

Anti-Sikh Riots and Communalism in Indian Politics

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[Manifest Pedagogy](#)

Communalism as a major challenge to Indian polity and society is a recurring theme in UPSC. A thorough understanding of the Communal ideology its historical evolution and major outbreaks of communal violence along with measures to curb communalism needs to be understood thoroughly.

In news

The trail of Sajjan kumar in the anti- sikh riots case

Placing it in syllabus

1. Modern Indian history from about the middle of the eighteenth century until the present- significant events, personalities, issues
2. Social empowerment, communalism, regionalism & secularism.

Dimensions

1. Khalistan movement
2. Operation Blue Star
3. Anti- Sikh riots
4. Communalism ideology
5. Need for a separate law
6. Measures to curb communalism

Content

Khalistan Movement

The Khalistan movement is a Sikh separatist movement, which seeks to create a separate country called Khalistān ("The Land of the Pure") in the Punjab region of South Asia to serve as a homeland for Sikhs. After India's independence, the Punjabi Suba movement, led by the Sikh political party Akali Dal, sought the creation of a province (suba) for Punjabi people.

The Khalistan movement began as an expatriate venture. With financial and political support of the Sikh diaspora the movement flourished in the Indian state of Punjab, which has a Sikh-majority population and reached its zenith in the late 1970s and 1980s, when the secessionist movement caused large-scale violence. With financial and political support of the Sikh diaspora the movement flourished in the Indian state of Punjab, which has a Sikh-majority population and reached its zenith in the late 1970s and 1980s, when the secessionist movement caused large-scale violence.

In 1966, the Indira Gandhi-led Union Government accepted the demand. On September 7, 1966 Punjab Reorganisation Act was passed in Parliament. Punjab was trifurcated creating Punjab, Haryana and transferring certain areas to Himachal Pradesh.

Akali Dal, the Sikh political party, was defeated in the 1972 Punjab elections. To regain the public appeal the Akali Dal then put forward the **Anandpur Sahib Resolution** in 1973 to demand **radical devolution of power and further autonomy to Punjab**. The resolution document included both religious and political issues. It asked for recognising Sikhism as a religion separate from Hinduism and transfer of Chandigarh and certain areas to Punjab. It also demanded that power be radically devoluted from the Central to state governments. The Akali Dal and **Jarnail Singh Bhindranwale** joined hands to launch the **Dharam Yudh Morcha** in 1982 in order to implement the Anandpur Sahib Resolution.

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movement flourished in the Indian state of Punjab. A section of Sikh diaspora in Canada, USA and Britain supported the movement and formed National Council of Khalistan.

The late 1970s and the early 1980s the separatist movement began to militarize and saw the increasing involvement of the Sikh religious preacher Jarnail Singh Bhindranwale in Punjab politics. Over the period Bhindranwale grew up as a leader of Sikh militancy. He and his Dal khalsa were initially supported by congress party to split the vote bank of Akali Dal. But soon his politics entered a radical and extremist phase.

In August 1982, under the leadership of Harcharan Singh Longowal, the Akali Dal launched the Dharam Yudh Morcha ("Group for the Religious fight") in collaboration with Bhindranwale to win more autonomy for Punjab. The movement was hijacked by Bhindranwale who declared that it will continue until all the demands in the Anandpur Sahib Resolution were fulfilled.

In December 1983, the Sikh political party Akali Dal's President Harcharan Singh Longowal had invited Jarnail Singh Bhindranwale to take up residence in Golden Temple Complex.

Operation Bluestar was an Indian military operation carried out between 1 and 8 June 1984, ordered by Prime Minister Indira Gandhi to remove militant religious leader Jarnail Singh Bhindranwale and his armed followers from the buildings of the Harmandir Sahib complex in Amritsar, Punjab. With huge number of civilian and military casualties Indian army was able to flush out the Sikh militants from the complex.

Operation Blue star has hurt the religious sentiments of Sikhs across India. On the morning of 31 October 1984, Indira Gandhi was assassinated by her two Sikh personal security guards Satwant Singh and Beant Singh in New Delhi in retaliation for Operation Blue Star. The assassination triggered furious violence against Sikhs across north India.

Anti-Sikh riots

- The 1984 anti-Sikh riots, also known as the 1984 Sikh Massacre, was a series of organised pogroms against Sikhs in India by anti-Sikh mobs in response to the assassination of Indira Gandhi by her Sikh bodyguards. Independent sources estimate the number of deaths at about 8,000 – 17,000. Official Indian government reported about 2,800 Sikhs were killed in Delhi.
- Public outcry over Gandhi's death led to the killings of Sikhs in the ensuing riots. The most-affected regions were the Sikh neighborhoods of Delhi.
- The collusion of political officials in the violence and judicial failure to penalize the perpetrators alienated Sikhs and increased support for the Khalistan movement.
- This led to further violence and emergence of numerous Sikh militant outfits.

Delhi High Court judgment

- The Delhi high court sentenced Congress leader Sajjan Kumar to imprisonment for life for conspiracy to commit murder in the 1984 anti-Sikh riots, promoting enmity and for acts against communal harmony. The court said the riots were a "crime against humanity".
- **The case relates to killing** of five Sikhs in Raj Nagar area in south-west Delhi on 1 and 2 November 1984 and burning down of a Gurdwara in the same area, in riots that broke out following the assassination of then Prime Minister Indira Gandhi on 31 October of that year. Thousands of people were killed in the riots.
- The high court in its judgement had said that the riots were a crime against humanity perpetrated by those who enjoyed political patronage and aided by an indifferent law enforcement agency.

Communalism

Communalism is a modern phenomena in Indian history. Communalism is Religion based politics. With modern politics and emergence of Democratic institutions communal based mobilization gained ground. Communal ideology has three facets to it.

A belief that people who follow the same religion have common secular interests i.e. they have same political, economic and social interests. So, here socio- political communalism arises. (Nascent – communalism)

A notion that, in a multi-religious society like India, these common secular interests of one religion are dissimilar and divergent from the interests of the follower of another religion. (Liberal communalism)

The interests of the follower of the different religion or of different 'communities' are seen to be completely incompatible, antagonist and hostile. (Radical / hostile communalism)

When this ideology in its different forms is practiced by the political establishments and is believed in by the public it will lead to communal violence as a consequence. And communal mobilization becomes political trade in religion.

Is a separate law on crimes against Humanity & genocide needed as discussed by the recent judgment?

The answer for this is yes because (**Delhi High Court in its recent judgment on 1984 riots**) the importance of the legal analysis is clear which emphasized the "larger context" and state that such cases "...are indeed extraordinary and require a different approach". Part of this difference relates to the organization and planning by political actors, the targeting of specific communities, along with the connivance of law enforcement agencies.

▪ In an unsparing verdict, the court also states, "There

has been a familiar pattern of mass killings in Mumbai in 1993, in Gujarat in 2002, in Kandhamal, Odisha in 2008, in Muzaffarnagar in UP in 2013 to name a few.”

- As the International Law Commission (a body of international law experts) is drafting a treaty on crimes against humanity, the court wryly observes that “India, in view of her experience with the issue, should be able to contribute usefully to the process”.
- However, **in India, neither crimes against humanity nor the crime of genocide are detailed within the domestic criminal law**, meaning that individuals cannot be prosecuted for these international crimes.
- **The collective natures of these crimes, as well as the particular elements of these crimes, are not reflected in any domestic law provisions.** While the offences under the **Indian Penal Code** such as murder, assault, arson, rape, and others are used, they are not the same and **do not capture what crimes against humanity and genocide encapsulate** – the planning, the targeting, and the totality of the crimes committed and the context in which they are committed.
- The court highlights this absence in domestic law as a loophole that must be “addressed urgently”. And herein lies the crux of the matter. For years, civil society and legal experts have urged the ‘incorporation’ of these international law crimes into domestic law.
- **In fact, India has signed and ratified the Genocide Convention**, which places a legal obligation on the state to ensure the ability to prosecute this crime. However, on the floor of Parliament in 2002, the official response was that the domestic law is sufficient for such crimes. This is legally incorrect. Signing up to the obligations of the International Criminal Court and including the definitions of these international crimes into domestic law is another way that such mass atrocity crimes could become part of the fabric of domestic law – but there is a palpable resistance to adhere to this

international treaty, which is meant to ensure individual accountability by means of an international court.

NAC (National Advisory Council) proposed a draft of communal violence bill whose provisions can be a guide to curb communal violence

The main features of the NAC Bill are explained below:

1. The Bill makes illegal acts which result in injury to persons or property, if such acts are directed against persons on the basis of their affiliation to any group, and if such an act destroys the secular fabric of the nation. Such acts include sexual assault, hate propaganda, torture and organized communal violence.
2. It makes public servants punishable for failing to discharge their stated duties in an unbiased manner. In addition, public servants have duties such as the duty to provide protection to victims of communal violence and also have to take steps to prevent the outbreak of communal violence.
3. The Bill establishes a National Authority for Communal Harmony, Justice, and Reparation to prevent acts of communal violence, incitement to communal violence, containing the spread of communal violence, and monitoring investigations into acts of communal violence. The Authority can also inquire into and investigate acts of communal violence by itself. The Bill also provides for the setting up of State Authorities for Communal Harmony, Justice, and Reparation.
4. The central or state government has been given the authority to intercept any messages or transmissions if it feels that it might lead to communal violence. This power is subject to existing procedures which have to be complied with for intercepting messages and transmissions.

5. Importantly, if **public officers are liable to be prosecuted for offences** under the Bill, and prior sanction is required for such prosecution, the state government has to grant or refuse sanction within 30 days. If not, then sanction will be deemed to have been granted.
6. The Bill also allows the states to set up one or more **Human Rights Defender of Justice and Reparations' in every district**. The Human Rights defender will ensure that those affected by communal and targeted violence are able to access their rights under existing laws.
7. Apart from these, the Bill also **establishes state and district-level authorities for assessing** compensation for victims of communal violence.
8. States also have numerous obligations towards victims, **such as the establishment of relief camps**, ensuring proper facilities, medical provisions and clothing for those within such camps, etc. The states government also has the obligation to create conditions which allow the return of victims of communal violence to the place of their ordinary residence.

Suggestions for the Eradication of Communalism:

The following measures may be taken for the eradication of communalism.

1. Abolition of Communal Parties:

All the political parties which thrive on religious loyalties should be banned or abolished by the government. Even non-political cultural organizations should always be kept under constant vigil so that they cannot preach communalism. The provisions of representation of peoples act should be strictly implemented to stop religious mobilization during elections.

2. Transmission of the composite Past Heritage:

Feelings of nationalism should be inculcated in the minds of people by reminding them about the glorious moments of history in Hindus, Muslims and Sikhs were combined to safeguard the interest of the country.

3. Public Opinion:

Efforts should be made through mass media for changing the attitude of people towards other communities. People must be aware of the evils of the communalism.

4. Inter-religious amity:

Youth organizations and other types of associations should be formed in every locality to give opportunity to people of different communities to come closer and know each other. This may help them to practice inter-religious marriages which will lessen the social distance among the members of different religious groups.

Both the Government and people should make efforts for eradication of communal tension and conflict.

Our constitution is the sinew which stitches together the people of various communities into a nation and the fissiparous tendencies based on communalism are a threat to this fine fabric of Indian nation.

Mould your thoughts: Test Yourself

- 1. Communalism is a deep fissure in Indian society with potentiality to undermine the public order and National integrity. Elucidate and suggest measures to curb Communal ideology and violence.**