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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY \_\_\_\_\_

FILED

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 SIKHS FOR JUSTICE, INC. "SFJ" )  
12 On behalf of deceased and injured )  
13 Member of Sikhs community; )  
14 BABU SINGH DUKHIYA, on his own )  
15 behalf and on behalf of deceased and injured )  
16 Family members; and )  
17 MOHINDER SINGH, on his own behalf )  
18 And on behalf of deceased and )  
19 Injured family members )  
20 **Plaintiffs,** )  
21 v. )  
22 AMITABH BACHCHAN , )  
23 a national and citizen of India )  
24 **Defendant.** )

CV 14 - 08297 DDP(JC<sup>x</sup>)  
Civ No. \_\_\_\_\_

COMPLAINT

A CIVIL ACTION  
CLASS ACTION

JURY TRIAL DEMANDED

25 Complaint  
26 SFJ, et al. v. Amitabh Bachchan

1  
2 1. Plaintiffs, on behalf of themselves, their deceased family members and all  
3 others similarly situated who were victims of or related to the victims of  
4 "Sikh Genocide of November 1984" hereinafter referred to as "The Sikh  
5 Genocide of 1984" which is popularly and purposely misnomered as "Anti  
6 Sikh Riots of 1984" (collectively "Plaintiffs"), as and for their complaint  
7 against the Defendant in this action respectfully allege as follows:  
8

9 **I. PRELIMINARY STATEMENT**

10 2. In the year 2013, the Defendant possessed a major role in a famous  
11 American movie "The Great Gatsby" made, sponsored and released by the  
12 Hollywood film industry located within the territorial jurisdiction of this  
13 court. The movie which won 2 Oscar awards was co-starred by Leonardo  
14 DiCaprio and was produced by Warner Bros.  
15  
16 3. On October 31, 1984 after Indira Gandhi the then Prime Minister of India  
17 and head of ruling Congress party was declared dead at All India Institute of  
18 Medical Sciences (AIIMS), the Defendant Amitabh Bachchan, raised the  
19 slogans "Sikho ne Indira Ji ko mar dala" ("Sikhs have killed Indira") ;  
20 "Maro Saalon ko, desh ke ghaddaron ko" ("Kill these bastards , they are  
21 traitors") ; 'khon ke cheentay Sikhon ke ghar ghar tak puhnchanay  
22 chahiyay'" ("the blood stains should reach the households of Sikhs") and  
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1 "khooon ka badla khooon" ("blood for blood"). Hearing defendant Bachchan's  
2 call for violence against Sikhs, otherwise shocked and numb crowd  
3 immediately reacted violently towards Sikhs present in the crowd and started  
4 beating them.  
5

6 4. "Blood for blood" slogan raised by Bachchan turned into "Ebola Virus" as it  
7 was instantly picked by the crowd and India's state owned TV Station "Door  
8 Darshan" and All India Radio started telecasting slogans of "Blood for  
9 Blood" resulting in the killing of more than 30,000 Sikhs across the country  
10 during the next few days.  
11

12 5. Telecast of slogans by the state owned media calling for violence against  
13 Sikhs was reported by People's Union for Democratic Rights (PUDR) and  
14 People's Union for Civil Liberties (PUCL) in their report "Who Are the  
15 Guilty" stating that "[w]e were also intrigued to find Doordarshan (the State-  
16 controlled Indian television network) allowing the broadcast of highly  
17 provocative slogans like 'khooon ka badla khooon' (blood for blood)."<sup>1</sup>  
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21 <sup>1</sup> "Who Are The Guilty" A Report of a joint inquiry into the causes and impact of  
22 the riots in Delhi from 31 October to 10 November 1984 PUCL – PUDR A fact-  
23 finding team jointly organised [sic] by one People's Union for Democratic Rights  
24 (PUDR) and people's Union for Civil Liberties (PUCL) in the course of  
25 investigations from November 1 to November 10, has come to the conclusion that  
26 the attacks on members of the Sikh Community in Delhi and its suburbs during the  
Complaint

1 6. The slogans calling for blood of Sikhs coined and raised by defendant  
2 Bachchan a day earlier outside AIIMS instantly became so popular that they  
3 were also raised by the crowd at Teen Murti on November 1 during Indira  
4 Gandhi's burial.<sup>2</sup>

6 7. Defendant Amitabh Bachchan was considered by many in India to be an  
7 iconic legend due to his movie star roles in Bollywood and also known for  
8 his personal appearances on the government-owned All-India radio and  
9 television networks. He was generally liked and well known in such  
10 capacities during the 1980's. When he spoke, his words were like a plagued  
11 virus spreading wildly without end and the people listened and moved at his  
12 beckon call. That notoriety and fame was used in what has become known  
13 as "The Sikh Genocide of 1984" following the assassination of Prime  
14 Minister Indira Gandhi, a woman who Defendant revered as a "mother  
15 figure" and with whom he had close ties to her family, to exercise,  
16 facilitate, and proliferate the murders of countless thousands. Since then to

21 "grief and anger" at Mrs. Gandhi's assassination as made out to be by the  
22 authorities, were the outcome of a well organised [sic] plan marked by acts of both  
23 deliberate commissions and omissions by important politicians of the Congress (I)  
24 at the top and by authorities in the administration.

25 <http://www.pucl.org/Topics/Religion-communalism/2003/who-are-guilty.htm>.

26 <sup>2</sup> See "Who Are the Guilty" at *ibid*.

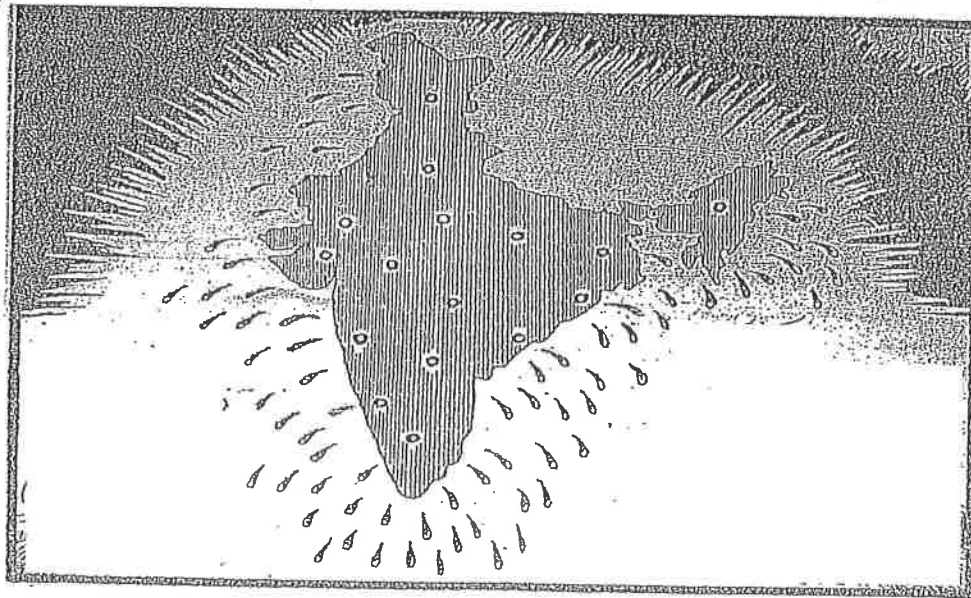
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1 the Sikh community, Defendant Amitabh Bachchan became known as the  
2 "butcher" because his words had led to the slaughter of over 30,000  
3 members of a primarily peaceful religion, Sikhism. Defendant's words and  
4 anti-Sikh propaganda were like venom being spit out of a cobra poisoning  
5 the minds and hearts of all they touched.  
6

7 8. Reach, magnitude and consequences of Bachchan's call for violence against  
8 Sikhs was aptly reported by Hindustan Times in its November 1984 report  
9 showing 16 states of India where Sikhs were targeted during November  
10 1984.  
11

12  
13 *PUBLISHED BY:  
THE HINDUSTAN TIMES, NEW DELHI*

*NOV 1, 1984*



23 *SOURCE: LIBRARY OF CONGRESS NEWSPAPER RM*

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1 9. Perils caused by Bachchan's call for violence against Sikhs continue to be  
2 unearthed even after more than two decades. Starting with the 2011  
3 discovery of Mass Grave of Sikhs in village Hondh-Chillar, District Rewari,  
4 Haryana, the evidence located in several states of India including additional  
5 nine (9) Gurudwara ruins in Delhi, mass cremation site in Pataudi and  
6 Gurgaon, State of Haryana; ruins of Sikh localities in West Bengal, Uttar  
7 Pradesh and Jammu & Kashmir exposes the gravity, span, compass and  
8 specially organized, identical and widespread nature of the attacks initiated  
9 by the call given by Bachchan. This discovery coming twenty-six years after  
10 the fact is evidence not only of the genocide of Sikhs that took place  
11 throughout India at the time but also of the cover up that began all those  
12 years before which continues to this day.

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16 10. Consequences of Bachchan's venomous slogans for Sikh Blood can be seen  
17 even today in doomed "Widow Colony", a locality of Indian Capital New  
18 Delhi. Originally known as "Tilak Vihar", "the widow colony" is almost  
19 entirely inhabited by widows of the Sikh men who were killed in "The Sikh  
20 Genocide of 1984" and where hardships, struggles, and extreme poverty  
21 persist continuously as a result of those dreadful and unlawful events, that  
22 were set in motion by the call to violence given by Bachchan.  
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1 11. The defendant was at the time of November 1, 1984 heavily involved in  
2 politics in India and was a known supporter and long-time family friend of  
3 Rajiv Gandhi, the son of Prime Minister Indira Gandhi, who took the office  
4 of Prime Minister immediately after the assassination of his mother and  
5 became the youngest person to hold that office as well as a scion of the  
6 politically powerful Nehru-Gandhi family associated with the Indian  
7 National Congress (I) party.  
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10 12. In the same year of the assassination of Indira Gandhi, Bachchan, mostly  
11 certainly as a reward for his role in avenging the death of Ms. Gandhi, was  
12 nominated as Congress party candidate in general elections and he won a  
13 seat on the 8<sup>th</sup> Lok Sabha (the Parliament of India) by one of the highest  
14 victory margins in the election history of India. This also shows the  
15 popularity and influence that Bachchan enjoyed at that time which he used  
16 to direct violence against Sikhs. This was after his egregious and active role  
17 in instigating and inciting the killing of Sikhs during November 1984.  
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20 13. Sikhs are a religious minority in India, a Hindu majority –controlled country,  
21 and are largely residing in the Indian state of Punjab. In 1984 the ruling  
22 party in the center was the Indian National Congress (I) party with Indira  
23 Gandhi as the leader and Prime Minister of the country.  
24  
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1 14. On October 31, 1984, Prime Minister Gandhi was shot by two of her own  
2 body guards who happened to be Sikhs.

3 15. Almost 24 hours later, on November 1, 1984, an organized targeting of  
4 Sikhs began in India and particularly the capital New Delhi which continued  
5 almost unhindered to November 4, 1984. In the four day carnage, 30,000  
6 Sikh men, women, and children were killed in New Delhi alone while  
7 thousands were left maimed, wounded, raped and burnt. Shops, properties  
8 and Sikh temples were ransacked, looted and torched. As a result, more than  
9 300,000 Sikhs were displaced.

10 16. From November 1, 1984 till about November 4, 1984 over 30,000 members  
11 of the Sikh community were ruthlessly killed, butchered, burnt alive, raped,  
12 maimed, and subject to both theft and destruction of private property that  
13 included places of worship. The attacks were inherently discriminatory and  
14 thus genocidal in nature targeting members of the Sikh religion in India and  
15 did not ignore the cries of innocent men, women, and children who were  
16 either killed or battered and abused beyond recognition. Groups were formed  
17 during rampages of looting and incisive violence that was initiated by the  
18 words of one man, that is the Defendant Amitabh Bachchan.

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1 17. It is noteworthy that the news of the attack on Prime Minister Gandhi did not  
2 bring any immediate peril on Sikhs but rather, almost 24 hours later after a  
3 smear campaign against Sikhs was initiated by Defendant, a systematic and  
4 organized effort on part of the leaders of the Congress (I) party began to  
5 eradicate the Sikh population by virtue of any means available. There are  
6 living witnesses who tell of personal observations of the Defendant Amitabh  
7 Bachchan chanting on the radio and in person with slogans of hate, fear,  
8 anger, bloodlust, and vengeance virtually and in effigy signing the death  
9 warrants of thousands of Sikhs. The hate-filled and murder-consuming,  
10 vengeful propaganda of Defendant Amitabh Bachchan quickly spread like  
11 the plague throughout New Delhi and dozens of cities throughout the entire  
12 country of India. During the melee, people were instigated, provoked,  
13 organized and then given arms and ammunition to kill Sikhs in New Delhi to  
14 avenge the death of Prime Minister Gandhi. During the four day rampage,  
15 more than 30,000 Sikhs were killed in Delhi alone, hundreds of women were  
16 gang raped, hundreds of homes were looted, and scores of Sikh Temples  
17 were attacked and burnt to the ground.

18 18. The individual plaintiffs are victims and survivors of the massacre who  
19 witnessed the atrocities first hand and had lost family members, friends, and  
20

1 loved ones killed during those events. The organization plaintiff, Sikhs For  
2 Justice, Inc. ("SFJ") is a U.S.-based human rights organization dedicated to  
3 achieving justice for the Sikh population who suffered during the  
4 aforementioned 1984 events in India.  
5

6 19. Moreover, on October 31, 1984, the day before the massacre, the defendant  
7 raised the slogans "khooon ka badla khooon se lenge" ("Blood for Blood") and  
8 "Blood Stains of Indira Ji must reach the home of Sikhs" which were  
9 popularly aired on Indian radio.  
10

11 20. This unleashed widespread panic due to a following systematic and  
12 organized series of attacks against the Sikh community that ended with the  
13 deaths of more than 30,000 Sikhs in a short span of 4 days all across India.  
14

15 21. It is well known that the defendant used his "Super Star status" to incite  
16 violence against Sikhs.  
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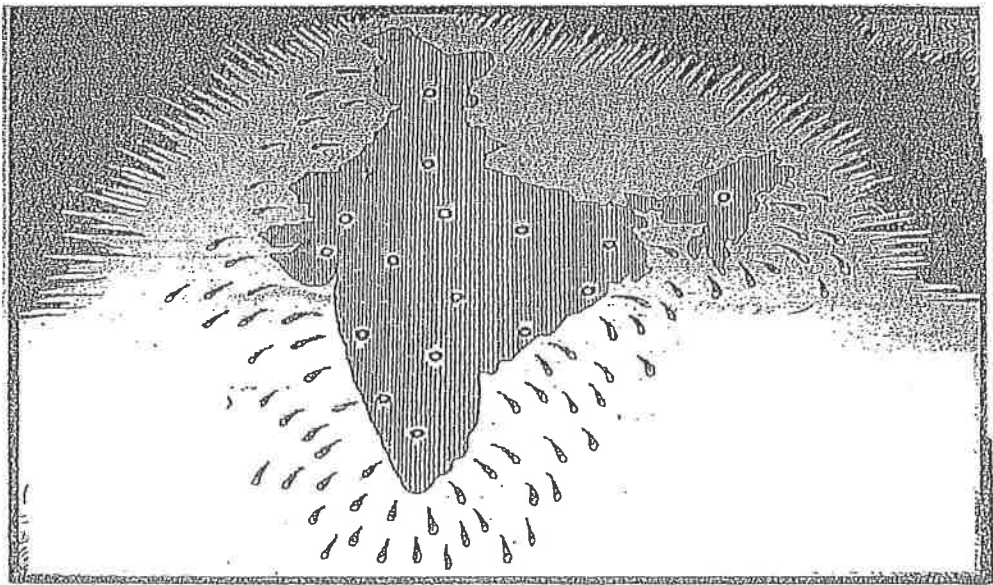
18 22. The defendant's political ties to the Gandhi family shielded him from being  
19 investigated and prosecuted during the last three decades.  
20

21 23. The mass killing of Sikhs, tantamount to an attempt at genocide, was widely  
22 reported in the world press and was widely condemned by the western  
23 nations and international media, including the media of India. One article  
24 published by the Hindustan Times of New Delhi on November 1, 1984  
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shows a cartoon map of the Indian subcontinent drenched in the blood of thousands of innocent Sikh men, women, and children who died as a result of the chaos that erupted from the call of violence given by the Defendant Amitabh Bachchan . The map pinpoints, highlights, and calls attention to the numerous cities and places in India where the Sikhs were massacred, specifically Delhi, Jammu & Kashmir, Himachal Pradesh, Haryana, Jharkhand, Uttarakhand, Madhya Pradesh, Maharashtra, Uttar Pradesh, Chattisgarh, Andhra Pradesh, Bihar, Tamil Nadu, West Bengal, Gujarat, Kerala, Orissa, and Tripura to name a few. The map appears below:

*PUBLISHED BY:  
THE HINDUSTAN TIMES, NEW DELHI* *NOV 1, 1984*



*SOURCE: LIBRARY OF CONGRESS NEWSPAPER RM*

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1 24. This is a civil action for compensatory and punitive damages against  
2 defendant Amitabh Bachchan for violations of state, federal and  
3 international law committed against the Plaintiffs, specifically the law of  
4 nations, customary international law, treaties of the United States including  
5 the Convention on the Prevention and Punishment of the Crime of Genocide  
6 of 1948, the Alien Tort Statute, the Torture Victim Protection Act and  
7 federal common law who, at all relevant times, were acting under color of  
8 state law of the state of India and with the actual or apparent authority of the  
9 Government of India.  
10  
11

## 12 II. JURISDICTION AND VENUE

13

14 25. Plaintiffs allege that Defendant is liable, jointly and severally, for genocide,  
15 extrajudicial killings, torture, and crimes against humanity, forced exile,  
16 attempted extrajudicial killings, torture and genocide and for conspiring with  
17 and aiding and abetting others in the aforementioned conduct. Therefore,  
18 this Court has jurisdiction over this action based on the Alien Tort Statute,  
19 28 U.S.C. 1350, the Torture Victim Protection Act, Pub. L. No. 102-256,  
20 106 Stat. 73 (1992) (codified at 28 U.S.C. 1350 (note)) ("TVPA"), federal  
21 common law and 28 USC 1331.  
22  
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24 26. Venue, upon information and belief, is proper in the Central District of  
25

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1 California, Western Division – Los Angeles pursuant of 28 USC § 1391 (b),  
2 (c), and (d) because Defendant recently conducted substantial business  
3 through Hollywood film industry, including his major role in the famous  
4 American movie “The Great Gatsby” made, sponsored and released by the  
5 Hollywood film industry which is located within the territorial jurisdiction  
6 of this court.  
7

8  
9 27. This Court has personal jurisdiction of the Defendants pursuant to Rule 4,  
10 Fed. R. Civ. P. and N.Y.C.P.L.R. 301 (McKinney 2010).

### 11 III. PARTIES

#### 12 A. Named Plaintiffs

13  
14 28. Plaintiff “Sikhs for Justice” is a legal entity registered and incorporated in  
15 the State of New York with a 501(c) (3) (not for profit) status, working to  
16 seek justice for those killed in November 1984 Sikh Massacre. Plaintiff sues  
17 on behalf of all the members of Sikhs community that were injured or whose  
18 family members were killed or injured during the massacre of November  
19 1984. Plaintiff Mohender Singh and many other victims of "Sikh Genocide  
20 of 1984" are members of the Association SFJ. SFJ brings this action on  
21 behalf of its members who were tortured or had family members who were  
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1 tortured or killed in the violence that resulted from the call of violence  
2 against Sikhs initiated by Bachchan on October 31, 1984.

3  
4 29. Plaintiff Babu Singh Dukhiya is a Sikh, national and citizen of India. During  
5 the massacre of November 1984 he lost several members of his family to the  
6 groups that were motivated and instigated by the call of violence against  
7 Sikhs given by defendant Bachchan and were lead by Congress (I) party  
8 leaders. Plaintiff Babu Singh Dukhiya's family home was looted,  
9 vandalized, and destroyed. Plaintiff also sues on behalf of others similarly  
10 situated i.e. those who were attacked, killed or injured during the massacre  
11 of November 1984. Plaintiff Babu Singh Dukhiya is also President of the  
12 National 1984 Victims Justice and Welfare Society, an organization started  
13 to fight for the victims of The Sikh Genocide of 1984 who have been  
14 repeatedly denied justice in India for more than 30 years.

15  
16  
17 30. Plaintiff Mohinder Singh is Sikh national and citizen of India, current  
18 resident of the State of California and previously a resident of New Delhi,  
19 India. During the massacre of November 1984, several members of his  
20 family including his father were killed by the mobs that were instigated by  
21 the slogans of Bachchan and were lead by Congress (I) leaders. Plaintiff also  
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1           sues on behalf of others similarly situated i.e. those who were attacked,  
2           killed or injured during the massacre of November 1984.

3  
4           **B. Named Defendant**

5           31. Defendant is a citizen and national of India. At the time of the horrific events  
6           against the Sikh population in 1984, Defendant was a close affiliate to the  
7           Gandhi family. After the October 31 assassination of Indira Gandhi,  
8           Bachchan and mostly certainly as a reward for his role in avenging the death  
9           of Ms. Gandhi, in December 1984 defendant was nominated as Congress  
10          party candidate in general elections and he won a seat on the 8<sup>th</sup> Lok Sabha  
11          (the Parliament of India) by one of the highest victory margins in the  
12          election history of India. This also shows the popularity and influence that  
13          Bachchan enjoyed at that time which he used to direct violence against  
14          Sikhs. This was after his egregious and active role in instigating and inciting  
15          the killing of Sikhs during November 1984.

16          32. During the "Sikh Genocide of 1984", Defendant Bachchan actively and  
17          overtly took part in instigating, inciting and provoking the attacks against  
18          Sikh population of India and caused the killing of innocent Sikhs in  
19          retaliation of Prime Minister Gandhi's death. Specifically, the Defendant  
20          was seen and heard by countless throughout India on the Indian television

1 and radio broadcast shouting out repeatedly in tones of blood-thirsty  
2 vengeance “Blood for Blood” and “Blood stains of Indira Ji must reach the  
3 homes of Sikhs.” In the particular incidents involving individual plaintiffs,  
4 the attackers who killed and injured the plaintiffs and their family members  
5 were shouting the slogans that were raised by the defendant, clearly linking  
6 that they were instigated by the call of violence given by the defendant.  
7  
8 Instigated by the defendant's call, the mobs captured Sikhs, killed Sikhs,  
9 raped Sikh women, assaulted, beat, and maimed Sikhs, as well as looted and  
10 destroyed Sikh homes and places of worship. Many Sikhs were burnt alive  
11 in broad daylight by the mobs in the presence of thousands. Defendant’s  
12 words and actions were a major decisive turning point in the events that  
13 unfolded resulting in the deaths of over thirty thousand Sikhs.  
14  
15

### 16 **C. Class Allegations**

17 33. The class consists partly of all men, women and children who are surviving  
18 the lawful attacks on them and on their families and properties during the  
19 massacre of November 1984 and who suffered either physical or mental  
20 injuries or loss of property or loss of companionship as a result of the actions  
21 of the defendant. The class also consists of next of kin of the legal/personal  
22 representatives of the next of kin of those Sikhs who were killed in New  
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Delhi India during November 1984 massacre in which the defendant voluntarily took part and planned and directed the same.

34. The exact number of class members is not known. The official figures of the Indian Government put the number of Sikh deaths during those four fateful days at around 30,000; however, there are those who believe the death toll to be far greater.

35. The claims of the named Plaintiffs, the class representatives, are typical of the claims of the class. The named plaintiffs are able to and will fairly and adequately protect the interests of the class.

36. There are common questions of law and fact in this action that affect and relate to each member of the class including:

- a. Whether the defendant instigated and abetted the killings of Sikhs during the November 1984 Massacre of Sikhs in India by inciting, given a call for violence against Sikhs to avenge the death of Prime Minister Gandhi.
- b. Whether the defendant, as a powerful iconic figure as film star and close friend and affiliate of the powerful ruling Gandhi family had a following and influence over the people in India and he did in fact exercise such influence to have the Sikh population targeted

1 for unprovoked and vengeance-motivated attacks and killings, and  
2 subsequently used his influence and connections to save himself  
3 from being prosecuted and assisted in the massive cover up of the  
4 genocidal acts November 1984.  
5

6 c. Whether the defendants actions during the November 1984  
7 massacre of Sikhs, give rise to liability under applicable  
8 international and domestic laws.  
9

10 37. This action is properly maintained as a class action because: a) the defendant  
11 acted and failed to act in a way generally applicable to the class, making any  
12 declaratory relief award appropriate to the class as a whole; and b) questions  
13 of law and fact common to the class predominate over questions affecting  
14 individual members and a class action is superior to other available methods  
15 for the fair and efficient adjudication of the controversy.  
16

#### 17 IV. STATEMENT OF FACTS

##### 18 A. Background

19 38. The Nation of India is a Federal Parliamentary Republic that is headed by a  
20 Prime Minister who is an elected representative of the people. India is  
21 governed by the "Central" or "Union" Government (hereinafter  
22 "Central Government") which is comprised of numerous departments,  
23  
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1 agencies and ministries. There are twenty-eight<sup>3</sup> states or provinces in India  
2 that are governed by elected officials called Chief Ministers who in turn  
3 appoint officials to run the local agencies, departments and instrumentalities  
4 of the state. The Central Government and the states are administered,  
5 controlled and otherwise run by the political party that holds the majority of  
6 seats in the Parliament and State Assemblies, respectively. The seat of the  
7 Central Government is located in the capital city of New Delhi. New Delhi's  
8 municipal government is traditionally administered and controlled by the  
9 political party in power in the Central Government.  
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12  
13 33. In October and November of 1984, the Indian National Congress (I)  
14 party ("Congress (I)") was the ruling political party of the Central  
15 Government of India with a majority in the Indian Parliament and, thus, was  
16 also in control of the local government of New Delhi. Moreover, in October  
17 and November 1984 Congress (I) also held majorities in eighteen of the  
18 twenty-two Indian States. In other words, Congress (I) virtually had  
19 complete control over the governance of India in October and November  
20 1984.  
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24 <sup>3</sup> In October-November 1984, India consisted of only twenty-five (25) states. Three  
25 additional states were carved out in later years.

26 Complaint

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1 36. The Prime Minister of India in 1984 was Indira Gandhi, the daughter of  
2 Jawaharlal Nehru, the first Prime Minister of India post- Independence and  
3 protégée of Mahatma Gandhi. Both Gandhi and Nehru were leaders of  
4 Congress (I) following independence in 1947 and Indira Gandhi was the  
5 leader of Congress (I) at the time she served as Prime Minister.  
6

7  
8 38. On October 31, 1984, Prime Minister Gandhi was shot by two of her  
9 body guards who happened to be Sikhs. Immediately, after Indira Gandhi the  
10 then Prime Minister of India and head of ruling Congress party was declared  
11 dead at All India Institute of Medical Sciences (AIIMS), the Defendant  
12 Amitabh Bachchan, raised the slogans “Sikho ne Indira Ji ko mar dala”  
13 (“Sikhs have killed Indira”) ; “Maro Saalon ko, desh ke ghaddaron ko”  
14 (“Kill these bastards , they are traitors”) ; ‘khon ke cheentay Sikhon ke  
15 ghar ghar tak puhnchanay chahiyay” (“the blood stains should reach the  
16 households of Sikhs”) and “khon ka badla khon” (“blood for blood”).  
17 Hearing defendant Bachchan's call for violence against Sikhs, otherwise  
18 shocked and numb crowd immediately reacted violently towards Sikhs  
19 present in the crowd and started beating them.  
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23 39. In less than twenty-four hours, an organized targeting of Sikhs  
24 throughout India began particularly in the capital of New Delhi that  
25

1 continued unabated until November 4, 1984.

2  
3 40. During the four day rampage, more than 3,000 Sikhs were killed in New  
4 Delhi alone and more than 30,000 were killed all over India, hundreds of  
5 women were gang raped, children were brutally tortured, hundreds of houses  
6 and properties were looted and destroyed and scores of Sikh temples were  
7 ransacked and burned to the ground. More than 300,000 Sikhs across India  
8 were displaced.  
9

10  
11 42. Taking a lead from the slogans raised by the defendant immediately  
12 after the death of Indira Gandhi, meetings were held Congress (I)  
13 headquarters located at 24 Akbar Road, New Delhi on October 31, 1984 and  
14 November 1, in which leaders and members of of Congress party including  
15 Jagdish Tytler, Sajjan Kumar, HKL Bhagat, Lalit Maken, Arjun Das and  
16 Kamal Nath.  
17

18  
19 44. Taking a cue from the defendant's idea of inflammatory slogans against  
20 Sikhs, leaders and officials of Congress (I) delivered inflammatory speeches  
21 and in some instances word for word repeated the defendant's slogans  
22 "Khoon ka badla khoon" (blood for blood) and "khoon ki chintey sikhon ke  
23 ghar tak pahunchni chahiye" (splashes of blood should reach the doorsteps  
24  
25

1 of Sikhs) in order to incite a genocidal riot directed at the Sikhs ostensibly to  
2 avenge the death of Indira Gandhi.

3 49. Congress party network and state machinery and resources were used  
4 carry out and facilitate the call of violence initiated by the defendant. During  
5 October and November 1984, Congress (I) ruled and controlled 18 states and  
6 had thus complete control over its party apparatus as well as state machinery  
7 which it used against Sikhs.  
8  
9

10 **B. Defendant's Participation and Role**

11 50. Defendant single-handedly raised the first slogans calling for violence  
12 against Sikhs which instigated the masses to kill Sikhs by chanting slogans  
13 that promoted the deaths of Sikhs resulting in violence and rampage  
14 terrorizing thousands and leaving thousands more dead in their wake. During  
15 the time frame of October 31, 1984 to November 4, 1984, the defendant,  
16 having close relationship ties to the family of the then Prime Minister of  
17 India Indira Gandhi, and also having close ties to the ruling party the Indian  
18 National Congress (I) party, instigated the violence against Sikhs resulting in  
19 attack on Sikh lives, homes, business, and places of worship. The groups  
20 that attacked the named plaintiffs and their families and homes, were clearly  
21 instigated by the vengeful call of the defendant as the assailants during  
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1 attacks repeated the same slogans that were coined by the defendant and  
2 broadcast through TV and radio throughout India. The defendant's slogan  
3 had helped in creating an atmosphere and desensitizing the human senses  
4 and dehumanizing the Sikhs to such an extent that there were occasions  
5 when the police were present at the scene of the occurrences but instead of  
6 preventing the attack, they either joined the attackers or stood by silently.  
7  
8

### 9 **C. Inadequacy of Local Remedies**

10 51. Upon information and belief, as practical matter and proven fact, no  
11 adequate remedies are available to Plaintiffs under the Indian system. In fact  
12 after more than 30 years of massacre, the Indian government and its  
13 prosecuting agencies have failed to prosecute and convict a single leader  
14 including the defendant Bachchan who was responsible for instigating  
15 widespread killings of Sikhs. In the case of Bachchan, such has been his  
16 influence and connections with the powers to be that he was immediately  
17 rewarded with seat in the Parliament and has since then not even been  
18 investigated. All efforts by or on behalf of the plaintiffs to seek adequate  
19 remedy against Bachchan have been countered by the fruitless, and it seems  
20 impossible that even after 30 years, the plaintiffs will be able to seek justice  
21 against this defendant in India.  
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24

1 General Allegations

2  
3 52. The acts described in this Complaint were instigated and abetted by  
4 the defendant using his position and influence.

5 53. The acts and injuries to Plaintiffs and their deceased relatives  
6 described herein, as well as those similarly situated, part of a pattern and  
7 practice of systematic human rights violations instigated and abetted by the  
8 defendant and carried out in most cases by Congress-I workers, followers  
9 and fans of the defendants and other individuals, who were motivated by the  
10 call of violence against Sikhs given by Bachchan.  
11  
12

13 **FIRST CLAIM FOR RELIEF**

14 *(Crimes against Humanity; Genocide, Rape, Torture, Summary Executions)*

15 54. Plaintiffs re-allege and incorporate by reference the allegations set  
16 Forth in paragraphs 1 through 54 of this Complaint as if fully set forth  
17 herein.  
18

19 55. The actions committed by the defendant against Plaintiffs and  
20 Decedents constitute Crimes against humanity committed with deliberation,  
21 planning and precision. Defendant knew or should have known that  
22 instigating the public sentiments against a vulnerable and unarmed religious  
23 minority and painting the minority community as a whole “responsible for  
24



1 the death of their leader would result in death, destruction and injuries to the  
2 innocent Sikhs. As such, the defendant was responsible for the physical  
3 injuries and mental torture to the survivors, murder of decedents, and these  
4 wrongs knowingly committed as part of a widespread or systematic attack  
5 against a civilian population.  
6

7 56. Defendant, by virtue of this inhuman act, also caused great suffering  
8 And /or serious injury to body and/or to mental or physical health in the  
9 context of a widespread or systematic attack against a civilian population to  
10 Plaintiffs and to Defendant's next of kin.  
11

12 57. Defendant's acts and omissions constitute "tort[s]...committed in  
13 violation of the law of nations or a treaty of the United States" under 28  
14 U.S.C § 1350 and also violate 28 § 1331 in that the acts and omissions  
15 against Plaintiff's violated customary international law prohibiting war  
16 crimes as reflected, expressed, and defined in multilateral treaties and other  
17 international instruments, international and domestic judicial decisions, and  
18 other authorities.  
19  
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21 58. The acts and omissions constituting crimes against humanity caused  
22 Plaintiff's to suffer damages, including severe physical and mental pain and  
23 suffering, in amounts to be determined at trial.  
24

1 59. Defendant's acts and omissions were deliberate, willful, intentional,  
2 wanton, malicious, and/or oppressive, and should be punished by an award  
3 of punitive damages in an amount to be determined at trial.  
4

### 5 **SECOND CLAIM FOR RELIEF**

#### 6 *(Cruel, Inhuman, or degrading Treatment or Punishment)*

7 60. Plaintiffs re-allege and incorporate by reference the allegations set  
8 forth in paragraphs 1 through 59 of this complaint as if fully set forth herein.

9 61. The abuses committed against Plaintiff's and Decedents described  
10 herein each separately constitutes cruel, inhuman or degrading treatment or  
11 punishment and were instigated and abetted by the defendant. These acts  
12 include, but are not limited to: the intentional and illegal burning of  
13 residential neighborhood resulting in severe physical and psychological  
14 abuse and agony, humiliation, fear and debasement; the injury and death of  
15 family members during such burning, resulting in profound fear, loss, and  
16 anguish.  
17

18  
19 62. Defendant's acts also constitute torts committed in violation of the  
20 law of nations, and thus of the United States, as reflected in federal common  
21 law which incorporated extrajudicial killing, pursuant to 28 U.S.C §§ 1331  
22 and 1350. Thus, the conduct constitutes a violation of the law of nations and  
23 customary international law prohibiting Cruel, Inhuman, or degrading  
24

1 Treatment or Punishment as reflected, expressed, and defined in multilateral  
2 treaties and other international instruments, international and domestic, and  
3 judicial decisions and other authorities. Extrajudicial killing is similarly  
4 reflected, expressed, defined and codified in multilateral treaties and other  
5 instrumental instruments, international and domestic judicial decisions, and  
6 other authorities, and is thus actionable.  
7

8  
9 63. Defendant's acts and omissions described caused Plaintiffs to suffer  
10 damages, including severe mental and emotional pain and suffering in an  
11 amount to be proven in trial.

12 64. Defendant's acts and omissions were deliberate, willful, intentional,  
13 Wanton, malicious and oppressive, and should be punished by an award of  
14 punitive damages in an amount to be determined at trial.  
15

### 16 **THIRD CLAIM FOR RELIEF**

#### 17 *(Extrajudicial Killing)*

18 65. Plaintiff's re-allege and incorporate by reference the allegations set  
19 forth in paragraphs 1 through 64 of this complaint as if fully set forth herein.  
20 The killings of Decedent's were deliberate and not authorized by a previous  
21 judgment pronounced by a regularly constituted court affording all the  
22 judicial guarantees that are recognized as indispensable by civilized peoples.  
23  
24  
25

1 66. The killings were not lawfully carried out under the authority of any  
2 country or court. The killings of Decedents constitute extrajudicial killings  
3 as Defined by the Torture Victim Protection Act, Pub .L. No. 102-256,106  
4 Stat.73 (1992) (codified at 28 U.S.C § 1350, note). Additionally, the killings  
5 constitute torts committed in violation of the law of the nations, and thus of  
6 the United States, as reflected in federal common law which incorporates  
7 extrajudicial killings as a violation, pursuant to 28 U.S.C. §§ 1331 and  
8 1350.The conduct of the defendant constitutes violations of the law of  
9 nations and customary international law prohibiting extrajudicial killing,  
10 reflected, expressed, defined and codified in multilateral treaties and other  
11 international instruments and domestic judicial decisions and other  
12 authorities.  
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16 67. Defendant knew or should have known that instigating the public  
17 sentiments against a vulnerable and unarmed religious minority and painting  
18 the minority community as a whole “responsible for the death of their leader,  
19 arming the public and providing the oil and other arms to the goons and  
20 stopping the police from saving the lives of Sikhs encircled by angry mob of  
21 several thousand people would result in death, destruction and injuries to the  
22 innocent Sikhs. As such, Defendant was responsible for the murder of  
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Decedents, and these murders were knowingly committed as part of a widespread or systematic attack against a civilian population.

68. Defendant's acts and omissions caused Plaintiffs and Decedent's next of kin to suffer damages, including severe physical and mental pain and suffering in amounts to be determined at trial.

69. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious, and/or oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**FOURTH CLAIM FOR RELIEF**

*(Wrongful Death)*

70. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 69 of this complaint as if fully set forth herein.

71. Defendant was closely affiliated and connected to the Congress-I, the then ruling party and family of the late Prime Minister Indira Gandhi. The defendant owed a duty to Decedents because they were foreseeable victims as of the open call for violence given by the defendant by vengeful chanting of blood-thirsty slogans on October 31, 1984.

1 72. Defendant's acts and omissions described herein caused Plaintiff's, other  
2 members of class and all of Decedents next to kin, to suffer damages,  
3 including pecuniary damages, in an amount to be proven at trial.

4 Defendant's acts and omissions were deliberate, willful, intentional, wanton,  
5 malicious, and/or oppressive, and should be punished by an award of  
6 punitive damages in an amount to be determined at trial.  
7

8 **FIFTH CLAIM FOR RELIEF**

9 *(Negligence)*

10 73. Plaintiff's re-allege and incorporates by reference the allegations set  
11 forth in paragraphs 1 through 72 of this Complaint as if fully set forth herein.  
12

13 Defendant owed a duty to Plaintiffs and Decedents because they were  
14 foreseeable victims of the blood thirsty slogans raised by the defendant after  
15 the assassination of Indira Gandhi.  
16

17 74. Defendant being a close affiliate of the ruling party, the Indian National  
18 Congress (I) and close affiliate and connected to the ruling family of the late  
19 Prime Minister Indira Gandhi of the Indian government, owed a duty to  
20 Decedents to refrain from intentional and wantonly harmful or outrageous  
21 conduct. Defendant owed a duty to Decedents because they were foreseeable  
22 victims of the vengeful and blood thirsty slogans that raised in public after  
23 the assassination of Indira Gandhi.  
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75. Beyond mere negligence, Defendant's acts were deliberate, willful, intentional, wanton, malicious, and/or oppressive, and should be punished by an award of punitive damages in addition to compensatory damages, in respective amounts to be determined at trial.

**SIXTH CLAIM FOR RELIEF**

*(Public Nuisance)*

76. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 76 of this Complaint as if fully set forth herein. Defendant deliberately and unreasonably interfered with the aforementioned rights by authorizing, commanding, and directing the attack on Sikhs, and particularly on Gurdawar Rakab Ganj.

77. The public nuisance created by Defendant directly caused Plaintiffs to suffer special injuries and damages, unique from those suffered by the public at large. The nuisance interfered with, obstructs, and/or injures, Plaintiff's individual rights.

78. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious, and/or oppressive.

79. Defendant's acts and omissions described herein constituted a public nuisance and directly caused Plaintiffs and Decedents to suffer damages, including pecuniary damages, in the amount to be proven at trial.





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85. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 84 of this Complaint as if fully set forth herein.

86. Defendant instigated the public against the Sikhs instigated and abetted the killing of Sikhs by raising anti-Sikh slogans, where Defendant knew or should have known that his actions would result in death and injuries to innocent Sikhs.

86. Defendant intended to cause Plaintiffs to suffer humiliation, mental anguish and extreme emotional distress or, alternatively, Defendant recklessly disregarded a substantial probability of causing humiliation, mental anguish, and severe emotional distress to Plaintiffs with his conduct. As a direct and proximate cause of Defendant's outrageous conduct, Plaintiffs suffered severe emotional distress and mental suffering. It was reasonably foreseeable that his words would cause this suffering.

87. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious, and/or oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**NINTH CLAIM FOR RELIEF**  
*(Negligent Infliction of Emotional Distress)*

88. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 87 of this Complaint as if fully set forth herein.

1 89. Defendant owed a duty to Plaintiffs to refrain from intentional and  
2 wantonly harmful or outrageous conduct of raising slogans calling for  
3 violence against Sikhs.  
4

5 90. By raising slogans calling for the violence against Sikhs, directing an  
6 outrageous, wantonly violent attack on the Sikhs, Defendant violated this  
7 duty and created an unreasonable and foreseeable risk of substantial bodily  
8 harm or death to the Plaintiffs. The attack placed the Plaintiffs in grave  
9 danger and/or made them reasonably fear for their physical safety.  
10

11 91. Plaintiff's have suffered and will continue to suffer extreme mental  
12 anguish and emotional distress that was directly caused by the trauma,  
13 shock, and fear that they experienced during and directly after the violent  
14 attacks orchestrated by the Defendant.  
15

16 92. Moreover, Defendant's conduct caused the named Plaintiff's and other  
17 members of the class and their immediate families suffer violent deaths or  
18 grave physical injury. Defendant's conduct was a substantial factor in  
19 bringing about the injuries and deaths to which Plaintiff's bore witness.  
20

21 93. In this manner, Defendant negligently inflicted severe emotional distress  
22 upon Plaintiffs. Defendant's acts and omissions caused Plaintiffs to suffer  
23 damages in amounts to be determined at trial.  
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26 Complaint  
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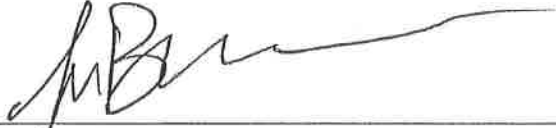
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

- a) For compensatory damages in an amount to be proven at trial;
- b) For punitive and exemplary damages in an amount to be proven at trial;
- c) For reasonable attorney's fees and cost of suits;
- d) For a declaratory judgment holding that Defendant's conduct was in violation of the laws of nations.
- e) For a declaratory judgment holding that November 1984 violence against Sikhs was "Genocide" as defined under international laws and laws of the United States.
- f) For such other and further relief as the Court may deem just and proper.

A jury trial is demanded on all issues.

Dated: October 27, 2014

  
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Complaint  
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