

US Court To Hear “1984 Sikh Genocide” Case on March 29th Congress (I) Decides To Defend Charges

New York: (March 15, 2012)

Judge Robert Sweet of US Federal Court granted the Defendant Indian National Congress an extension of 2 weeks to respond to the motion for “Default Judgment” filed by “Sikhs for Justice” (SFJ). On March 15, Judge Robert W. Sweet of the US Federal Court was scheduled to hear the Plaintiff’s motion for entry of “Default Judgment” against ruling party of India, Indian National Congress {Congress (I)} for its failure to defend the charges of conspiring, aiding, abetting, organizing and carrying out attacks on Sikh population of India in November 1984.

“Jones Day”, a law firm with expertise in defending organizations accused of human rights violations has been retained by Congress (I) to defend it against the pending charges of genocidal attacks on the Sikh population of India in November 1984. On March 13th, on behalf of the Congress (I), Attorney Thomas E. Lynch wrote a letter to Judge Sweet requesting an adjournment of the hearing on plaintiff’s motion for a judgment by default so as to allow him time to review the relevant facts and to prepare a response to the plaintiff’s motion.

In March 2011, when US Federal Court issued Summons against Congress (I), it retained “Wiggin and Dana LLP” a NY based law firm, which also asked for an extension to respond to Summons but later the law firm withdrew its representation of Congress (I) stating that they were not hired by authorized officials of Indian National Congress.

On March 07, Judge Sweet ruled that plaintiffs must refile claims against Nath, an MP and member of Congress (I) of leading a deadly series of attacks against Sikhs in November 1984. According to the decision of the Judge Robert W. Sweet of the US Federal Court, “Sikhs for Justice” (SFJ) failed to properly serve the politician, Kamal Nath, when it filed suit in April 2010.

“Sikhs for Justice” (SFJ) and several individual plaintiffs claim that the Congress Party and Nath, a high-profile member at the time, "virtually had complete control over governance of India" and "as the ruling political party of India nationally and locally, was able to pursue a policy of genocide against the Sikhs under color of state law and with the apparent or actual authority of the government of India." The group represents Sikhs who survived the genocidal attacks of November 1984. SFJ claims to have served Nath in the United States outside the Indian Consulate on April 6, 2010. Nath claimed that he was not served and that no one witnessed him being approached or handed anything. A member of the press corps then handed the summons and complaint to Nath during a press conference inside the Consulate. Judge Sweet found that plaintiff’s service of summons and complaint on Nath was not adequate and sufficient service and therefore personal jurisdiction over the defendant Nath cannot be established.

Kamal Nath had openly acknowledged on April 6, 2010 before TV channel “Newx” and other international media agencies like “Press Trust Of India” that “Papers” were handed over to him this evening and he will look into the charges framed in the complaint. Plaintiff’s and “Sikhs For Justice” submitted the copies of Nath’s interview along with his statement about him receiving “papers” to US Federal Court as well, But later Nath submitted a sworn affidavit to Federal Court retracting its original statement and stated that “no one ever served” me the Summons and complaint.

Judge Sweet dismissed the complaint without prejudice as to Kamal Nath, an MP, giving the plaintiffs right to refile the charges against Nath and properly serve the defendant.

Judge Robert W. Sweet of the US Federal Court **will now hear plaintiff’s motion for a judgment by default against Congress (I) on March 29th**. The plaintiff’s are demanding that a judgment by default be entered against

the defendant Congress (I) and that an evidentiary hearing be scheduled in order to determine the amount of compensatory and punitive damages to be awarded to the plaintiffs.

A class action suit was filed against Congress (I) and Kamal Nath by "Sikhs For Justice" (SFJ) a US based human rights group along with several Sikh individuals who survived attacks in November 1984 under Alien Tort Claims Act (ATCA) and Torture Victim Protection Act (TVPA). The complaint, which was amended in March 2011, sought damages over the genocidal attacks against Sikhs that were carried out throughout India in November 1984 after the assassination of Prime Minister Indira Gandhi.