

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AJR 2 (Bains)  
Version: June 14, 2023  
Hearing Date: June 27, 2023  
Fiscal: No  
Urgency: No  
AWM

**SUBJECT**

Sikh genocide

**SYNOPSIS**

This resolution condemns the November 1984 anti-Sikh violence in India as genocide and urges the United States Congress to formally recognize and condemn the November 1984 anti-Sikh violence in India as genocide.

This resolution is sponsored by the author. There is no known opposition.

**SUMMARY**

This resolution:

- 1) Declares that:
  - a) The Sikh community, which originated in Punjab, a region of South Asia now in Pakistan and India, began immigrating to the United States over 100 years ago and has played an important role in building agriculture, infrastructure, and communities across the United States and California.
  - b) Sikhism is the fifth-largest religion in the world with nearly 30,000,000 adherents, including approximately 500,000 in the United States, half of whom call California home.
  - c) Systematic and orchestrated genocidal violence was perpetuated against Sikhs in November 1984 in the capital territory of Delhi, the states of Jharkhand, Madhya Pradesh, Haryana, Uttarakhand, Bihar, Uttar Pradesh, West Bengal, Himachal Pradesh, Rajasthan, Odisha, Chhattisgarh, Tripura, Tamil Nadu, Gujarat, Andhra Pradesh, Kerala, and Maharashtra, and the union territory of Jammu and Kashmir.
  - d) During the anti-Sikh genocide, Sikhs were assaulted, tortured, burned alive, and murdered, and Sikh women, many of whom lost their families during the genocide, were sexually assaulted and raped by groups of attackers.

- e) Sikh homes, businesses, and gurdwaras, or houses of worship, were looted, damaged, and destroyed during the genocide, causing the intentional destruction of many Sikh families, communities, homes, and businesses.
  - f) The Indian government, through officials and Members of Parliament and with the support of the police, led genocidal attacks and participated in, and failed to intervene to prevent, the genocide.
  - g) Over three days in November, 1984, over 30,000 Sikhs were murdered.
  - h) The “Widow Colony” in New Delhi still houses Sikh women who were assaulted, raped, tortured, and forced to witness the dismemberment, burning, and murder of their families, who are still calling for justice against the perpetrators.
  - i) The Sikh community in the United States has not recovered from the physical and psychological trauma of the genocide, as they keep alive the memory of those who were killed, and will never forget the anti-Sikh genocide.
  - j) The United Nations Convention on Genocide states in Article II that, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group such as (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 about its physical destruction in whole or in part.”
  - k) On January 6, 2022, the Senate of the State of New Jersey unanimously passed Senate Resolution 142 condemning the November 1984 anti-Sikh violence in India as genocide.
  - l) On October 17, 2018, the General Assembly of the Commonwealth of Pennsylvania unanimously passed House Resolution 1160 condemning the November 1984 anti-Sikh violence as genocide.
  - m) Recognizing the state-sponsored violence that targeted Sikhs across India is an important and historic step towards justice, accountability, and reconciliation, which should be an example to other governments.
- 2) Resolves by the Assembly and the State Senate of California, jointly, that:
- a) The Legislature of the State of California condemns the November 1984 anti-Sikh violence in India as genocide.
  - b) The Legislature of the State of California urges the United States Congress to formally recognize and condemn the November 1984 anti-Sikh violence as genocide.
  - c) The Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker and Minority Leader of the United States House of Representatives, the Majority Leader and Minority Leader of the United States Senate, and each member of the California delegation to the United States Congress.

## COMMENTS

### 1. Author's statement:

According to the author:

Recognizing the state-sponsored violence that targeted Sikhs across India is an important and historic step towards justice, accountability, and reconciliation. As the effects of the 1984 Sikh Genocide continue to ripple through history, this moment of acknowledgement is critical to encourage cultural and social healing for Sikhs living throughout the world.

### 2. The 1984 anti-Sikh violence

Sikhism is a religion founded in the 15th century in South Asia.<sup>1</sup> Sikhs began immigrating to the United States over 100 years ago.<sup>2</sup> There are between 25 million and 30 million Sikhs worldwide, with the vast majority living in India.<sup>3</sup> Approximately 500,000 Sikhs live in the United States, with a significant Sikh presence in California.<sup>4</sup> Although Sikhism is the fifth-largest religion in the world, Sikhs are a religious minority in India.<sup>5</sup>

In June of 1984, Indian Prime Minister Indira Gandhi ordered a military attack on the Golden Temple, the most significant religious center for Sikhs, located in Amritsar, Punjab.<sup>6</sup> On October 31, 1984, Gandhi was assassinated by two of her Sikh bodyguards.<sup>7</sup> Her assassination triggered a nationwide violent response, in the capital and around the country; as reported by TIME at the time:

Frenzied mobs of young Hindu thugs, thirsting for revenge, burned Sikh-owned stores to the ground, dragged Sikhs out of their homes, cars and trains, then clubbed them to death or set them aflame before raging off in search of other victims.<sup>8</sup>

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<sup>1</sup> SikhNet, Who are Sikhs? What is Sikhism? (2023), <https://www.sikhnet.com/pages/who-are-sikhs-what-is-sikhism>. All links in this analysis are current as of June 23, 2023.

<sup>2</sup> *Ibid.*

<sup>3</sup> The Sikh Coalition, Sikhi at a Glance (2023), <https://www.sikhcoalition.org/about-sikhs/>; *id.*, Sikhs in America (2023), <https://www.sikhcoalition.org/about-sikhs/sikhs-in-america/>.

<sup>4</sup> The Sikh Coalition, Sikhi at a Glance, *supra*; SikhiWiki, Sikhism in the USA (2011), [https://www.sikhiwiki.org/index.php/Sikhism\\_in\\_the\\_USA](https://www.sikhiwiki.org/index.php/Sikhism_in_the_USA).

<sup>5</sup> The Sikh Coalition, Sikhi at a Glance, *supra*; Pew Research Center, Report: Religious Composition of India (Sept. 21, 2021), available at <https://www.pewresearch.org/religion/2021/09/21/religious-composition-of-india/>.

<sup>6</sup> Singh, *It's Time India Accept Responsibility for Its 1984 Sikh Genocide*, TIME (Oct. 31, 2014), available at <https://time.com/3545867/india-1984-sikh-genocide-anniversary/>.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

The Indian Government's official death toll for the three-day rampage was 3,000; unofficial estimates are much higher, with some putting the death toll as high as 30,000.<sup>9</sup> Additionally, women were subjected to mass rapes and sexual violence, Sikh homes, businesses, and gurdwaras were destroyed, and thousands of Sikhs were displaced.<sup>10</sup> The violence was particularly severe in New Delhi, the capital, but extended across the entire country.<sup>11</sup>

Eyewitnesses and other reports indicate that Indian governmental actors, such as law enforcement and government officials, encouraged and participated in, and even organized, the anti-Sikh violence.<sup>12</sup> Human Rights Watch also reports that independent civil society inquiries found that police and members of the Congress Party were complicit in the attacks.<sup>13</sup> The Indian government, however, has continued to characterize the event as a "riot" and a spontaneous reaction to the Prime Minister's assassination.<sup>14</sup> The severity of the violence has also been downplayed within the criminal courts; as of November 2022, only nine persons had received criminal convictions for killings during the anti-Sikh attacks.<sup>15</sup>

### 3. The significance of the label "genocide"

For centuries, "genocide" was not conceptualized as a crime; the term was not even coined until 1944.<sup>16</sup> That changed in the aftermath of World War II. In 1948, the United Nations General Assembly voted to adopt the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), which was the first human rights treaty adopted by the General Assembly.<sup>17</sup> The Genocide Convention defines "genocide" as:

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<sup>9</sup> *Ibid.*; Global Diligence, *Mass Violence Against the Sikh People in India: The Events of November 1984* (Nov. 2019; updated Oct. 2022), p. 5.

<sup>10</sup> *Mass Violence Against the Sikh People in India: The Events of November 1984*, *supra*, at p. 5.

<sup>11</sup> Human Rights Watch, *Protecting the Killers: A Policy of Impunity in Punjab, India* (Oct. 17, 2007), available at <https://www.hrw.org/report/2007/10/17/protecting-killers/policy-impunity-punjab-india>; Sikhs for Justice, *Know the Facts of the 1984 Genocide* (May 19, 2019), <https://www.sikhpa.com/know-the-facts-of-1984-sikh-genocide/>.

<sup>12</sup> *Mass Violence Against the Sikh People in India: The Events of November 1984*, *supra*, at pp. 13-14; *It's Time India Accept Responsibility for Its 1984 Sikh Genocide*, *supra*; *Protecting the Killers: A Policy of Impunity in Punjab, India* (Oct. 17, 2007), *supra*.

<sup>13</sup> Human Rights Watch, *India: No Justice for 1984 Anti-Sikh Bloodshed* (Oct. 29, 2014), <https://www.hrw.org/news/2014/10/29/india-no-justice-1984-anti-sikh-bloodshed>.

<sup>14</sup> *Ibid.*; *It's Time India Accept Responsibility for Its 1984 Sikh Genocide*, *supra*.

<sup>15</sup> The Federal, *1984 anti-Sikh riots: Justice delayed and denied, convictions few and far between* (Nov. 4, 2022), <https://thefederal.com/news/1984-anti-sikh-riots-justice-delayed-and-denied-convictions-few-and-far-between/>.

<sup>16</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect, *Genocide*, <https://www.un.org/en/genocideprevention/genocide.shtml>.

<sup>17</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect, *Legal Framework: The Genocide Convention*, <https://www.un.org/en/genocideprevention/genocide-convention.shtml>.

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing seriously bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>18</sup>

A key element of the crime of genocide is that victims must be deliberately targeted as a member or perceived member of the protected national, ethnic, racial, or religious group.<sup>19</sup> It is this intent element that distinguishes “genocide” from other forms of mass violence – and why states have an interest in characterizing acts of violence against a particular group as random, spontaneous, or generalized.

For many Sikhs, the failure of the Indian government to acknowledge that the killings in 1984 were both organized and specifically targeted at Sikhs – in other words, a genocide – is a source of ongoing pain.<sup>20</sup> While many other countries have taken responsibility for past atrocities, the failure to address the scope and trauma of the Sikh genocide both prevents any attempts to atone or provide reparations for the violence, and continues to delay and deny justice in court for the victims.<sup>21</sup>

#### 4. This resolution condemns the 1984 anti-Sikh violence as genocide and calls on Congress to do the same

This resolution recites the history of the anti-Sikh violence set forth in Part 2 and states that “recognizing the state-sponsored violence that targeted Sikhs across India is an important and historic step towards justice, accountability, and reconciliation, which should be an example to other governments.” Accordingly, the resolution provides that both houses of the Legislature, jointly, condemn the November 1984 anti-Sikh violence as genocide, and urges the United States Congress to formally recognize and condemn the violence as genocide. The resolution further requires the Chief Clerk of the Assembly to transmit copies of the resolution to specified members of the federal and legislative branches.

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<sup>18</sup> U.N. Convention on the Prevention and Punishment of the Crime of Genocide, approved Dec. 9, 1948, art. II.

<sup>19</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect, Genocide, *supra*.

<sup>20</sup> *It's Time India Accept Responsibility for Its 1984 Sikh Genocide*, *supra*.

<sup>21</sup> *Ibid*.

The New Jersey Senate and the Pennsylvania General Assembly have adopted similar resolutions condemning the 1984 anti-Sikh violence as genocide and asking the federal government to formally recognize the events as a genocide.<sup>22</sup>

**SUPPORT**

None known

**OPPOSITION**

None known

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: ACR 34 (Cooper, 2015) resolved to remember those who lost their lives in the November 1984 anti-Sikh pogroms.

**PRIOR VOTES:**

Assembly Floor (Ayes 66, Noes 0)  
Assembly Rules Committee (Ayes 11, Noes 0)

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<sup>22</sup> N.J. SR 142 (2022); Penn. HR 1160 (2018).