in human form, one after the other, having been selected purely on merits, devotion and service to humanity.

During their lives all the ten Gurus of the Sikhs fought against tyranny of the state and championed the cause of human rights and uplifting of society, especially the poor as in India there was division of human beings on caste basis and some sections of society were absolutely denied their rights, including to live as honourable persons. The last of the human Gurus gave power to the masses by formation of the Khalsa, a group of pure persons which also continued the fight as per the principles and tenets of Sikhism laid down by the Gurus. Ultimately, Maharaja Ranjit Singh established Khalsa rule by winning territories in a part of India of the size of France and became a sovereign king of the Sikhs. However, this sovereign state of the Sikhs was annexed by the British in 1849.

After this development the Sikhs from time to time fought against the British to regain their lost state. The struggle then became part of the movement for independent India by joining hands with the Indian National Congress and other political groups. It is a historical fact that the division of India on to two countries was because of the blemish worthy conduct of the Indian National Congress leaders, although the blame has been given to Mohammad Jinnah, the founding father of Pakistan. History also testifies that Sikh leaders opposed the division of the country on communal lines but the other contending parties / leaders did not agree to it. During the transfer of power talks with the British the Sikh leaders opted to remain with India as in the past the Congress leaders continued to give assurances and promises to Sikh leaders that, after independence, a part of Northern India will be given to the Sikhs to enjoy the glow of freedom. Mahatma Gandhi even went to the extent of saying that if there will be betrayal from these promises, Sikhs will be within their rights to take up weapons.

Unfortunately, all the promises proved to be false and the Indian political system came to be dominated by Hindus who happened to be in majority and also acted along communal lines. Instead of giving any rights of enjoying the glow of freedom every effort was made to ignore the rights of the Sikhs and even they were termed to be Hindus in the Constitution of India in spite of the fact that the representatives of the Sikhs did not sign the Constitution on the plea that they had been betrayed and their rights had not been protected.

The Sikhs then started asserting their rights to get political power and the first step in that behalf was the demand for the formation of a state on a linguistic basis as such other states were formed in India on the basis of languages. The Sikhs struggled from 1947 till 1966 for such a state, peacefully and in a democratic way but their movements were ruthlessly suppressed by state repression and tyranny. About 60,000 Sikhs were sent to jails and many were killed because of the state firing and repression.

Ultimately in 1966 the Punjab was reorganised in the basis of language but in a most undemocratic and dishonest way. A big chunk of Punjabi speaking area was transferred to other states. The natural resources of the state, such as river waters and hydraulic projects, were taken under the control of the central government against all laws and principles. Even the products of the state such as wheat, rice and cotton etc were brought under such laws that proper priced of the same were not given to the farmers of the state of Punjab who were from the Sikh community.

Practically all the social, economic and religious institutions of the Sikhs were interfered with in such a way that these became redundant. A section of the Sikhs did not tolerate all this injustice and illegality of the Indian Government and continued to struggle for claiming their rights as promised by Indian leaders before independence. The political party of the Sikhs, the Shiromani Akali Dal, prepared a document known as the 'Anandpur Sahib Resolution' demanding therein the creation of an autonomous state for the Sikhs within the Indian state. This was not to the liking of any political party in India because each one was dominated by Hindus who were communal by thinking.

Indira Gandhi then became Prime Minister of India in 1976 and imposed an 'emergency' in the country which was opposed by the Sikhs as well. From Punjab the opposition to the 'emergency' was at the top if it and was led by Sikh leaders. This annoyed Indira Gandhi because ultimately she was dislodged from power in the elections held after the 'emergency'. When Indira Gandhi came to power during the next elections she had a grudge and wanted to teach a lesson to the Sikhs for opposing the 'emergency'. This factor, coupled with the fact that Indira Gandhi herself wanted to become the leader of the Hindu masses, led her to get the holy of holiest place of the Sikhs – the Harmandir Sahib at Amritsar – attacked with full military force on the plea that Sikh terrorists needed to be flushed out from there, which was a false stand because simultaneously about 40 more Sikh religious places were also attacked by the Indian army.

The bloodshed of 1984 at the hands of Indira Gandhi resulted in the killing of innocent Sikhs which included children, womenfolk and elderly persons – the number of which has not been ascertained because of state opposition to such counting. The killing of Sikhs after the death of Indira Gandhi at the end of October 1984 in New Delhi and many other cities and that too without any cause or justification is a black chapter in Indian history. Raping of Sikh women, torture, detentions implication in false criminal cases were a routine matter. Sikh human rights activists and other meaningful persons estimate that 200,000 Sikhs have been killed from June 1984 to date and such killings are still continuing.

All these developments have driven the Sikhs to think that the decision of their leaders to remain with India was absolutely a blunder and they cannot exist and survive in the Indian state as their very existence has been threatened by the acts and policies of the Indian state. This feeling is certainly well founded and can be gathered from the following recent circumstances:

1. After coming to power the Modi Government in India is pursuing policies and programmes of the Rashtriya Swayamsevak Sangh (RSS), parent party of the BJP of which Mr Narendra Modi is the leader. Of late Mr S M Musharif, a former Inspector General of Police of Maharashtra state in India has released a book entitled 'RSS Country's Greater Terror Organisation'. Even

at international level this organisation has been bracketed as a terrorist group. So why not say that India is being governed by terrorists headed by Mr Narendra Modi?

2. Every day the statements of BJP leaders who are part of the governing body and other Hindu organisations supporting them are saying that India is a Hindu Rashtra meaning thereby it is a state of the Hindus, where as in India other communities, religious groups such as Sikhs, Buddhists, Christians, Muslims etc also citizens of that country.
3. The ruling group and their supporters are proclaiming that whoever will live like Hindus in India will be having the right to live therein but no other ones and if anybody is having different thinking or living style other than Hindus, they may leave the country or face the consequences for not following Hindu way of life.
4. Bharat Mata Ki Jai is the recent slogan being thrust upon by the ruling party and other Hindu organisations on all Indians and the persons who are opposing such a move have been termed to be traitors and having no right to live in India.
5. Day in day out some leaders from the ruling group and other meaningful Hindu leaders are even talking of beheading such persons who oppose the policies of the formation of Hindu Rashtra.
6. The distinction between the Indian National Congress and the BJP is no much because whatever policies the former pursued to advance the cause of Hinduism are vigorously pursued by the present ruling party. The Babri Masjid was demolished by the Government which was led BJP in Uttar Pardes, whereas the Congress party at the centre gave passive and tactical help for such demolition. The Government of Indira Gandhi, a Congress leader got the religious places of the Sikhs attacked from the Indian army and thereafter killed thousands and thousands of Sikhs either during the army operation or thereafter in false encounters or by torture in police custody. The BJP supported this action of the Congress party.
7. The Indian state is also suppressing the rights of other minorities such as Christian as their religious places have been demolished and innocent persons have also been killed either by the state or by Hindu organisations.
8. On 8 April 2016 Amit Shah, the President of the BJP, which is the ruling party asserted that it is the policy of the government to get Bharat Mata accepted as a World guru.
9. Yoga Guru Ramdev boasted to say whosoever will not chant Bharat Mata Ki Jai can be beheaded.
10. The recent decision of a Court in Uttar Pardes (Indian state) has shown as to how innocent Sikhs were being killed in different parts of the country. In a shameful incident eleven Sikhs who were visiting their religious places were made to come down from a bus by the police in the presence of their relatives. They were taken to different places in a jungle and were shot dead by terming them to be terrorists. A big number of police personnel were involved on such false killings and they got rewards for the killings in question from the state government. After long struggle and approaching the Supreme Court of India, enquiry was held and then investigation ensued. The decision of convicting 47 police personnel has come after 25 years.

The judge concerned has made serious observations against the investigating agency for leaving a big number of police personnel who were also party to the killing. All the police personnel remained on bail, got promotions and even some of them got retrial benefits. So this is the type of justice the Sikhs are getting in the Indian state. Such an incomplete delayed justice is denial of the same.

11. At the top of the Haryana incidents at the start of 2016 are most shameful and unknown to any civilised society governed by the rule of law. It is still shameful when the potential and administrative machinery of the state is trying to put carpet on the heinous crimes of raping a large number of women who were travelling during night time having come from different countries so as to see their nears and dears. The incidents shattered a big number of women and even young girls and they returned to their country of settlement by vowing that they will never come to India again. Practically all the victim women were from the Sikh community. It is the height of lawlessness in the country. To date not even single man has been arrested for such heinous crimes.

The cumulative effect of all this is that the minorities are having no social, economic and legal rights, what to say the fundamental ones as enshrined in the constitution. Every minority in India is feeling totally insecure at present and this feeling is increasing day by day. The state repression of the minorities is likely to increase in future and for all the times to come because of the political, religious, social and other circumstances prevailing in the country.

I am quoting the view of Mr Madhav Godbole, who was at one time the Home Secretary of the Government of India; according to him the concept of secularism has lost all its credibility as Hindu Rashtra ideology is being talked about so openly, defiantly and persistently. The demolition of Babri Masjid is a shameful chapter in India's recent history, raising doubts about its secularism. The Godra riots were qualitatively different in that it was state sponsored violence against the minorities. The anti-Sikh riots were all the more shocking since they took place under the 'benign' leadership of the central government. According to him subsequent governments took no action against the perpetrators of communal violence.

The army action of 1984 and thereafter action of paramilitary forces and police against Sikhs resulted in the winning of Parliamentary election by Indira Gandhi's son Rajiv Gandhi. The demolition of the Babri Masjid and killings of Muslims in Gujarat and in other parts of India gave power to the present ruling party ie BJP as above actions were nothing but state repression against two minority communities in India. The above referred parties were successful in consolidating Hindu votes in their favour because of the above actions. The circumstances show that in future as well as the present the ruling party – the BJP – will play such a card against the minorities during the coming elections.

The other appalling conditions of the Sikhs are still worse. A large number of Sikhs are being kept in jails although they have undergone imprisonment of twenty years or more and are not being released, but similarly situated convicts are being released on completion of their imprisonment from ten to sixteen years. It is the most glaring discriminatory action of the Indian state with Sikh prisoners.

Recently the state has violated the human rights of Sikh masses on a big scale when they peacefully held protests against desecration acts of their Holy Book – the Guru Granth Sahib. They were fired upon by police while sitting peacefully resulting in the death of two, injuries to many and detention in false criminal cases of a large number of people. The state did not even think it proper to hold an

enquiry against the above wrong actions and has failed to take action against guilty police personnel by ignoring the report of a retired judge of the Supreme Court.

For the last thirty years or so the functioning of the judicial system from bottom to top has also proved that it has failed to protect the rights of the minorities. It took no action over killings of innocent Sikhs from 1984 till date, detention and false implications in criminal cases of the Sikhs, raping of women, refusing to pass any appropriate order in case of unclaimed dead bodies of a large number of Sikhs, confirming the hanging order of Kehar Singh which was totally illegal, wrongful conviction of Devinder Singh Bhullar, dealing with the cases in altogether indifferent and illegal manner by first directing holding enquiries, seeking of reports, registration of cases with regard to wrongful killings by police of Sikhs whereas legal recourse was to direct the registration of the cases resulting in investigation and trials so as to result in expeditious justice.

Keeping in view the above facts and circumstances now I will try to convince the international community and more especially the bodies having serious concern with protection of rights of minorities like the Sikhs for their self-determination case:

A: without their sovereign status, the existence and survival of the Sikhs is becoming doubtful. Even the majority community of India, who are Hindus, are claiming that Sikhs will be completely assimilated in to Hindus in the coming fifty years or so. As per law the Sikhs are asserting and rightly that they are a different nation whereas the Hindus are terming them to be Hindus. It is unfortunate that the Sikhs are having to get certification from the majority community, the Hindus, that they Sikhs! It is also paradoxical that when the Sikhs are killed by the state – either by military operations or in false police encounters, they are termed Sikh terrorists, but otherwise as per Hindus they are Hindus. It is not understandable why such persons are not therefore called Hindu terrorists!

B: The Sikhs were and are a nation; they established a sovereign state and held it until 1849. If the Hindus and the Muslims became independent and got countries, there is no reason to say that the Sikhs should not have the right of a sovereign, independent state.

C: From 1947 to date the Sikhs have pursued peaceful and democratic ways and means to assert their political and other rights more especially having an autonomous state so as to enjoy the glow of freedom, there is no reason to deny this to them when before 1947 Congress leaders who were involved in the independence movement promised such rights to the Sikhs.

D: The Sikhs are nation as per definition laid down by UNESCO as they have:

- a common historical tradition;
- a racial or ethnic identity;
- a cultural homogeneity;
- a linguistic unity;
- a religious or ideological affinity;
- a territorial connection; and
- self-identification as a nation.

E: It is a fact which cannot be denied that there is no substitute for freedom and a sovereign state. Such a status of a nation like the Sikhs will result in resolution of their pending problems whether internal or external. It is a historical fact that since 1947 when India became

independent the problems of the Sikhs either in India or in other countries have multiplied but no one came to be solved and the reason for the same is total indifferent, inimical attitude and behaviour of the Indian state, supported by the majority of the Hindus. The problems of the Sikhs in India such as preservation and progress of their religion, culture, economic consideration and other related matters can only be solved in they have a sovereign system of government.

F: The plight of the Sikhs in foreign countries is not a happy one and that is because of the complete indifferent and unhelpful acts of the Indian state. In each country the Sikhs are facing problems of their religious matters – more especially the turban, settlement in other countries, grant of visa, issuance of travel documents and other related matters. The Sikhs are discriminated in such matters by the authorities of the Foreign Ministry of India in other countries.

G: It is the unethical privilege of the Indian governmental authorities to prepare a black list of Sikhs to propagate against them that they are terrorists but such a situation will not arise in the event of sovereign rule of the Sikhs.

H: The Sikhs are in conflict with the Indian state ever since independence because of the wrong, illegal and repressive policies of the Indian state qua them. In case the Sikhs remain in India in the present situation the conflict will continue forever. This can only be resolved by sovereign rule of the Sikhs.

The man is born free and it is his right to remain free, The right of freedom is to be decided by a person. If the collective will of the Sikhs is to enjoy freedom, no system or law – whether local or international – has the right to keep them away from freedom.

J: If the Sikhs are being eliminated because of the power and policy of the Indian state, as has been explained above, the only question remains of whether they should now have their own country, whether called by any name. The first thing to safeguard in the interests of the Sikhs is their survival, which can only be achieved by means of a sovereign state.

K: The trend of the international circumstances is in favour of giving sovereign rights to peoples who demand the same and whose such rights are being denied or defeated by any type of peoples or governance who themselves are enjoying the fruits of sovereignty.

Now the stage has come to refer to international law as to whether the right of self-determination is available to the Sikhs. Here reference is made to the Universal declaration of Human Rights according to which the will of the people shall be the basis of authority. As per the United Nations Charter and the 1966 International Covenant on Civil and Political Rights, peoples like the Sikhs have the right of self-determination. The ICCPR enjoins that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation based on the principle of mutual benefit and international law; in no case may a people be deprived of its own means of subsistence. There is absolutely no necessity to refer to more international laws and decisions of the International Courts of Justice on the subject of self-determination because the same is beyond any doubt.

The international community and groups such as 'Parliamentarians for National Self-Determination' are urged upon that the Sikhs are the peoples whose religion teaches:

'Sarbat Da Bhala'

(the wellbeing of all)

'Manas Ki Jat Sabe eko Pahchano'
(recognise the entire human race as one)

**'Aval Allah Noor Apaya Kudrat De Sab Bande
Ek Noor To Sab Jag Upjaiyo Bhale Ko Mande'**
(All human beings are the creation of God –
so when the whole world is His creation why call some good and others bad?)

So when the Sikhs are meant for and are working for the wellbeing of all human beings all over the world, and their existence and survival - which is made uncertain in India – they must be given a helping hand, so as to have the right to self-determination. For this purpose, the international community ought to render the help as follows: -

- ❖ The universal philosophy of the Sikhs for the wellbeing of all human beings ought to be given world-wide publicity by the International bodies and brotherhood.
- ❖ The Sikh masses are pursuing their sovereign right in India and all over the world by holding seminars, protests, demonstrations and by taking other steps which are entirely democratic- and that too in a peaceful manner. The international community must support the Sikhs in such activities.
- ❖ It is a fact that in addition to championing their own such rights, the Sikhs are also joining and giving help to other peoples who are asserting their rights of freedom in in many parts of the world in different countries. The international community ought to put pressure on all countries which are having friendly and business relations with India to stop suppressing, jailing and giving brutal treatment to the minorities living in India, and also to let these minorities voice their rights in a democratic and manner as the Sikhs have done in the past.
- ❖ Such like conferences ought to be held in different parts of the world and in other countries so as to champion the cause of the people like Sikhs and other ones for self-determination rights.
- ❖ Since 1984, in the Government of India is acting and adopting policies which are resulting in the genocide of Sikhs. Firstly, there was en mass killing by the Indian Army, by paramilitary and police forces; then such acts were done which destroyed the religious, cultural and other distinguishing features of the Sikh community; and at the top for the last some time the Sikh youth have been made drug addicts by state sponsored agencies which has completely destroyed their social fabric on a long term basis. This is being done so that the young generation of the Sikhs may not come to know about the acts of genocide and other bad policies qua them by the Indian state and remain aloof from the right of their freedom.

- ❖ International bodies having concern about human rights should work on some mechanism for safeguarding the interests of peoples like the Sikhs regarding state repression, their killings, detentions, destruction of property, collecting and reporting about above matters to the international community for further follow-up and stopping of the same in future. It is a fact that international human rights bodied have not been permitted to visit Punjab to collect facts referred to above and for obvious reasons that such matters would have gone against the Indian state.

Let me end by thanking Lord Ahmed, Chair of PNSD and host of this important Conference, which has been so enthusiastically attended by leading academics, many national representatives from nations across the globe and by representatives from all of the UK's major political parties.

Thank you.

Amar Singh Chahal