

The Bombing of Air India Flight 182: Demanding Justice, Public Inquiries, and Acts of Citizenship

by

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Abstract

On June 23, 1985 Air India Flight 182 exploded over the Irish Sea, killing all 329 people onboard the aircraft. The attack was planned and executed on Canadian soil, and the majority of passengers were Canadian citizens. Canadian authorities failed to effectively investigate the bombing, and provide families of the victims with adequate support for the traumatic losses they underwent (Air India Inquiry Report, 2010). This is despite families' repeatedly demanding the Canadian government for information, services, and a thorough criminal investigation into the bombings. Many families claimed the government treated them like "second-rate" citizens and questioned whether systemic racism was a factor in how the criminal investigation was handled (for example see Public Hearings, 2006, p.47).

Like other racialised Canadians in the 1980s, families of Air India Flight 182 victims mobilized to demand justice. Arguing that the bombings were a "Canadian issue" they pressured the government to call a public inquiry. In 2005, the Canadian government announced the *Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*, which was mandated to examine the failures of the criminal investigation and to provide recommendations to prevent future acts of terrorism in Canada. In 2006, the Air India Inquiry began with public hearings where victims' families gave testimonies that were meant to help understand the "human element" of the tragedy. Families' testimonies were transcribed into fourteen volumes with over 1,000 pages that detailed their grief, the impact of the bombing on their lives, the negligent treatment by the Canadian government, and their political struggles for recognition over twenty years.

This thesis examines families' testimonies and triangulates their statements with media reports and excerpts from the federal Hansard debates to (a) reconstruct the steps they took to demand justice, and (b) examine the way they used discourses of citizenship to demonstrate how their government failed them. Using families' testimonies as evidence, this thesis challenges conventional definitions of multicultural citizenship, arguing that discourses of citizenship need to consider the agency of subjects and the challenges they face when they demand justice. This thesis draws on the concept of "acts of citizenship" (Isin, 2009; 2012) to show that citizenship needs to be understood through the actions subjects take in their pursuit of justice. In Communication Studies, this thesis offers a new approach to examining public inquiries (Salter, 2007) and the construction of identity in relation to racialization (Hall, 1990; Jiwani, 2006) by drawing on the scholarship of Bannerji (2000), Dharamoon (2009), Isin (2012), Miki (2004) and Nyers (2004) who argue that current models of citizenship are rooted in relations of exclusion.

Keywords: The bombing of Air India Flight 182; public inquiry; acts of citizenship; racialization; Cultural Studies; mobilizing for justice; "culture of redress"

Dedication

To Anita, Mom and Dad. With love.

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I dedicate my dissertation to Anita, Mom and Dad. You three have always pushed me to push myself, and have supported me in every project I have taken on. My sister Anita is my pillar. You are my go-to person for academic, career and life advice, editing and writing help, and reality-checks. This degree would not have been possible without you. Your tough love is everything. My parents are my foundation. The values, ethics and principles you have passed on helped guide many of the decisions I made for this dissertation. Your experiences and stories inspired me to thoughtfully listen to the experiences and stories of others. To the Bajpais, Singhs/Rathores—it takes a village.

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Glossary and List of Acronyms

9/11	References the terrorist attack in the United States on September 11, 2001
AICCA	Air India Cabin Crew Association
Air India Inquiry	<i>Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182</i>
AIVFA	Air India Victims' Families Association
ATA	Anti-Terrorism Act (Canada)
BBC	British Broadcasting Corporation
BCSC	The Supreme Court of British Columbia
Berger Inquiry	<i>Mackenzie Valley Pipeline Inquiry</i>
CBA	Canadian Bar Association
CBC	Canadian Broadcast Corporation
CHRP	Community Historical Recognition Program
CPAC	Cable and Public Affairs Channel for Canada
CSIS	Canadian Security Intelligence Service
CTV	CTV Television Network
DEFAIT	Department of External Affairs and International Trade
FLQ	Front de Libération du Québec
FMCMV/IN	Family Members of the Crew Member Victims of Air India Flight 182 and the India Nationals
<i>gurdwara</i>	Sikh temple
IRPA	Immigration and Refugee Protection Act (Canada)
JCCP	Japanese Canadian Centennial Project
JCRO	Japanese Canadian Redress Order
Kanishka	Name given to the Air India Aircraft
Khalistan	Term used to name the imagined homeland for Sikhs
Kirpal Inquiry	<i>Report of the Court Investigating Accident to Air India Boeing 747 Aircraft VT-EFO, "Kanishka" on 23rd June 1985</i>

<i>Lessons to be Learned</i>	The report of the Honourable Bob Rae (Independent Advisor to the Minister of Public Safety) on outstanding questions with respect to the bombing of Air India Flight 182
Maheer Arar Inquiry	<i>Commission of Inquiry into the Actions of Canadian Officials in Relation to Maheer Arar</i>
Malik and Bagri	Ripudaman Singh Malik and Ajaib Singh Bagri were acquitted in 2005 in relation to the Air India bombings
<i>mandir</i>	Temple and/or Hindu temple
<i>mela</i>	Hindi and Punjabi term for festival
MLA	Member of the Legislative Assembly
MP	Member of Parliament
NAJC	The National Association of Japanese Canadians
NSA	National Security Agency
Phase I	<i>Air India Flight 182: The Families Remember</i>
Phase II, Air India Inquiry Report	<i>Air India Flight 182: A Canadian Tragedy</i>
RCMP	Royal Canadian Mounted Police
Reyat	Inderjit Singh Reyat was convicted of manslaughter and perjury in relation to the Air India bombings
RNLI	Royal National Lifeboat Institution
S.S. Komagata Maru	Ship carrying South Asian passengers that was denied entry to Canada in 1914.
SIRC	The Security Intelligence Review Committee
The Charter	The Canadian Charter of Rights and Freedoms
TF	Terrorism Financing
TRC	Truth and Reconciliation Commission
Walkerton Inquiry	<i>Walkerton Commission of Inquiry</i>
WWII	World War II

Chapter 1.

Introduction: Re-Telling the Bombing of Air India Flight 182

On June 23, 1985 two flights departing from Canadian soil were targeted by a terrorist attack. There were two explosions and two planes involved.¹ It was later revealed that passenger bags filled with explosives were transferred onto two separate flights leaving the Vancouver International Airport in British Columbia in Canada. The first passenger bag containing a bomb was transferred onto Air India Flight 301 from Canadian Pacific Flight 003 during a stopover in Japan. This bag detonated prematurely, killing two baggage handlers at the Tokyo Narita Airport (Rae, 2005). The second bag was transferred from Canadian Pacific Flight 086 onto Air India Flight 182. The bomb in this bag detonated mid-flight over the Atlantic Ocean near the coast of Ireland, killing all 329 passengers and members of the crew on-board the aircraft.² Forensic evidence recovered from the crash site and reports from the multinational

¹ The baggage handlers at Tokyo's Narita airport were transferring luggage from Canadian Pacific Flight 003 to Air India Flight 301. The bag containing the other set of explosives was transferred onto Air India Flight 181 in Toronto from Canadian Pacific Flight 086, which originally left from Vancouver on June 22, 1985. After picking up passengers from three other major Canadian cities, Air India Flight 181 was renamed Air India Flight 182 upon leaving Montreal for India (Rae, 2005, p.1).

² Details about the criminal investigation are listed in the transcripts of the hearings from the court case, *R. v. Malik and Bagri* (2005); the final Air India Inquiry Report (2010a, 2010b, 2010c, 2010d, 2010e, 2010f); the Air India Inquiry statement of facts (Public Hearings, 2006); and, in the Kirpal Inquiry (1986).

police investigations helped determine what happened to Flight 182.³ From the 329 passengers on-board Flight 182, only 131 bodies were recovered from the ocean (Public Hearings, 2006, p.597).⁴

The legal proceedings for the Air India bombings began in 1985 and spanned over two decades until the final trial ended in 2010, resulting in one of the longest running criminal investigations in Canadian history. The unusual duration of the trials was connected to the mishandling of both the investigation and the evidence by police agencies and officials in Canada (Air India Inquiry Report, 2010a, 2010b, 2010c). One of the biggest controversies about the Air India Flight 182 bombing was how the Canadian government handled it. As the family members of Air India victims claimed, and as Bob Rae's (2005) *Lessons to be Learned* report and the final Air India Inquiry Reports (2010a, 2010b) eventually state, these delays were directly related to the Canadian government's unwillingness to see the bombing as a Canadian tragedy,

³ The title of the Indian Government's official public inquiry into the bombing of Air India Flight 182 is called, *Report of the Court Investigating Accident to Air India Boeing 747 Aircraft VT-EFO, "Kanishka" on 23rd June 1985* (subsequently referred to as "the Kirpal Inquiry"). The Kirpal Inquiry (1986) investigated the forensics of the aircraft and determined that explosives in the cargo hold caused the plane to crash. The Kirpal Inquiry (1986) determined based on where the aircraft was damaged that the explosives were loaded onto the aircraft in Vancouver, Canada. To reconstruct what happened leading up to the bombing, information, in addition to what was collected during the multinational police investigation, was gathered from family members of Flight 182 passengers, airline crewmembers, and rescue workers helping with the recovery efforts. Additional information came from members of the South Asian community, key journalists covering the investigations, rescue workers, police investigators, airport staff, evidence at the criminal trials, and other key witnesses.

⁴ The "Public Hearings" citation refers to the transcripts of the families' testimonies from the Air India Inquiry. In the reference list, the full name of the Air India Inquiry is used, followed by the phrase "Public Hearings" as the given title to distinguish this set of documents from the final reports produced by the Commission after the public hearings took place.

despite the fact that approximately 280 of the passengers on Flight 182 were Canadian citizens.⁵

According to the family members of Flight 182 victims,⁶ the Canadian government did not take the bombing seriously because the majority of the Canadian passengers on the flight were of South Asian heritage. Their perception was that the Canadian government neglected to see the bombings as a Canadian tragedy, ignoring the magnitude of the incident and the impact it had on Canadian families. Air India Flight 182 victims' families argued that the Canadian government did not thoroughly investigate the bombings nor consider the bombings to be a matter of national concern. The families argued that the Canadian government's unwillingness to adequately investigate the bombings and the murder of their family members led them to believe that the Canadian government did not view them as Canadian citizens, discriminating against them and treating them like "second-rate citizens" of Canada whose full citizenship rights were not recognised (Public Hearings, 2006, p.43). As this dissertation will show, for over twenty years families persistently demanded justice, including the

⁵ Neither Phase I nor Phase II of the Air India Inquiry Reports (Phase I and Phase II) list the number of Canadian citizens on Flight 182, even though full passenger lists are made available in both sets of documents. The exact number of Canadian passengers on the flight varies from source to source, including one reference in the *CBC* stating that 280 people on the flight were Canadian (Cole, 2008; "Feds call for vigilance", 2013). A media reference from the *Vancouver Sun* states that 268 people were Canadian citizens (Bolan, 2013), while the Government of Canada uses the word "most". The statistic may vary based on the fact that some of the passengers were Indian nationals visiting their family members in Canada, and some passengers were Canadian citizens visiting their families in India. The discrepancy of the number of Canadian passengers indicates the extent of the erasure of the Air India Flight 182 bombing from the public record in Canada.

⁶ Often documents call the family members of Air India Flight 182 passengers "victims" or "family members of Air India victims," and I use this terminology throughout the dissertation to be consistent with the documentation. I should note, that in conversation with one family member, while they too use the term "victim" and the phrase, "family member of Air India victims," at times, family members have stated that they do not like the "victim" label. For the lack of more appropriate terminology and for consistency, I use this term despite the necessary critiques.

demand for a public inquiry. In 2005, after the acquittals of two key suspects, Prime Minister Stephen Harper's Conservative government attempted to make amends with the families for the Canadian government's treatment of the bombing. One of these amends was the call for a public inquiry, which was titled the *Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182* (referred to as the "Air India Inquiry").

The purpose of this dissertation is to show how Air India victims' families' demands for recognition as Canadian citizens and calls for justice have been marginalized in the official discourses and the media coverage of the bombings. The Air India Inquiry Reports along with other government documents, and media coverage of the bombings are primarily concerned with anti-terrorism and national security, and as a result, further erase the demands for justice by the victims' families. This dissertation challenges the authority of the anti-terrorism and security discourse that dominates the narrative about the bombings by turning the reader's attention to the demands for justice articulated by victims' families in their testimonies. Specifically, this dissertation focuses on questions of citizenship and justice rather than security. The dissertation examines how in their testimonies at the Air India Inquiry, family members of Air India Flight 182 victims use the terms "citizen," "citizenship," and "Canadian" to justify their demands to the Canadian government. This dissertation shows how their claims for citizenship rights are embedded within a larger concern over their treatment by the Canadian government, which they claim reflects systemic racism and discrimination. Specifically, family members of Air India victims questioned whether discrimination was a factor in how the criminal investigation of the bombings was handled by officials (Razack, 2008), raising questions about how racialization limits one's access to information, services, and justice. To examine their claims of citizenship, I analyse fourteen volumes of families' testimonies, which they made during the public hearings for the Air India Inquiry. As the main corpus of research material, these fourteen volumes are supplemented with a range of other texts, including government documents and reports, the federal Hansards, and mainstream Canadian newspaper coverage of the bombings.

The Introduction Chapter provides an overview of the events leading up to the bombing. I then provide information about the Air India bombings as presented in the statement of facts at the Air India Inquiry by the Commission's Counsellors, which highlights its anti-terrorism and security framework. I also show how the Canadian government's perception of the bombings changed over two decades, whereby the government initially did not consider the bombings as a serious national matter of concern to then finally recognizing the bombings as a Canadian issue, impacting its citizens. The Introduction presents the central research questions guiding the project, provides details about the research material used in the project, and outlines the critical cultural studies approach used to analyse the material. The final section of the Introduction outlines the analytical steps I take in each chapter of the dissertation to examine family members' claims of citizenship, rights and justice.

The Bombing of Air India Flight 182: An Overview

The criminal investigation of the Air India bombings took place in Canada, and linked the attack to a group of Sikh separatists⁷ residing on the west coast of British Columbia (Air India Inquiry Report, 2010a; Rae, 2005; Roach, 2005; Farson, 2010; Chakraborty, 2012; Tatla, 1999; *R. v. Malik and Bagri*, 2005; *R. v. Reyat*, 1991). In an article comparing aviation-related terrorism to the Air India disaster, Stuart Farson (2010) notes that, "prior to 1985, Sikh radicals had often threatened to blow up Air India planes" (p.83) and that the bombings occurred even though Canadian authorities received alerts

⁷ The discourse around the Air India Flight 182 frequently identifies the religion of those suspected and/or responsible for the bombings. In this dissertation, I critically consider how the phrases "Sikh fundamentalist," "Sikh extremist," and "Sikh radical" are being used. My use of the phrase "Sikh separatists" in the opening sentence of this paragraph was used in each of the sources cited at the end of the sentence.

from the Indian government about potential threats (Farson, 2010, p.87). In 1985, security measures taken by Canadian officials, such as the Royal Canadian Mounted Police (RCMP), the Canadian Security Intelligence Service (CSIS), and airport security agencies were limited and Canadian policing agencies did not pursue the warnings about a potential attack on Air India planes as a serious threat (see the Air India Inquiry Report, 2010a, pp. 24, 25, 26). Subsequently, in the aftermath of the bombings, the primary focus of Canadian authorities was in relation to the failures with the criminal investigation, and the need for improved anti-terrorism and security measures.

In 1985, two suspects, Talwinder Singh Parmar and Inderjit Singh Reyat, were arrested in connection to the planning and execution of the Air India bombings (see Appendix A).⁸ In 1991, Inderjit Singh Reyat was convicted for manslaughter for the deaths from the bombing at the Tokyo Narita Airport.⁹ In 2003, Inderjit Singh Reyat pled guilty to one charge of manslaughter in connection to Air India Flight 182 (Phase I, 2008, p.205). After fifteen years, in 2000, two other suspects, Ripudaman Singh Malik and

⁸ In some reports “Talwinder” Singh Parmar is spelled “Talvinder” Singh Parmar. Parmar was considered the mastermind behind the Air India bombings and the self-identified leader of the Babbar Khalsa during the 1980s (Air India Inquiry Report, 2010a, pp.85, 130). According to the Air India Inquiry, Parmar died in 1992. From Canada, he returned to India and was killed during a “shoot out” with the Indian police in 1992 (Air India Inquiry Report, 2010a, p.132). The Babbar Khalsa is considered a Sikh separatist group and has a branch located in British Columbia, Canada. The Babbar Khalsa has been on the Canadian government’s terrorist group list since 2003.

⁹ For details of the physical evidence against Reyat, see the court transcripts for *R. v. Reyat* (1991). The evidence collected during the criminal investigation against Reyat and presented during the trial included detailed facts about gathering material for the explosives for both bombings, constructing the explosives, and testing the explosives in the woods in Duncan, B.C. The facts used in the trial specifically detail how a radio tuner was purchased from Woolworths, and automobile clocks that had 24-hour alarm systems and a particular level of voltage (*R. v. Reyat*, 1991). The evidence brought forward in the investigation pertained to Reyat’s actions in collecting the material to construct the bombs, and part of the details presented in the court transcripts explains his interest in dynamite and timing devices, and in the conversations he had with co-workers about Indian politics and the Prime Minister of India at the time, Indira Gandhi (*R. v. Reyat*, 1991).

Ajaib Singh Bagri, were arrested by the Royal Canadian Mounted Police (RCMP) and charged for 331 accounts of first-degree murder in connection to the bombing of Flight 182 and the bombing at the Narita airport (Phase I, 2008, p.204). The criminal trial against Malik and Bagri ended in 2005, twenty years after the bombings, acquitting both suspects.¹⁰ In 2010, Inderjit Singh Reyat was convicted for perjury and given the stiffest sentence for this crime in Canadian history.¹¹ Inderjit Singh Reyat was the only person convicted for the bombing of Air India Flight 182. Considering the twenty-five years of legal proceedings, the Air India bombings can be considered one of the longest running criminal investigations in Canadian history. (For a detailed timeline of events related to the criminal investigation, see Appendix A.)

The Air India bombings are dominantly understood through terrorism and security discourses and the motives for the bombings are most commonly linked to political events in India, implicitly erasing the Canadian connections to the incident. The only public documents available about the bombings—including the court transcripts for *R. v. Malik and Bagri* (2005) and *R. v. Reyat* (1991), the final Air India Inquiry Reports (2010a, 2010b, 2010c), the statement of facts used in the opening Air India Inquiry (Public Hearings, 2006) and select media reports—connect the bombings to the growth of a

¹⁰ According to the verdict from the criminal trial of *R. v. Malik and Bagri* (2005), one of the reasons listed for their acquittals was that there was “no forensic evidence... linking Mr. Malik and Mr. Bagri to either bomb... The determination of guilt devolves to a weighing of the credibility of a number of witnesses who testified during the course of the trial. Neither accused testified in these proceedings” (*R. v. Bagri and Malik*, 2005, para 5).

¹¹ The perjury trial for Reyat was held in September 2010 with the final sentencing and closing remarks delivered by Justice McEwan in January 2011. Inderjit Singh Reyat was given one of the stiffest sentences for perjury in Canada’s legal history, totalling nine years. The verdict for this case states that Reyat “falsely, and with intent to mislead the court, swore that he did not know or recall any details of the conspiracy alleged in the matter of ... the ‘Air India’ trial” (*R. v. Reyat*, 2011).

separatist movement in Punjab in the 1980s.¹² These documents link the motives for the bombings to several political incidents occurring in India beginning in 1984, including the Indian government's raid on the Golden Temple in Amritsar, the subsequent assassination of the Prime Minister of India Indira Gandhi by her Sikh bodyguards, and the subsequent anti-Sikh pogroms in Delhi (see Biswas, 2004; Axel, 2002; Tatla, 1999).¹³ These incidents are listed as the main reasons for why the Air India bombings

¹² As an example, the criminal trial for *R. v. Malik and Bagri* (2005) included the testimony by an expert witness, Dr. Wallace, who testified about the religious political tensions in India. He testified about the relationship between Sikhs and Hindus prior to and after Independence in 1947 and the heightened violence that began in the 1980s, particularly the tragedies of 1984. Dr. Wallace states in his testimony at the trial, the Golden Temple complex in Amritsar is the single most important representation of the Sikh faith in the world, comparing in significance to the Vatican for Catholics, the Kaba for Muslims and the Wailing Wall for Jews. Under heightened tension between Hindus and Sikhs in India, the Indian army launched an attack on the Golden Temple complex between June 2 - 4, 1984 ("Operation Bluestar"). (*R. v. Malik and Bagri*, 2005). Ironically, Dr. Wallace never reflects on a historical account of tensions in Vancouver, or even in Canada, relating to potential tensions between these two religious groups. Dr. Wallace does connect the events and acts of violence in India to the Sikh diaspora, testifying that "the reaction of Sikhs living outside of India was at least as strong as within the country, a view that was echoed by many of the witnesses who testified during the trial" (*R. v. Malik and Bagri*, 2005).

¹³ Scholars of diaspora studies focus on specific concerns faced by diasporic communities, including their shared historical experiences and political struggles, their relations with the nation-states they currently and formerly have lived in, and their formation of collective identities and imagined communities (Anderson, 1983). In *Diaspora Politics* (2003), Gabriel Sheffer establishes a position for the ethno-national diaspora. In the following excerpt he explains his central thesis arguing that cultural, social, economic, and especially political struggles are essential to dispersed ethnic groups, permanently residing in host countries away from their homelands (p.7). Sheffer (2003) argues that the "readiness and capability of migrants to maintain their ethnonational identities in their host countries and to openly nurture their communities and support their homelands are two additional crucial features" of ethno-national diasporas in addition to how structural, social, and political environments can affect migrants' abilities to maintain their identities in their host countries. Research on the Punjabi and larger South Asian diaspora reflects connections to homeland politics, including mobilization based on incidents occurring in India in 1984. Bidisha Biswas articulates that members of right-wing religious groups of Indian "origin" are a *political diaspora* heavily linked to nationalist movements (p.269). Biswas (2004) examines both the Hindutva and Khalistan movements arguing, "Hindus and Sikhs, in general, have been successful and prosperous in

were planned and executed—as an extremist response to religious violence in India and as a justification for Punjab to be an independent state (Public Hearings, 2006, pp.7-8).

The Air India Inquiry public hearings open with a statement of facts read by Commission Counsellors, M. Michel Dorval and Mr. Mark Freimen. Dorval begins the Inquiry hearings by acknowledging the impact the bombings had on Canadian citizens, and that the bombings are indeed a Canadian tragedy, an acknowledgement that took two decades for Canadian officials to make (see Chapter Five). The Counsellors dedicate the first part (pages 1 to 4) of their opening statement to what they refer to as the “human dimensions” of the tragedy (Public Hearings, 2006, p.4). Their statement of fact then references “the history of Sikh migration to Canada” (Public Hearings, 2006, p.6), explaining how Sikhs have “established themselves in this country over the last century as hardworking, law-abiding citizens, who live in close-knit communities” (Public Hearings, 2006, p.6). Dorval refers to “Sikh immigration from India” to Canada in the 1960s and 1970s, and how during this time period “des Sikhs d’Inde commencent à revendiquer un état sikh séparé et politiquement indépendant dans l’état du Punjab”

their host societies, and so not necessarily face the economic marginalization that can foster nationalism” (p.270). The positions of the Indian diaspora based in a division of religious difference is also developed in works by Darshan Singh Tatla (1999) and Brian Axel (2001) who develops the idea of a Sikh imaginary in the Sikh diaspora, and by the work of Martin Baumann (2004) who focuses on the Hindu diaspora. Axel’s (2002) work on the Sikh diaspora examines its relationship to the Khalistani Sikh and how the “Sikh subject is constituted by the Indian nation-state” (p.413). For example, Axel’s (2001) research on Khalistani Sikhs as a group who are focused on their own separate homeland is considered to be foundational work on the relationship between homeland, religion and diaspora. Axel (2002) states, “Sikh life over the past sixteen years has been riddled with extreme violence. Because the story of this violence is rarely told, its narration becomes an explicitly political act” (2002, 412). Axel’s research (2001; 2002; 2004) is about a very specific type of Sikh subject. When he writes of violence and the Sikh diaspora, Axel is referring to “the particular forms of violence emerging out of the conflicts between the Indian nation-state and Sikhs fighting to *create* a homeland called Khalistan (Land of the Pure)” (p.412). For more detail, Brian Axel provides a brief history of the Khalistan movement in his article, “The Diasporic Imaginary” (2002).

(Public Hearings, 2006, p.7).¹⁴ This statement is followed by Dorval referring to the more radical movement by Sikhs for an independent state, “the Khalistan of Punjab,” and connections to the Khalistan movement within the diaspora (including those located in countries such as Canada, the USA, and the United Kingdom). Dorval links the Khalistan movement to segments of the Sikh diaspora and expresses concerns about “Sikh violence” in Canada. He states,

Concerns about possible Sikh violence reached the federal government. During 1984 and 1985 Canada’s Department of External Affairs and International Trade (DEFAIT) received several warnings of possible terrorist acts against Indian interests in Canada. The Department passed this information onto the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP). On May 17, 1985, slightly more than one month before the Air India tragedy, the federal government created an interdepartmental Committee on Sikh Terrorism. Its goal was to improve tracking and information sharing about activities in Canada.¹⁵ (Public Hearings, 2006, pp.8-9)

After referencing “Sikh violence,” the statement of facts further describes the Air India

¹⁴ The English translation is as follows: “The Sikhs of India began to claim for a separate and politically independent state for Sikhs in the state of Punjab” (French to English translation done by Milan Singh).

¹⁵ In the rest of the statement of facts, Michel Dorval referenced what they knew about the bombings in relation to the airline tickets bought by two individuals who checked in bags without boarding the flight in Vancouver. The section provides details that include how the tickets were bought in Vancouver and that “an unidentified East Indian man” picked up both tickets at the Canadian Pacific Airlines office in downtown Vancouver (Public Hearings, 2006, p.10). The background section further details how Air India Airlines warned Canadian officials of potential threats to their planes and how Air India asked for the government to implement increased security measures (Public Hearings, 2006, p.12-13). Michel Dorval continues, providing details about one of the suspects who, when checking in his bags at the Vancouver International Airport, argued with a ticket agent demanding that she tag his bags so that they would go directly to India (Public Hearings, 2006, p.14). Dorval describes how the bags had been checked and were not removed from the aircraft even though the passenger did not take his seat; this is despite the airline security rule that passengers and baggage must travel together (Public Hearings, 2006, p.14).

bomb plot as planned and executed in Canada, including where the airline tickets were purchased and under which pseudonyms, who checked in the bags containing explosives at the Vancouver International Airport, and the failures in the security screening process at the airport, which is how the bags with explosives were transferred onto both flights leaving Canada (Public Hearings, 2006, pp.14-15).

The Commission Counsellors' statements show how the Inquiry frames the bombings around political events in India, followed by the need for stricter anti-terrorism and security measures in Canada, while failing to provide adequate political context in terms of India or the South Asian diaspora in Canada. For instance, the legal documents from the criminal investigation and the Air India Inquiry Reports fail to describe factors such as state violence against religious minorities and other marginalized groups in India, the impact of this state violence on marginalized communities dating back to when India was divided during Partition in 1947, and how groups in India and in the diaspora have politically mobilized for their rights in different ways. It also ignores the fact that the political positions of these groups vary (in India and in the diaspora), with only some taking more extremist positions.¹⁶ Furthermore, this framing ignores possible motives for the bombings from the perspective of diasporas in a Canadian setting. And, significantly, for this dissertation, it does not take into consideration the concerns of those most directly impacted, the families of Air India Flight 182 victims.

Since the initial arrests for the bombings in 1985, there have been questions as to whether there were failures in the criminal investigation in Canada. The acquittals of

¹⁶ The complexity of international politics and diasporic connections requires further examination beyond the short description provided above. While an analysis of these events is beyond the scope of my research project, it has been widely researched and cited. For further discussion on this topic please see, for example, Axel (2001; 2002; 2004), Biswas (2004), Singh and Singh (2014), and Walton-Roberts (2003).

Malik and Bagri in 2005 solidified the view that there were gaps in the criminal investigation. Part of the reasoning for the acquittals was the lack of substantial evidence available for a conviction (see summary of facts in *R. v. Malik and Bagri*, 2005). The not-guilty verdicts were what compelled family members of Air India victims to push even harder for a public inquiry, which they had already been demanding from the Canadian government since 1985. In addition to the poorly executed and flawed criminal investigation, the government's initial unwillingness to call a public inquiry added to families' concerns that the bombings were perceived as an Indian issue rather than a Canadian issue.¹⁷ This perception was reinforced when Brian Mulroney, who was the Prime Minister of Canada in 1985, sent his condolences to the Indian Prime Minister at the time, Rajiv Gandhi, rather than to the Canadian families directly affected by the

¹⁷ The final Air India Inquiry Report (2010a) draws attention to poor treatment of the families by the Canadian government and the importance of the public inquiry in repairing the relation with them. But while the Commission's findings as documented in the Report are highly critical of the actions of the government and its various agencies, as discussed in later chapters of this dissertation, the Commission considers very few of the concerns and statements of the families in its final recommendations. The Report makes a point of documenting the Canadian government's initial response to the bombings, which was to defend its lack of action. For example, the Report states that, "[t]he Government response soon became focused on public relations and on defending the reputation of the Government and its agencies in order to protect them from criticism and from any possible finding of liability or any obligation to compensate the families of the victims" (Air India Inquiry Report, 2010a, p.34). Initially, the Canadian Government chose not to refer to the incident as a "bombing" or an act of terrorism, rather it referred to it as a "crash" because of the potential implications and responsibilities the government would have if the explosions were deemed an act of terrorism. This was the case even though the Indian government's Kirpal Inquiry (1986) on the forensics of the Air India plane determined that the aircraft was torn apart in the sky due to an explosive device. Even though this information from the Kirpal Inquiry (1986) and other evidence from the Coroner's report on victims' bodies in Ireland indicated that the downing of Air India Flight 182 was suspicious, the Canadian government persisted in referring to the incident as a crash. This information from the Kirpal Inquiry is important because by deeming the incident a "crash," the Canadian government did not have to file any information with the Kirpal Inquiry being conducted in India. Including these details as written in the final Air India Inquiry Report (2010a) is vital because it shows the layers of erasure instigated by the Canadian government. The Report also points to the changed, deleted and redacted information submitted to the Commission by several government agencies.

bombing (see Chapter Five). Prime Minister Mulroney's apology is cited frequently in families' testimonies as an example of how Canadians of Indian heritage who had never set foot in India were seen solely as Indian citizens by federal politicians (Brethour, 2010).¹⁸

Finally, beginning in 2005, the Canadian government formally responded to the families' demands for information, support, and justice and made several acknowledgements about the Air India bombings. It was not until twenty years after the bombings that the government officially recognised that the bombings were a Canadian tragedy. The ways in which the Canadian government responded to families' demands include former Governor General Adrienne Clarkson marking June 23rd as a national day of remembrance for victims of terrorism in 2005 and erecting four official monuments. The monuments in Toronto and Vancouver were unveiled in 2007, and the ones in Montreal and Ottawa were unveiled in 2008 (Failler, 2009, 2012).¹⁹ In 2010, on the 25th anniversary of the bombings, Prime Minister Harper delivered an official apology to the families of Air India victims for "institutional failings" related to the bombings (see

¹⁸ Even though Justice John C. Major, the Commissioner of the Air India Inquiry, determined that former Prime Minister Brian Mulroney returned his condolences only after receiving a letter from former Prime Minister of India Rajiv Gandhi first, families' perception and as reported in newspapers was that the exchange of condolences should have been between Prime Minister Mulroney and the families. In an exchange during the Commission hearings between Isabelle Hayer and the Commissioner, Isabelle Hayer makes a statement about the perception in the community that the Air India bombings were seen as an Indian issue and not a Canadian one. Justice Major specifically corrects the statement about Prime Minister Mulroney sending condolences to the Indian Government before receiving condolences first (Public Hearings [Video], 2007).

¹⁹ In contrast, a sundial monument in Ahakista, Ireland (near Cork, Ireland) was constructed in 1986. This monument continues to be an important memorial site for the families of Air India victims. For example, on the 25th anniversary of the bombing, family members, and for the first time, members of the Canadian government, including former Prime Minister Paul Martin, went to Ahakista and Cork to remember the victims of the tragedy.

Busse, 2012).²⁰ In 2011, one-time ex-gratia payments were made to victims' families, and the federal government established the Kanishka Project, a multi-million dollar investment into research on anti-terrorism and security (see Chapter Six). It is important to emphasise the fact that the steps taken to formally recognise the bombing as a Canadian tragedy were not the initiative of the government. They were the result of demands made by family members of Air India victims and their ongoing work to keep the public's attention on the Air India bombings.

In 2006, the Canadian government began the *Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*. When the Air India Inquiry was commissioned it was mandated to examine the inadequacies and gaps in the criminal investigation into the bombings, including determining the jurisdiction of the Air India case in Canada. The inadequacies the Commission identified with regard to the police investigation included missing RCMP records, erased CSIS tapes,²¹ delays in getting surveillance tapes translated from Punjabi to English, and a lack of information (or even misinformation) about suspected terrorist activities (Air India Inquiry Report, 2010a, 2010c). It was also determined that there were inadequate witness protection programs

²⁰ The apology by Prime Minister Harper was held at the Toronto Air India Flight 182 memorial site. Importantly, as discussed in Chapter Two, the meaning of apologies has been debated within the South Asian community. For example, when Prime Minister Harper apologized for the Komagata Maru incident in 2010, his speech was given during a festival in Surrey, B.C. Community members have come forward since to state that the apology was not official or significant since it was not on record in the House of Commons. While there has not been debate about the apology for the Air India Flight 182 bombing, an article by Busse (2012) suggests that the content of Harper's apology was problematic in that it focused on the integration of the South Asian community in Canada, replicating notions of model minority discourses, and what it means to be Canadian.

²¹ In 1987, during the criminal investigation, it was confirmed that CSIS had erased tapes. This was reported in major newspapers across the country. For example, one news report states, "When RCMP investigators sought access this year to tapes on one key suspect, and it was discovered that CSIS had erased the material. An inquiry has been launched, but Morden said he does not believe the lost tapes have hindered or leave a gap in the continuing investigation" ("Tapes on jet probe erased", 1987).

in place and poor security for potential witnesses (see the Terms of Reference or Appendix B). From the Air India Inquiry's public hearings and its investigation, the Commission produced two sets of official documents in two distinct phases (referred to by the Commission as Phase I and Phase II). Phase I of the Inquiry titled, *The Families Remember*, was published in 2008 and includes excerpts of testimonies made by the family members of Air India victims at the public hearings (subsequently referred to as "Phase I" or "The Families Remember" in this dissertation). *The Families Remember* report is the Commission's response to what it calls the "human element" of the bombings. Phase II of the Inquiry is a multivolume document titled, *Air India Flight 182: A Canadian Tragedy*. The Phase II report of the Air India Inquiry was published in 2010 and is referred to by the Commission and in the documents produced by the Commission as the final Air India Inquiry Report (see Chapter Two for a breakdown of each volume).²² A third set of documents is the transcriptions of the testimonies produced from the public hearings at the Air India Inquiry (referred to as the "Public Hearings"). This multi-volume set of transcripts comprise the main documents analysed in this dissertation, and will be described in more detail later on in this chapter.

Re-Narrating the Air India Tragedy: Demands for Recognition

The anti-terrorism and security discourse dominates the Air India Inquiry whereas the families' demands for information, support services and justice play a marginal role. This is despite the fact that the Commission produced a report dedicated to the "human element" of the bombings. It was in 1985, when a group of family members began proclaiming that a public inquiry into the criminal investigation of the Air India bombings

²² This dissertation will use the same nomenclature when referring to the Phase II documents.

was necessary. For these families, a public inquiry would give them an opportunity to speak to the government about their treatment over the years. The family members wanted the Canadian government to be held accountable for the failures in the investigation, the lack of information and support made available to them during the investigation, and the lack of initiatives taken by the government post-bombing to prevent future terrorist attacks. The families wanted the government to acknowledge the impact the Air India incident had on them over the two decades following the bombing.

Importantly, the families wanted a public inquiry to ensure Canadians were properly informed about the Air India bombings; they argued that the Air India bombings had been erased from Canadian history and from public knowledge. The family members wanted all Canadians to understand what happened and the impact a terrorist attack on Canadian citizens had on not just individual families but also on the country as a whole. For these families, their call is a nationalist call for securitization, which will be critiqued in Chapter Five of this project. For example, Ms. Lata Pada, who lost her husband and her two daughters in the incident, discussed the lack of awareness and knowledge about the Air India incident by other Canadians, and the continual efforts she and other families have made to keep national attention on the bombings. In her testimony to the Air India Inquiry, she stated the following:

Imagine that an entire nation cannot begin to visualize the horror of this tragedy, their collective memory of this event dulled by years of public amnesia and cross sensationalization of more exciting news. Imagine that a nation does not care or concern itself with the growing threat of terrorism in its own backyard... [At the same time, over the years] imagine having your life thrust into the glare of the media, the exaggerated brutalization of the trauma and horror of the event and imagine having the phone ring every time a news bite requires the family to make a comment only to be mentioned... along with the local news of the latest pitbull attack. (Public Hearings, 2006, p.74)

Lata Pada specifically draws attention to the erasure of the Air India incident from Canadian history and the amnesia surrounding the Air India incident in the country's collective memory (see Chapter Five). Lata Pada's testimony discusses the implications

of national amnesia and speaks about the need to keep the Air India issue relevant, while also reflecting on the types of responses from the government and from the media she experienced over the years. Continuing with a passage from her testimony at the Air India Inquiry, she states,

Imagine how it hurts when people speak of 9/11 as the world's most significant act of aviation terrorism, deleting the Air India bombing from our collective memories. Canada's most heinous act of terrorism had disappeared from the nation's radar to the extent that the events of 9/11 were consistently spoken of as the first act of aviation terrorism. The Air India bombing had been relegated to a distant past unrelated seemingly to Canada because the majority of the victims were of South Asian ancestry, the aircraft belonged to the Indian government and the cause for the tragedy was located in some obscure sectarian issues in India. (Public Hearings, 2006, p.74)

The passage is significant because Lata Pada questions whether the government and Canadian public discriminated against them, and whether the government did not prioritize the Air India incident because of the ethnicity of the people most directly impacted. Lata Pada's testimony compares the responses to the Air India bombings and the terrorist attack in the United States in 2001 (referred to as 9/11) as she describes how the Canadian public and the Canadian government took 9/11 much more seriously. The Air India Inquiry Report (2010a) also refers to 9/11 in connection to the Air India bombings but now as a way to justify the Commission's recommendations for aviation security and other forms of securitization.

This dissertation returns to two key points the families made about the Air India bombings in their testimonies: first, the contention that the bombings have largely been erased from public knowledge in Canada and that the implications of this erasure has created a national forgetting of an act of terrorism; second, the dissertation examines the identity claims made by families, specifically their use of the term Canadian citizen, as a means of justifying their rights, sense of belonging, and demands for justice from the Canadian government. Since 1985, the family members of Air India victims have made statements about their experiences of neglect and discrimination in the context of their

rights as citizens of Canada. Over the last two decades, the family members of Air India Flight 182 victims have claimed that the Air India incident is a “Canadian concern.” The family members and their advocates have spoken publicly about their rights as citizens and demanded to be treated like “equal citizens” in Canada. In their ongoing efforts to actively keep public attention on the Air India incident, family members formed associations, such as the Air India Victims’ Families Association (AIVFA), lobbied the Canadian government, wrote letters to government officials (at the municipal, provincial and federal levels), organized rallies, contacted and were contacted by journalists and reporters, attended the criminal trials of the accused, demanded face-to-face meetings with government officials and their RCMP liaison officers, went to memorial services in Ireland, and organized candlelight vigils and memorial services for their lost loved ones in cities across Canada, including Vancouver, Montreal, Ottawa and Toronto (see Chapter Four).²³ In this dissertation, I argue the erasure of the Air India bombings from the public memory of Canada was in part because, prior to the Air India Inquiry, the publicly accessible material about the bombings was limited and fragmented: the material included redacted and altered government documents, official press releases and media coverage. Even today, facts about the bombings are not easily found either because information does not exist or there are inconsistencies in the information available (Air India Inquiry Report, 2010a, p.47). Thus, part of the purpose of this research project is to draw attention to the families’ testimonies as a rich corpus of

²³ Some family members chose to share their experiences and the impact the Air India bombings had on their lives in artistic ways, such as producing dance performances like Lata Pada’s (2001) “Revealed by Fire” production, and by writing literature and poetry, such as Renee Saklikar’s (2013), *Children of Air India*, a book of poetry. Other family members committed themselves to volunteer work in hospitals and schools, and also establishing scholarship programs in the name of their lost family members both in Canada and India, as described in several testimonies, during the public hearings. Others, such as Major Singh Sidhu, chose to have his experiences told in an interview with journalist Gurpreet Singh for a book (Singh, 2012).

material that provides some of the only information available about the Air India bombings outside of the limited and fragmented government and media documentation, as well as the media that victims' families produced themselves over the years.

Research Corpus: Documents, Debates, and Testimonies

International Reporting Inc. transcribed the fourteen volumes of testimony by the Air India victims' families and the rescue workers from the public hearings at the Air India Inquiry. Some families who gave testimony were Indian nationals impacted by the bombings, such as the wife of Flight 182's co-pilot, however the majority of the testimonies were by the Canadian families; the Canadian families' testimonies are the main set of material analysed in this project. The transcripts include over 1,100 pages of testimony heard by the Commission over a two-week time period in 2006.²⁴ The families' testimonies took different forms, covering a range of topics and issues. Individuals either narrated their statements from talking points, read statements that they had prepared, and/or had Commission Counsellors ask them questions. Some family members read statements submitted by other family members, others had their statements read by the Commission, and some statements were not read out loud but submitted as written statements. The unread statements were marked and filed as part of the Commission inventory of documents.²⁵ Some family members sent in video clips,

²⁴ The written transcripts include instances when the testimonies were paused, when the Commissioner or counsellors asked individuals questions, when the Inquiry took lunch breaks, and it includes the timing for each day's proceedings. The breaks, pauses and questions provide great insight into both the process of the Inquiry and the family's experience.

²⁵ Testimonies that were read-in by one of the legal counsellors are presented in the transcripts in italics font-type and the testimonies that were directly delivered use a regular font-type. In this

others included photographs or poems in their statements, and some used newspaper clippings to supplement their testimony (Air India Inquiry Report, 2010a, p.44). Some family members attended the Inquiry, but did not give testimony. Some family members chose not to engage publicly in any capacity, seldom attending public gatherings or interacting with the media. Family members of Air India victims who chose to remain private are crucial to acknowledge; their perspectives and experiences remain undocumented and untold, and their public silence is important not to forget. Their choice to remain private is an example of the diverse responses and reactions to the Air India bombings by those most directly impacted. In other cases, entire families were lost in the bombing, leaving no immediate relatives to represent them.

Additional testimonies not included in the fourteen volumes include expert testimonies from scholars and government officials, members of the RCMP and CSIS, and other individuals such as Dave and Isabelle Hayer who were directly affected by the bombing due to the assassination of their father (in-law) Tara Singh Hayer (see Chapter Five). Testimonies that were not transcribed are available in video-format. The videos provide a visual account of how the Inquiry operated at a procedural level.²⁶ All

dissertation, excerpts from the transcripts have not been altered from their original format or layout, unless indicated.

²⁶ The family members were called to the front of the Commission room, and either sat or stood next to the Commissioner, similar to what would be 'on stand' if it were in a courtroom. When watching the videos on the Cable Public Affairs Channel (CPAC), which houses an online archive of videos from the House of Commons and other public videos, the visual organization of the Commission looked like a courtroom with benches and chairs setup in the gallery for interested people and parties to watch. The Commissioner, Justice Major, sat on a podium with a table was set to his left side for those giving testimony. The backdrop was a dark curtain, and on either side of Justice Major were Canadian flags. The Commission's counsellors faced the speakers and the judge, and sat in front of the gallery of seats where members of the media and public sat. There was a projector and screen set up to the right of Justice Major to show any media or visuals. At times, families included presentations or images in their testimonies. Any of the documents used in their testimonies – presentations, photos, poems, or news clippings – were listed by the Commission's registrar and files as an

testimonies heard from 2006 to 2008 are recorded. Thus, to summarize, the transcripts of testimonies are available in two formats: the transcribed version of the families' testimonies, published by International Reporting Inc., (and housed by the Canadian Bar Association [CBA]), and the full-length video version of the hearings archived on the Cable Public Affairs Channel (CPAC). The recorded videos on CPAC provide insight into how the Commission was conducted, including information about the formal procedures that guided the public hearings. The Air India Inquiry Reports, the Library and Archives Canada, or the Air India Inquiry's website do not indicate that there were transcripts produced from the public hearings and that these transcripts are available to the public, even though other documents and submissions to the Inquiry are archived on these websites. To find the transcripts, I looked in several areas that house public records. I traced a footnote from the Phase I report to the original source to find that the CBA archives certain legal documents. From research on public inquiries in Canada, I knew that public hearings were recorded and transcribed, however, no clear indication of who provides the transcriptions or houses the material is available. This led me to the name of the publisher, which eventually led me to the Canadian Bar Association.

The testimonies are cross-referenced and triangulated with material from several other sources, including mainstream newspaper articles reporting on the incident between the years of 1985 to 2010 and the federal Hansard debates between the years of 1985 to 2005. These sources help determine how the Air India bombings were discussed in Canadian Parliament. Court transcripts from the criminal trials, government reports, government press releases, and the multivolume Air India Inquiry Reports were also used for this project. Furthermore, submissions to the Commission by expert witnesses, such as Dr. Sherene Razack, and by family groups such as the Air India

exhibit for the Inquiry. The documents were marked and filed for the Commissioner to consider in his findings and for the final reports.

Victims' Family Association (AIVFA) and the Lata Pada's Family Interest Group supplement this research material. In addition, a two-hour interview with Justice John C. Major and attending the perjury trial of Reyat helped inform my understanding of the case study.²⁷ Journalistic accounts in books written by reporters have also provided information for this project.²⁸ These sources provide the only publicly available information about the Air India incident. This dissertation draws on this disparate volume of information to uncover and map what happened over a twenty-year time period in order to understand the perspectives of the families, analyse the steps they took to demand justice as Canadian citizens and investigate the limits they discovered about citizenship in relation to their racialised subjectivities.

It is important to note that I considered conducting interviews and even went so far as to receive ethics clearance from Simon Fraser University to interview the families who took part in the Inquiry, and who took on public roles to mobilize families and lobby the government. But, there are three reasons I decided not to interview the families. First, even though I would be asking them about their involvement in the Air India Inquiry, for some, their experiences are still raw and the Air India tragedy remains to be a sensitive issue for them and the Canadian South Asian community. Second, many families already have taken extensive measures to create a public record of what they believe the Canadian public needs to know about their experience in their testimonies at

²⁷ In addition, I attended the Vancouver memorial services and a book launch about the Air India bombings. I have also consulted with scholars and community members about the topic and how to approach this research with sensitivity.

²⁸ There are several important journalistic books written on the Air India bombings, which have been influential in framing the incident. For further details about books written by key journalists covering the case, please see Salim Jiwa (1986), *The Death of Air India Flight 182*; Clark Blaise and Bharati Mukherjee (1987), *The Haunting Legacy of the Air India Tragedy: The Sorrow and the Terror*; Zuhair Kashmeri and Brian McAndrew (1989), *Soft Target: India's Intelligence Service and its Role in the Air India Disaster*; Kim Bolan (2005), *Loss of Faith: How the Air India Bombers Got Away with Murder*; Gurpreet Singh (2012), *Fighting Hatred with Love*.

the Inquiry. Third, in reading their testimonies, several families indicated their frustration with the media, for example, only speaking to them when they required a sound bite for a story, rather than supporting the families in their demands. My concerns about asking them about their process and involvement at the Inquiry was yet another person asking them to tell, re-tell, and to rearticulate their experiences. Already those who wanted to speak about their experiences made testimonies and other material available that provides insight into their experiences. This material is yet to be examined. Thus I considered it imperative to first acknowledge their testimonies as critical contributions to understanding the handling of the Air India bombings in Canada, contextualizing and analyze these contributions. If this research project were to be extended, I would argue that I have enough knowledge of the case study and the testimonies they gave to conduct informative and sensitive interviews.

The diversity of individuals impacted by the bombing influenced who participated in the Inquiry and in what capacity. The passengers on Air India Flight 182 and their families represent a wide range of voices who came from diverse ethnic, cultural, and religious communities with some families self-identifying as Hindu, Sikh, Muslim, Christian, Catholic, or a combination of faiths. The members of the families are different ages and genders, come from different socioeconomic positions and migrated to Canada at different times, under different circumstances (even though the families of Air India victims who gave testimony seem to have similar socioeconomic and educational backgrounds, as will be discussed in Chapter Five). Some Canadian families were not of South Asian heritage. The testimonies selected are meant to provide a sense of this diversity in terms of gender, age, religion, language, region, birthplace, class, education, history of migration and the complexity of intercultural connections that mean families span Canada and South Asia. As will be evident in Chapter Five, the diversity of the families is reflected in how the family members of Air India victims described their relationship to the person or people they lost on Flight 182. Appendix B provides a breakdown of who spoke on which day, and in what format their testimony was delivered (oral statement, written statement, or video submission). The chart also states whether

the testimony was read-in at the Inquiry or unread.²⁹

My aim in this dissertation is to use the families' statements as a way to resituate the bombing of Air India Flight 182 in a Canadian setting. I also aim to understand the impact the Air India Inquiry had on them, acknowledging their agency to tell their own experiences and to tell their own stories. The analysis of the testimonies is limited because some statements submitted to the Inquiry were not read or recorded, and only filed as exhibits. While I attempt to include statements from every family member who gave testimony and to provide extensive passages from their statements to show the diversity of views, it is important to note that I have selected only sections of their testimonies (for a list of participants see Appendix B). Testimonies from some family members, for example from Dr. Bal Gupta and Ms. Lata Pada, are cited more frequently because they represented victims' families associations.

I focus on the sections of their testimonies that allow me to analytically and purposefully trace the steps the families took leading up to the Air India Inquiry and what they were trying to achieve through their participation in the Inquiry. I trace the families' diverse experiences to show how the bombings impacted them especially in relation to the Canadian government's response to the tragedy. The lead Commission Counsellor described the testimonies of those who chose to speak at the Air India Inquiry hearings as courageous, filled with grief and sadness. They stated that the testimonies provide a scope of the magnitude and immeasurable loss (Phase I, 2008). In this way, the material examined in this dissertation is not just treated as data, but as the voices, the

²⁹ I do not provide the exact numbers and demographics of who spoke because the testimonies are presented in different ways. For example, some family members read statements on behalf of others. Some family members represented their own family, as well as other families impacted by the bombings, even families to whom they were not directly related. Other family members were speaking on behalf of the Air India families' groups, oscillating back and forth from speaking about their individual experience and representing up to 80 different families. In other words, the testimonies are complex and thus providing statistical data requires an in-depth and rigorous quantitative analysis of the testimonies.

pleas and the acts of mourning by the families.

In this research project, the term testimony is used in several ways being drawn from a number of different fields, including studies of public inquiries (Salter, 2007), Citizenship Studies (Isin, 2012) and Cultural Studies (Hall, 1995; Jackson, 2002). First, in terms of testimony at public inquiries, testimony is understood as the testaments made by families about their experiences. Sometimes these testimonies were submitted in a legal form that acted as official statements, much like testimonies given in a court of law. Second, in terms of Cultural Studies, testimony can be viewed as a social act to represent the shared experiences of people. Importantly, this shared experience takes the “I” in statements and represents the “we” (Jackson, 2002). For example, when family members of Air India passengers spoke about their ill treatment by the Canadian government and their rights as citizens, each “I” could be understood in terms of the collective demands and claims of the group. Third, in terms of Citizenship Studies, their testimonies can also be seen as a way of making their demands for formal recognition. Here, central to this dissertation, the testimonies can be seen as “acts of citizenship” (Isin, 2009, 2012) describing the steps the families took to get a public inquiry and to make statements about their rights (see Chapter Three).

Participation in public inquiries blurs the lines between formal testimony and testimony based on experience (see Chapter Two). Formal testimony can be described as giving evidence in legal forums such as courtrooms and police investigations. From the perspective of the person giving testimony, in order to give an account of an experience that has been ignored or misrepresented, it is structured less by legal institutions and more by the need to tell a story about one’s individual or collective experience; it includes both deliberately made statements and stories to make particular social points; and it is a social act that involves a transaction between a speaker and listeners (Lackey, 2006). In its most basic sense, testimony is considered a discursive practice: to testify is to tell. As a discursive practice, it is socially and culturally mediated. Testimony relies on memory and “draws on countless scraps and bits of knowledge and information from the surrounding culture, and it is inserted into larger cultural narratives”

(Hodgkin and Radstone, 2003, p.5). As I will discuss in Chapter Five, while the testimonies are based on the families' memories of personal experiences, they draw on cultural narratives of citizenship and belonging, which are essential to their efforts to be heard and recognised as Canadians.

Research Design: A Cultural Studies Approach

The approach I adopt for this project is committed to “examining cultural practices from the view point of their intrication with, and within, relations of power” (Tony Bennett as cited in Nelson, Treilcher and Grossberg, 1992, p.2). Similarly, Nick Couldry (2000) argues that, “cultural studies thinks of culture in relation to issues of power: the power relations (whether driven by economics, politics or other forms of social discrimination) which affect who is represented and how, who speaks and who is silent, what counts as ‘culture’ and what does not” (p.2). I thus approach the testimonies of the families from their position, from the position of a group who has been excluded from consideration in a terrorist attack on their family members, which initially affected “who speaks and who is silent.” This allows me to examine how the families have been represented (including how they have been erased) in the structures of power in Canada. In borrowing from Couldry (2000), “[T]o think [of] culture in a nondominative way, [is] to recognise it as a space of multiple voices and forces” and thus including these voices is a way to challenge dominant narratives of anti-terrorism and security through the silenced voices—the demands of Air India victims’ families for justice (p.4). My dissertation adopts a critical Cultural Studies approach, descended from the Birmingham School, as a way to both challenge dominant discourses about the Air India incident and to analyse this case study from the perspectives of the families.

To expand, Simon During (1999) suggests that, “Cultural studies has been, as we might expect, most interested in how groups with the least power practically develop their own readings of, and uses for, cultural products—in fun, in resistance, or to

articulate their own identity” (p.6). During’s (1999) position follows a similar approach to canonical Cultural Studies texts, such as those written by Stuart Hall (1990, 1993, 1996) and Raymond Williams (1982). According to Williams (1982), one of the tasks is to take apart dominant discourses that shape how a subject, an incident, an event, or a society, is constructed in its “ordinary” sense, including how that information is articulated and circulated, while also drawing attention to the new meanings, perspectives, and critical lenses from which “culture” is viewed (p.54). For Stuart Hall (1996), Cultural Studies “is a serious enterprise, or project, and that is inscribed in what is sometimes called the ‘political’ aspect of Cultural Studies. Not that there’s one politics already inscribed in it” (p.262). In an essay, describing the purpose for creating the Centre for Cultural Studies in Birmingham, Stuart Hall (1990) states, “it was not possible to present the work of cultural studies as if it had no political consequences and no form of political engagement” and that the goal was “to engage with some real problem out there in the dirty world” (p.17). Examining the political agency of family members in their struggles for justice helps to critically examine the framing of the Air India bombing primarily in terms of the dominant discourses of security and anti-terrorism, while also showing how their demands for justice challenge institutional power, forcing these institutions to acknowledge and recognise their failures to the families as Canadian citizens over a twenty-year time period.

In each of the chapters of this dissertation, I ask the following question: *how do we know what we know* about the Air India bombings and from whose perspective (and which institutions) is this knowledge constructed? Beyond the statements by authorities in the government, policing agencies and the media, what other voices speak about the bombings? Do their views challenge the statements made by these authorities? Do they provide an alternative perspective on the Air India bombings or do they reproduce dominant discourses? More specifically, through my analysis of the fragmented sources, the pages and hours of evidence and testimonies, can I provide a critical account of the Air India bombings without replicating a racialised discourse of terrorism and terrorists (i.e. the representation of Sikhs as extremists)? How do I resituate the Air India incident

in Canada (i.e. as opposed to defining it as an event about India and/or Indian politics)? At the same time, how do I show that political events in India impact the Canadian South Asian diaspora without making these distinctions between Canada and India rigid and impermeable? How do I discuss the need for anti-terrorism protocols, without falling into securitization discourses that further marginalize individuals and communities?

At a theoretical level, I question whether my interdisciplinary use of concepts from Canadian Studies, Diaspora Studies, Legal Studies, and Critical Race Studies will satisfy experts from each of these disciplines and areas of study. But as I approach the case study in a way that does not neatly fit the terms of any of these disciplines or fields, I hope that my interdisciplinary use of these concepts sheds light on the need to develop further an approach that can more systematically examine problems of agency and political change that take into consideration the voices of those that are excluded, marginalized, and in this case, have a highly racialised discursive history in Canada (Jiwani, 2006).

At a methodological level, I question if my critical analysis of the testimonies and the Air India Inquiry adequately represents the families' experiences, providing multiple viewpoints and intersections in their statements, diversity within their perspectives, and the complexities in their self-identification while taking caution in liberties in my own interpretation. Nonetheless, I hope that my methodological approach sheds light on the need to continue to find ways to more rigorously develop Cultural Studies methodologies to examine case studies that are typically framed in terms of legal or constitutional issues that do not typically take into account questions of culture and subjectivity. In terms of my approach to this project, I use multiple methodologies as supported by Nelson et al. (1992) who state the following:

[The] methodology of cultural studies provides an equally uneasy marker, for cultural studies in fact has no distinct methodology, no unique statistical, ethnomethodological, or textual analysis to call its own. Its methodology, ambiguous from the beginning, could best be seen as bricolage. Its choice of practice, that is, is pragmatic, strategic, and self-reflective. (p.2)

This is not to say that a Cultural Studies approach is method-less; it is to say that multiple methods are necessary, including textual and discursive analysis, close readings of text, as well as triangulation of research, and an application of critical theories (such as critical race theory, and critical approaches used in Cultural Studies, specifically from the Birmingham School, and Citizenship Studies scholars that adopt an “acts of citizenship” framework) to investigate the context of the structures of power in which the case study is situated. This methodological approach assumes that the case study informs the parameters of the theoretical and methodological frameworks, rather than the theory and method setting parameters for the case study. For example, in their testimonies, families repeatedly used the terms citizen, citizenship and Canadian as part of their identification as well as a means to justify their demands. Therefore, in this study, I need to develop an understanding of their use of the term citizenship, rather than imposing an already formulated conception.

In terms of practice, Nelson et al. (1992) argue that, “The choice of research practices depends upon the questions that are asked, and the questions depend on their context” (p.2). As someone who self-identifies as being part of the Canadian South Asian diaspora, I am sensitive about the implications of my own interpretation and objectives for the project and hope that this work does not negatively impact what I have witnessed to be an already fragmented community. The Air India bombings have impacted the South Asian diaspora in several ways, including renewed concerns about religious fundamentalism in the diaspora, a racialised backlash and increased discrimination towards the South Asian community in Canada following the bombings (and after 9/11), increasingly racialised responses to terrorism and securitization (see Bhandar, 2008), among other impacts. Being aware of the anxieties about backlash and racializing within the South Asian community, I did not want my project, in any way, to further frame the Air India incident in ways that would increase these tensions. I thus

consciously positioned my project to be from the perspectives of those directly impacted by the bombings and limited my scope to examine family member activities in relation to their demands for an Inquiry.³⁰

My research questions are consciously designed to be concerned with family members' agency, focusing on their demands and how they challenged the Canadian government asking it to acknowledge the Air India bombings as a tragedy impacting Canadians. In acknowledging the family members' demands for a public inquiry, I ask what a public inquiry came to mean for them. I analyze the rights and expectations of families connected to their conception of citizenship, and how citizenship as a term was used in their testimonies. Finally, I examine the manner in which family members of Air India passengers spoke about their identities and experiences of belonging in Canada, as presented in their testimonies and submissions to the Air India Inquiry. In relation to the narratives produced about the Air India bombing, I critically examine how the Air India incident, the families of the victims, the Sikh community, and larger South Asian communities have been discursively constructed in public documents and in the families' testimonies.

By providing extensive passages from their testimonies, I examine the discursive formation of the family members' identities and the heterogeneity of their perspectives, taking into consideration various dynamics—race, gender, class, religion and ethnicity. As a critique, when demanding justice, marginalized groups often reproduce dominant discourses of citizenship and nationality as a way to justify their demands which ends up rewriting them back into the narrative and history of the country (McAllister, 1999); thus, while using the families' statements is vital to providing an alternative narrative about the Air India bombings, caution is necessary to avoid reproducing stereotypes and

³⁰ In 2005, after the acquittal of two suspects, Lata Pada, Susheel Gupta and Sanjay Lazar reported to the CBC that had "Anglo-Saxon" individuals been impacted, the result of the trial might have been different ("Calls mount", 2005).

ideological ways of understanding citizenship and multiculturalism, religious fundamentalism, and terrorism that they might also reproduce (see Chapter Five). Similarly, while government documents and the media discourses can be critiqued for reproducing systemic racism and discrimination (Razack, 2008), my research uses families' statements to critically examine their expressions about their experiences and sense of belonging.

Outline of Chapters

The introductory chapter provides an overview of the Air India bombings and reasons why the Canadian government called a public inquiry into the investigation of the bombings. The chapter aims to provide a context of what happened, while showing the amount of unanalysed material available about the case. The chapter identifies the main topic of analysis in the dissertation: the claims of citizenship and demands for recognition made by family members of Air India victims. In this chapter, I outline why the families' testimonies are an important entry point into the case study. In addition to describing the corpus of my study, I also outline how the critical Cultural Studies approach I use, as developed from Stuart Hall, has shaped the questions I ask to develop my methodological framework.

Chapter Two explains how public inquiries operate in Canada and how they follow a mandate and terms of reference finalized by the Commission. The chapter discusses two important characteristics of public inquiries; first, it highlights the flexibility a commissioner has collecting information, and second, the chapter examines the participatory role of the public in public inquiries, including the ways in which they can provide testimony. Both of these are central to understanding how, why and to what end family members of Air India Flight 182 passengers participated in the Air India Inquiry. Chapter Two ends with an analysis of the Air India Inquiry's Terms of Reference and an overview of the final reports produced by the Commission. The objective is to show the institutional parameters under which the families gave testimony.

Chapter Three examines definitions of citizenship in relation to multiculturalism in Canada. Specifically, I trace a genealogy of the term to help show how individuals and groups use citizenship in practice, and how their understanding of discursive concepts such as multiculturalism have been used to define part of their identities, and justify their right to demand recognition. This chapter moves beyond Will Kymlicka's cultural framework to consider conceptions and criticisms of how *the cultural* is conceptualized. This chapter presents Kymlicka's definition of the multicultural citizen as the commonly accepted understanding of the term, and critiques his framework, drawing on scholars in the fields of Critical Race Studies, Cultural Studies and Citizenship Studies. In particular, I use the "politics of difference" critique to carve out an alternative and more active understanding of cultural citizenship, with the goal of understanding how the families of Air India victims use the term to emphasise their own agency, belonging and self-identification (Isin and Wood, 1999). I use the "acts of citizenship" framework (Isin, 2009, 2012), which considers the agency of people and recognises that identities are fluid and flexible, influenced by the historical and political contexts in which they are situated. This model sees action and a demand for rights as components of ones' citizenship, bringing a Cultural Studies approach to the formulation of a model of citizenship, which focuses on political struggle. The final section of Chapter Three questions how governments respond to demands for recognition. I provide an overview of the "culture of redress" in Canada to show how community demands get co-opted through government's reconciliation and redress projects. I conclude using three case studies of mobilized groups to help situate the Air India case study, and to show why research documenting the acts of groups is a necessary approach for understanding citizenship.

Chapter Four directly follows from Chapter Three, showing how marginalized groups mobilize to demand recognition. I trace the steps the families of Air India victims took to make their demands for information, services, and a public inquiry as a way to inform the public and the government about the Air India bombings from their perspectives. Chapter Four has three objectives: the first objective is to resituate the Air

India bombings in its Canadian setting. The second objective challenges how the media and the government dominantly constructed the Air India bombings as a problem of anti-terrorism and security. This is done by using extensive passages from the families' testimonies to describe their experiences from the time of the bombings to the beginning of the public inquiry. Their testimonies are supplemented with government documents and newspaper articles, which are approached with critical awareness of their ideological frameworks. The third objective is to map out how the families actions changed over time as their demands for recognition, rights and justice became more pressing over the years. Tracing the Air India incident from the perspective of the families provides an alternative narrative about the bombings, and a challenge to the dominant discourses produced through the media and government documents.

Chapter Five ties the discussion of citizenship from Chapter Three with the site of the Air India Inquiry. It looks at how the family members of Air India victims sought recognition in relation to the bombings and how the Canadian government handled the bombings and the families' demands. Chapter Five examines how the terms citizen, citizenship and Canadian are used to justify their demands for justice. The chapter organized the testimonies according to their use of these terms, which reflects the conceptions of citizenship presented in Chapter Three. Specifically the chapter first draws on sections of the testimonies to show the use of terms referring to legal citizenship, in the form of passports and birth rights as well as how their descriptions of their socioeconomic position and contributions to society are used as justifications for the recognition of their rights. The chapter then shows how families questioned the function of multiculturalism in Canada and the failures of this policy. Next, I explore testimonies that show the complexity of identity, and, for example, how families negotiated their religious, regional, socioeconomic, class, and racial identities in juxtaposition to their Canadian identities. They discuss their investment in their Canadian identity and the shock of being treated like second-rate citizens by the Canadian government, which is the basis for their claims about discrimination. The final section of the chapter lists the recommendations that the families submitted to the Commission.

To conclude the dissertation, Chapter Six provides an overview of reasons for examining the Air India Inquiry from the perspective of the families of the victims, discussing the methodological and theoretical frameworks used for each chapter in the dissertation. The chapter explains the contributions this dissertation made, specifically with regard to approach, the “acts of citizenship” framework, ethical decisions made in the design of this project, and the effectiveness of the Inquiry as an act of redress. It concludes by identifying further research that needs to be done following from the findings of this study.

Chapter 2.

Public Inquiries and Public Participation

This chapter provides an overview of how public inquiries operate in Canada, including the limitations of this process in relation to public participation. A review of public inquiries is necessary not only because family members of Air India Flight 182 passengers demanded a public inquiry as a mechanism through which the bombings would be formally recognised as a Canadian tragedy, but also as an official forum where families could present their statements about the bombings and demand recognition from the Canadian government. Public inquiries are influenced by the political context in which they are situated, which also shape the recommendations produced from its findings. This chapter is concerned with commissions of inquiry both as mechanisms of investigation, and as formal sites where people speak about issues that have impacted them. It also examines how members of the public participate in public inquiries, and the ways this participation is reflected in the recommendations and reports produced by commissions. By determining how inquiries operate in Canada, this chapter provides an understanding of how the family members of Air India victims participated in the Air India Inquiry and it shows the different ways their testimonies could have been incorporated in the final Air India Inquiry Report. The chapter ends with an analysis of the Air India Inquiry, its Terms of Reference, and a description of the Phase I and Phase II Air India Inquiry Reports.

Section One: The Public Inquiry Model in Canada

Public inquiries in Canada exist within the Westminster tradition, allowing for comparisons with other Commonwealth countries including England, Australia, and New Zealand.³¹ According to Nicholas d’Ombrain (1997), Canadian practice has been to “reserve the title ‘royal’ for commissions that are inquiring into matters of policy” even though both royal commissions and commissions of inquiry are established in exactly the same way in the *Inquiries Act* (p.90). Similarly, research by both Stuart Farson (2010) and Justice Frank Iacobucci (1990) note that the term or adjective “royal” has fallen into disuse and is no longer utilized as a marker to distinguish between inquiries since not all investigations required royal standing (Farson, 2010, p.31; Iacobucci, 1990, p.23). In the literature on inquiries and in practice, the term “commission of inquiry” is used interchangeably with the terms “royal commission,” “public inquiry,” or “national

³¹ There are generally two types of commissions, one with “royal” standing and one without. “Royal Commissions” can be traced back to the Domesday Book of 1086, which is considered to be the first Royal Commission of Inquiry (Holdsworth as cited in Richardson, 1989, p.1), while commissions of inquiry (without “royal” standing) date back to the 12th century (Stanton, 2010). George Gillian (2002) traces the beginning of royal commissions, highlighting that the “first recorded royal commission in England is better known as the Domesday Book, [it was] ordered by the Norman Conqueror William I, and compiled between 1080 and 1086” (p.290). In England, “the first royal commission was an information gathering exercise for taxation purposes that also sought to cement the authority of a foreign king over his newly conquered population. The subsequent history of royal commissions in Britain has been interwoven with constitutional struggles centred upon the royal prerogative” (Gillian, 2002, p.290). Commissions of inquiry were given the right, with the exercise of the royal prerogative, “to appoint citizens to perform duties on behalf of the Crown” (Stanton, 2010, p.9). According to Ashcroft (1990), “Under the Tudors and Stuarts, the Royal Commission was a standard instrument of executive privilege whose use was gradually curtailed as powers of royal prerogative became more limited” (p.5). In the 17th and 18th centuries, as the parliamentary system gained more power, royal commissions decline in England. By the mid-19th century, commissions of inquiry increased “as a system of modern cabinet government developed” (Gillian, 2002, p.290). Since Confederation in 1867, Canada has commissioned more than 400 public inquiries (Centa and Macklem, 2001, p.119; Farson, 2010, p.32).

inquiry.”³² Most recently, with regard to Indigenous rights and Canada’s first Truth and Reconciliation Commission (TRC), Kim Stanton’s (2012) work suggests that in the past, the public inquiry model in Canada has addressed historical injustices, and has strongly resembled truth commissions, thus inquiries as mechanisms are important sites for redress (p.82).

Public Inquiries in Canada

National inquiries in Canada are established by the federal government through the *Inquiries Act*. Part I, section 2 of the *Inquiries Act* states the following:

2. The Governor in Council may, whenever the Governor in Council deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. (R.S., c. I-13, s. 2.)³³

Public inquiries serve to investigate matters connected with “the good government of the country” (Farson and Whitaker, 2011, p.31). They are called “to respond to the needs of the executive branch of government by investigating and advising independently and impartially on assigned issues” (Iacobucci, 1990, p.23). Once commissioned, public

³² Similar to existing literature on commissions of inquiry, in this dissertation, I will be using terms such as “public inquiry” and “commission” and “commission of inquiry” interchangeably.

³³ Federal inquiries are framed in a single statute that establishes two types of inquiries: public and departmental (d’Ombraïn, 1997, p.90). The purpose of this chapter is to examine public inquiries and not departmental inquiries. In contrast, departmental inquiries deal with the “state and management of the business” of a particular department (D’Ombraïn, 1999, p.90). They are aimed to “investigate and report on the state and management of the business, or any part of the business, of the department, either in the inside or outside service thereof, and the conduct of any person in that service, so far as the same relates to the official duties of the person” (R.S., 1985, c. I-11, s. 6; 2003, c. 22, s. 174).

inquiries function independently from the executive branch of government (Farson and Whitaker, 2011, p.30) and are to be nonpartisan (Centa and Macklem, 2001, p.120). On the surface, commissions of inquiry can be seen as “an effective mechanism for tackling large and pressing concerns of institutional and policy reform,” while faced with the challenge to remain independent from government (Stanton, 2010, p.11). Objectively, this enables commissions of inquiry to remain credible, assess the evidence, and report upon their conclusions in an impartial way (Stanton, 2010, p.11). However, the decision to “establish a royal commission, select a commissioner, define the terms of reference, then select and direct those involved in an inquiry are inherently political” (Gillian, 2002, p.295).

The initial request to call a commission of inquiry in Canada is brought to attention in the House of Commons.³⁴ Members of Parliament raise issues of public concern in the House, and most often the government decides if an inquiry into the issue is necessary. With regard to the Air India Inquiry, since 1985 different Members of Parliament requested the sitting government to call a commission of inquiry. For example, in 1996 Member of Parliament Harbance Dhaliwal stated in the House of Commons that the Air India bombing has left many unanswered questions for family members and the government regarding aviation security (Dhaliwal, 1996). Structurally, the decision to call a commission of inquiry rests “solely with the discretion of the [C]abinet” (Centa and Macklem, 2001, p.126). According to Justice Gomery, “A commission of inquiry is appointed by an Order-in-Council, which is to say a decision of the Cabinet. The Order-in-Council names the person or persons who are to act as commissioners” (Gomery, 2006, p.786). If the government determines that there is a

³⁴ Despite requests from some Members of Parliament from various political parties, the Commission did not begin until 2006. One reason given by the federal government for not calling a public inquiry sooner was that it argued that an inquiry could interfere with the criminal investigation of the bombings. These debates can be found in the federal Hansard debates and will be further examined in Chapter Four.

need for an inquiry, it can appoint an independent advisor to verify whether there remain outstanding questions of public interest on that issue (Rae, 2005). For example, before the Air India Inquiry was called, Bob Rae was appointed as an Independent Advisor to the Minister of Public Safety and Emergency Preparedness to provide a preliminary report about the outstanding questions related to the Air India bombings (Rae, 2005). Rae's (2005) preliminary report, *Lessons to be Learned*, provided research about what type of public inquiry should be held and what it should investigate (see Chapter Four).

Once the need for a public inquiry has been identified, the government officially calls for an inquiry under the *Inquiries Act*.³⁵ The conditions under which an inquiry is called leave significant discretion on the part of the government to make a decision with regard to which issues are of national importance and require further investigation.³⁶ Importantly, the subject of investigation of public inquiries changes as the social and economic conditions change. This is to say the context in which a commission of inquiry is called is of significant importance. In his published lecture at the University of Otago in New Zealand, Justice Sir Ivor Richardson (1989) notes how the purpose of inquiries changes with historical shifts. He states,

The proliferation of reports of governmental inquiries in various forms is eloquent testimony to the perceived need for material of this kind to assist

³⁵ While most public inquiries are commissioned by governments and led by judges, some inquiries have been called for by a coroner's request. These inquiries are called under different *Acts* and are often under the "departmental" category.

³⁶ Justice O'Connor (2007), the Commissioner for the Maher Arar Inquiry, notes that the commissioner is often a retired or sitting judge. The commissioner is usually someone outside of government, yet also as an official with the expertise necessary to objectively sort through the material collected during the inquiry. Justice O'Connor (2007) suggests, when talking about the role of the public voice, "a judge should only agree to an appointment if the issues are significant and it is felt that the judge can make an important contribution to the public interest by serving as a commissioner" (n.p). The commissioner should be able to reflect the possible voices and values that may surface during the fact-finding and information gathering process of the inquiry.

the functioning of government. And, as in other societies, the New Zealand Government has also often constituted commissions of inquiry to investigate major accidents or events giving rise to public concern. (Richardson, 1989, p.1)

Similarly in Canada, Chief Justice Frank Iacobucci (1990) notes how subjects of public inquiries in Canada change over the years to reflect the social, political and economic conditions of the country. For instance, in the early years after Confederation, commissions of inquiry dealt with issues affecting central concerns of the state, such as transportation policy and standards of public administration (p.22), including the 1977 *Mackenzie Valley Pipeline Inquiry* (more commonly referred to as the “Berger Inquiry”),³⁷ the 1996 *Royal Commission on Aboriginal Peoples* (see Andersen and Denis, 2003); and the 1997 *Somalia Commission of Inquiry* (see Gomery, 2006; Razack, 2000). More recently, commissions of inquiry have focused on broader economic and social issues, such as security and anti-terrorism as evidenced by the *Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar* (known as the “Maher Arar Inquiry” or the “Arar Inquiry”), which was commissioned in 2004 and ended in 2006, and *Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182* (the “Air India Inquiry”), which began in 2006 and ended in 2010. Each of these examples is important because they establish a precedent in relation to a commission’s process, the significance of the issue being investigated in relation to its timing and context, and their national and international political impact.

According to Justice Gomery (2006), a public inquiry’s most basic functions are to investigate, educate and inform the public (p.792). At a political level, government’s have a strong incentive to call an inquiry to remove a particular “controversy from the

³⁷ For instance, the Berger Inquiry conducted in 1977, was a precedent-setting inquiry, with regard to the type of participation from the public; it was one of the first commissions in Canada to fund citizen participation, and it established ground rules for how funding should be used in future inquiries and in justifying the recommendations (Salter, 1981, p.344).

political agenda” and will hold the government accountable to its citizens (Centa and Macklem, 2001, pp.128, 129). Often public inquiries are used when areas of government, the legal system, or existing policies are unable to adequately address an issue (Salter, 1989). In other words, inquiries examine “*how* government procedures are put into operation and who is actually responsible for the consequences of public policies or actions” (Salter, 1989, p.174). Importantly, Justice Gomery (2006) notes,

[T]he government appointing the inquiry should be itself obliged to acquiesce to the demands for information and documentation made by the commissioner and his or her attorneys. In Canada we tend to take this for granted, but very few nations subject their governments to this kind of independent and public scrutiny. (p.787)

Here, Justice Gomery (2006) is referring to the significance of a commission’s ability to access documentation from any government department it requires while simultaneously holding the department accountable for its actions. The Air India Inquiry was ordered because of discrepancies and inconsistencies in both the RCMP and CSIS investigations into the bombing of Air India Flight 182, and used these agencies’ documentations to make its case (see Chapter Five). The Commission’s investigation found significant redacted information and altered documents.

One criticism of public inquiries is that they result in premature closure of controversial and politicized issues, creating a controlled endpoint to an issue as opposed to providing a forum for further investigation. They provide governments with a mechanism to respond to issues of major tragedy, scandal, and misconduct by the government, and other forms of public crises without repercussions (Centa and Macklem, 2001, p.128). For example, the Air India Inquiry’s Terms of Reference state,

[T]his Inquiry require[s] the Commission to make findings and recommendations with respect to a broad range of issues arising out of the Air India investigation and prosecution, including issues of threat assessment, aviation security, interagency cooperation, terrorist financing, witness protection, the relation between security intelligence and evidence, as well as the unique challenges presented by the prosecution of terrorism cases. (Air India Inquiry Report, 2010a, p.41)

Despite their supposed “apolitical” position, governments may also call for a public inquiry if an incident occurred under a previous government to highlight potential wrongdoing of another political party—particularly if a government feels it was wronged by an incident—or, if a government requires policy advice (Centa and Macklem, 2001, pp.128-129). The Terms of Reference for the Air India Inquiry will be discussed later on in this chapter.

According to Canadian law, an inquiry cannot be used to establish criminal or civil responsibility (Rae, 2005, p.24). This is a common misconception by members of the public in that they assume commissions can determine “civil guilt or civil responsibility or criminal guilt” (Gomery, 2006, p.796).³⁸ Rather, the purpose of an inquiry is investigative, objective, and a process of fact-finding (Salter, 2007; Rae, 2005). Although public inquiries sometimes operate like a civil trials—for example, a witness can be cross-examined by council—they are, at their essence, quite different. The purpose of an inquiry is not to find liability, rather to get closer to the truth and learn from past mistakes. According to Justice Major (2010), a public inquiry is “an examination (...) it is an ‘inquisitorial’ process rather than an adversarial one” (Air India Inquiry Report, 2010a, p.143). Commissioners provide their recommendations through extensive research and documentation, and by engaging various stakeholders, including interest and community groups, media, government agencies, and individuals impacted by the issue of investigation. Their recommendations are directed towards prevention of similar injustices, indicating when there have been gaps in services or investigations, and they provide recommendations regarding policy changes to fix those gaps rather than assigning guilt. With the Air India Inquiry, the Commission drew attention to redacted reports and altered information submitted to them by government departments.

³⁸ “Members of the public” is a statement used by many scholars who study commissions of inquiry as a way to speak about members of society at large. This phrase does not assume “citizenship” or “rights” or “legal status.”

The Commission also highlighted failures within several government agencies, such as the Attorney General's Office, providing insightful recommendations to improve aviation security in Canadian airports. They are inherently faced with the limitation that their recommendations are dependent on the government for implementation.

The association between commissions of inquiry, the government, and other legal mechanisms in Canada is debated amongst scholars in assessing an inquiry's role to "render governments more accountable and responsive to the economic, social, and political needs and aspirations of Canadian citizens" (Centa and Macklem, 2003, p.81). In the introduction to a special issue on commissions of inquiry, Innis Christie and Paul Pross (1990) address the general purpose of public inquiries, stating "commissions of inquiry have repeatedly—and often highly successfully—served as vehicles for analysing policy, for evaluating outworn or failed policy, for identifying a consensus about policy and for building support for new policy directions" (p.1).³⁹ To accomplish this, public inquiries require a high degree of independence from the government (Stutz, 2008, p.502). However, this is not always the case, as governments have the ability to set the mandate of a commission's investigation. With regard to how independent public inquiries are from governments, one central debate is whether a commission's recommendations are ever implemented or used for future policy-making. Whereas some scholars have argued that public inquiries create rich resources, educational material, and bodies of experts often used in ongoing policy debates (McCamus, 2003,

³⁹ While a range of articles has been used, this literature review draws attention to a series of articles that emerged from a conference dedicated to commissions of inquiry in Canada in 1989. The Dalhousie University conference on commissions of inquiry was called to discuss the extent to which this conflict of values has changed—or perhaps even undermined—the work of modern commissions (Christie and Pross, 1990, p.2). There was a second conference on commissions of inquiry held in 1999 at Queen's University, Kingston. The conference resulted in a published book titled, *Commissions of Inquiry: Praise or Reappraise?* (2003). Both conferences have been foundational in addressing issues about public inquiries in Canada. Both sets of literature have been used to inform this literature review of commissions of inquiry.

p.218), others have critiqued their errors in law and inability to persuade government to implement their recommendations.

Key Characteristics of Public Inquiries

Commissions cover a wide-range of topics, examining issues ranging from the improper applications of authority, and forms of social regulation within a country to concerns of security (Humphrey, 2000). Key characteristics of commissions of inquiry are that they have wide-ranging mandates, conduct extensive research, and solicit public commentary to investigate matters of policy, legal proceedings, economics, and other political concerns (Salter, 1989, p.173). At their most basic level, they assist in formulating the direction of future policy-making, used by governments to help address pressing social issues affecting citizens (Stanton, 2010, p.11). While this review shows how public inquiries are mechanisms used to check-and-balance government processes, the following sections will examine how public inquiries are inherently political. Even though public inquiries draw attention to social and political concerns, they can also (re)produce normative discourses about the issue being investigated.

The first characteristic of a public inquiry is its mandate and terms of reference. A commission's mandate is meant to be open-ended, which allows commissioners to approach the material with some discretion and flexibility. Even though commissions of inquiry are meant to act as "independent bodies, and impartially investigate concerns," an inquiry's "powers and responsibilities" are outlined in their mandates and terms of reference (Salter, 1989). Commissions of inquiry receive their mandate from the executive branch, which sets its terms of reference and the duration of investigation, and has the power to shut down a commission of inquiry if required (Manson & Mullan, 2003, p.5). In addition, once the commission is complete, they "risk being challenged in the courts for going outside their terms of reference and for any perceived failures to meet the principles of natural justice in the conduct of inquiries" (Richardson, 1989, p.7).

A second characteristic of public inquiries is that they have “limited and task-related life cycles which are given in their mandates and are related to the particular jobs to be undertaken” (Salter, 1989, p.175). In other words, the terms of reference instruct the commissioner on what they need to accomplish within a specific time-period. Justice Major’s investigation of the Air India bombing was to examine concerns about terrorism financing, aviation security, money laundering, jurisdictions and responsibilities of the RCMP and CSIS, and to identify proactive counter-terrorism measures. The Air India Inquiry was concerned with how agencies, like the RCMP and CSIS, handled their investigation and it was framed to explore the concerns of anti-terrorism and security from this malpractice. At the same time, the Inquiry was used as a forum for family members of Air India victims to advocate for their rights as citizens and ask questions about the neglect they experienced over the years by the Canadian government (this is explored in more detail later on in this chapter).

A third characteristic of public inquiries shares a dual purpose—the fact-finding component *and* the concluding set of recommendations (Salter, 1989, p.176). Public inquiries are meant to be flexible and adaptive (Smith, 1982; Gillian, 2002), they are called to investigate concerns affecting the country, and are used to identify policy options even though they do not have direct policy-making capabilities (Salter and Slaco, 1981; Stanton, 2010). Their wide-ranging investigative capabilities are meant to have flexibility in collecting data and in determining who can participate. For example, in the Berger Inquiry, community hearings were viewed as an extension of the research; evidence given by local residents was recognised as equivalent to social scientific data; expert witnesses performed the analysis of this data in formal hearings; the Berger Inquiry functioned as its own research team; and, the testimonies at the community hearings were like interviews (Salter, 1981, p.344). Furthermore, Justice Berger travelled to Indigenous communities and spoke with elders in their own spaces, rather than in a formal inquiry setting. Since the Berger Inquiry, public inquiries have adopted his method of opening up space for individuals from affected communities to speak at commissions. This is a significant change because prior to the Berger Inquiry,

testimonies by individuals were used as evidence to justify the recommendations provided in the final Report. Public participation differed in the Air India Inquiry as the information provided by victims' families was not up for debate, cross-examined, or further questioned by the Commissioner. Testimonies from family members of Air India victims were used to describe the "human element" of the tragedy (Phase I, 2008) instead of being used to delineate the recommendations produced in the final Report. This use of the testimonies is significantly different from the way that Indigenous peoples' testimonies were used in the Berger Inquiry.

A fourth characteristic is that the data collection process for an inquiry is flexible. It opens up possibilities for what type of information is collected, from where it is collected, and how it is collected. Often the data collected for an inquiry includes several types of sources, from government documents to individual testimonies. Yet, at the same time a public inquiry is meant to use this data and report back with policy-recommendations that are feasible and implementable. Salter (1990) argues that,

Perhaps more than any other advisory body, [an inquiry's] members are focused on the task of persuasion and the need to create recommendations that are agreeable, or at least feasible, to those who will receive them. [The] contradiction, then, lies in the potential of inquiries to incorporate radical debate while maintaining an orientation to the very limited and pragmatic policy goals. (p.174)

Public inquiries provide recommendations to governments based on their investigation; the evidence collected, other findings, and witness and/or public testimonies are also used to fulfil the mandate of the inquiry. Despite flexibility in data-collection, commissions are still specifically required to provide policy recommendations acceptable to governments, which may restrict the types of recommendations they include (Aucoin, 1989; Salter, 1989; Iacobucci, 1990). Similarly, governments have total discretion to decide which recommendations to implement, and they are not required to report back to the commission about the policies they have selected to implement.

The fifth characteristic is that public inquiries are one of the few mechanisms within Canadian institutional structures that allow for direct public participation into matters of governance.⁴⁰ Importantly, they provide opportunities for the public to contribute, and have a role in indicating salient issues impacting them. Since civic engagement is a central concern for this dissertation research, the next section will focus primarily on public participation. Honourable Associate Chief Justice Dennis R. O'Connor (2007) commented on the unprecedented opportunity provided by inquiries to expand the discussion of public issues. People involved in inquiries often include those who have limited experience with political participation, yet inquiries are mandated by and report to the government, perhaps offering more input from members of the public than any other advisory body. Further, there is the challenge of sorting, prioritizing and communicating raw data, public perceptions and experiential testimonies provided by participants into recommendations as outlined in the purpose and mandate of the commission. However, theoretical debates about deliberation and whether members of the public have contributed important insights in a commissions' recommendations has not taken into consideration the role of public participation regarding national issues, such as the role of family members of Air India victims in the Air India Inquiry, in an empirical way. Once members of the public participate, how the information they

⁴⁰ According to a 2006 study conducted by the *Centre for Research Policy Networks in Canada*, "Dialogue, deliberation and citizen engagement are increasingly familiar landmarks on the current public participation landscape as efforts to design more collegial and collaborative public involvement processes compete with more traditional top-down approaches" (p.1). In relation to public inquiries, this mode of research considers public consultation as an important feature. The report suggests that while this type of participation is not mandatory, "it has become an implicit requirement" in the inquiry process (p.1). This opens up questions about whether public participation has become an institutional feature for government in public process, and it questions the increasing role and power by "ordinary citizens" to influence policy recommendations (p.1). An additional concern is how people participate in particular institutional spaces. Another factor, which this dissertation addresses, is how the public participates *before* a public inquiry is established, which often includes their role in the very process of calling for an inquiry.

produce is used is left up to the discretion of the commission. In a lecture, Justice Berger (1978) stated that, “Public inquiries in the past have brought new ideas into the public consciousness. They have expanded the vocabulary of politics, education and social science” (p.5). At the same time, the danger is when public inquiries rely on public participation for information, but do not acknowledge the concerns of the participants and fail to draw attention to the statements they make in their testimonies. How the public participates in commissions of inquiry is important for this dissertation because it is concerned with how testimonies from family members of Air India victims were used in the final Air India Inquiry Report. This is especially significant since family members of Air India victims hoped this process would formally recognise the Air India bombings as a matter of national concern.

A Deeper Look at Public Participation in Commissions of Inquiry

The term “public” in public inquiries literature is referred to in an applied way. There are two ways to consider the “public” in the commission process. First, the “public” refers to the general body of people for whom the commission is providing and developing reports about the issue being investigated. According to Justice Major in the Air India Inquiry Report, one of the “public” dimensions of a public inquiry requires that as much of the information produced in the Inquiry as possible be made available in a form that can be disclosed to the Canadian public (Air India Inquiry Report, 2010a, p.36).⁴¹ A second and more central understanding of the “public” refers to the nature of

⁴¹ For instance, the “public” is being used in its most basic sense. One of the main purposes of an inquiry is to enable concerned people to learn firsthand about what occurred. Even the Air India Inquiry Report makes direct reference to the transparency of the commission based on its public consumption. In this way the Commission states, “The fundamental nature of a public inquiry must remain, as the name indicates, public. It is essential that the proceedings of a

participation and information-production capacity of those participating in the inquiry itself. For example,

From the Berger inquiry, both government and members of the public learned that an inquiry could be an exceptionally public process. They learned that an inquiry could be used to solicit new kinds of public participation in public life and to debate issues in greater detail than is possible in Parliament, within government or in the normal course of media coverage. They learned that an inquiry can be used as a means of crystallizing public opinion into well-articulated positions from which a policy consensus could be developed. (Salter, 1989, p.181)

The quote explains the significance of public participation in terms of “crystallizing public opinion,” which can inform policy from the point of view of the public. Specifically, this dissertation examines how the testimonies of family members of Flight 182 passengers were not used in this manner and instead how the Commission did not include their concerns and largely erased their claims for their rights and citizenship to be recognised in the final Report.

In her work on public inquiries, Liora Salter (2007) focuses on how a commission creates a forum for public participation that influences future directions in policy-making. Salter (2007) begins her discussion with the following position:

Above all, we might say, inquiries should be examined in light of what they, and they alone, add to the policy process: Inquiries often represent the only opportunity for a well-structured, well-informed conversation about policy. They bring to the table members of the public who otherwise have no place or role in policy analysis. (Salter, 2007, p.292)

public inquiry... ‘Be as transparent, accessible and open to the public as possible’” (Air India Inquiry Report, 2010a, p.57).

Salter (2007) provides a framework, which includes six different ways of conceptualizing the public's relationship to commissions of inquiry.⁴² The first is to consider the public as an interest group, or representatives of a constituency because of their role as "stakeholders" (Salter, 2007, p.299). The second view is of the "public as disaffected," referring to those who have been harmed or dislocated as a result of the political issues that resulted in the inquiry. The third conception of public addresses how members of the public can use inquiries, or be used by them, to produce political discourse, as I will discuss below in relation to the Berger Inquiry. The fourth and the fifth view of the public go hand-in-hand, focusing on the public as experts and the public as non-experts. Liora Salter (2007) reflects on the Berger Inquiry to show how First Nations community members were considered experts in understanding and informing the Berger Commission about the impact of the Mackenzie Valley pipeline on habitat, wildlife, and land use in their region. Salter (2007) notes how Justice Berger gave significant weight to the expertise of First Nations Elders in addition to that of scientists, academics and other trained experts as a way of substantiating the recommendations put forward from the findings of the Berger Inquiry (p.300). While it is unusual for non-experts to participate in commissions of inquiry, the Berger Inquiry identified a role of the layperson as a participating member of the public. The ways in which the Berger Inquiry included public participation in the process set a precedent, and now participation has become commonplace in commissions. As Salter (1981) notes, "Formal and informal hearings complement each other. Participation from the lay public is welcomed, and the hearing is viewed as a debate. The inquiry itself takes an adjudicatory stance, and most

⁴² In Salter's (1981) work, she describes this scenario: For those who testified in the inquiry, those effects were personal and immediate. For the service agencies working with drug users, the inquiry altered perceptions of both the problems and the clients to be served and resulted in the introduction of new client-centred services. For the public, the Le Dain Inquiry did what all inquiries are reputed to do (and few actually do); it contributed to defusing the issue. (p.344). This older publication gives us insight into the layers of participation from members of the public. Furthermore, it establishes the role of the public using two precedent-setting inquiries.

scientific information is seen as emerging from the testimony presented by applicants, advocates, and individuals in the hearings” (Salter, 1981, p.345). Salter’s (2007) sixth and final view is “public as in public opinion,” which refers to gauging the opinion of people (i.e. through polling) to see how it can best be reflected in a commission’s recommendations (p.301).

In reference to the *Mackenzie Valley Pipeline*, Stanton’s (2012) research on public inquiries shows how Justice Berger’s approach to public participation facilitated different forms of participation and testimony. The *Mackenzie Valley Pipeline Inquiry* included a “schedule of community hearings to hear directly from people who would be affected by the pipeline in each community of the western Arctic. These hearings were conducted with a minimum of legal actors, without cross-examination, in people’s home communities, and in their own languages” (p.85). Stanton notes the means with which Berger listened to and participated in Indigenous ceremonies, ensuring that the hearings were broadcast to improve larger public awareness of the issues. “Instead of choosing to view his mandate narrowly and focus just on the direct effect of a pipeline, he looked at the larger picture of the ways in which such a project would directly and indirectly affect a way of life” (Stanton, 2012, p.85). Justice Berger (1978) states,

The northern native people, along with many other witnesses at the Inquiry, insisted that the land they have long depended upon will be injured by the construction of a pipeline and the establishment of an energy corridor. Environmentalists pointed out that the North, the last great wilderness area of Canada, is slow to recover from environmental degradation; its protection is, therefore, of vital importance to all Canadians. (Berger, 1978, p.641)

Public discourse, including testimony from northern Indigenous communities and environmentalists, changed the way pipeline construction in Canada was perceived in the late 1970s. The Berger Inquiry had unique terms of reference in that it was mandated to determine potential consequences if the proposed pipeline was to be built (Berger, 1977, p.5). As a precedent-setting approach to how public participation works in commissions of inquiry, Justice Berger considered testimony from northern Indigenous

communities and from environmentalists as part of his investigation (Abele, 2014). Their expertise and testimonies were used as evidence in the recommendations provided by the Commission to the government. Berger's approach differs from Justice Major's approach to the Air India Inquiry in that Major did not integrate the testimonies of the families of Air India victims into the Inquiry's final Reports.

Yet like other inquiries, the Air India Inquiry was used as a forum for family members to give their accounts and be heard in an official forum. For instance, in reference to the *Walkerton Commission of Inquiry* (a provincial public inquiry), a Commission about the contamination and safety of the drinking water in Walkerton, Ontario, Justice O'Connor reflects on the type of testimony and conversation during four days of hearing from town residents about the impact the contaminated water had on their community. He states, "I will never forget sitting with families who had lost their loved ones, looking through their family photo albums, and talking about how much they missed their mother, wife or child. It was important in this town, at this time, to have a judge listen to their story" (2007, n.p.). In terms of government mandated investigations, this type of exchange is unique to commissions and provides invaluable information about the experiences of individuals affected by an incident. This approach to public participation has been adopted by other inquiries. In the Air India Inquiry, and central to the analysis of this dissertation are the families' testimonies to the Commission. Family members of Air India victims were able to speak about the experience of their loss over the years. This includes volumes of transcribed statements, photographs, videos, poetry and other material used by families to show the level of loss. This dissertation attempts to address the demands the families expressed in their testimonies, showing the failure of the Air India Inquiry Report to fully include their statements in the final recommendation process.

Public Participation and Reshaping Discourses

The *Mackenzie Valley Pipeline Inquiry* set precedence in terms of public participation; this method to engage members of the public was used by Justice O'Connor in the Walkerton case, and by Justice Major in the Air India Inquiry. Since the purpose of inquiries is to make official statements about a concern of the state (Roach, 1994; Salter, 1990), public inquiries offer an opportunity for interested parties to “define public issues, in the public view, with the participation of the clients of those policies” (Salter, 1989, p.174), which has the potential to add to the official discourse of a state (Gilligan and Pratt, 2004, p.13). This view can be pushed further in that, the purpose of inquiries “is not simply their role in replenishing arguments within official discourse, [...] but rather in the constitution of a whole new form of discourse” (Ashforth, 1990, p.3). According to Ashforth (1990), public inquiries produce a rational, administrative discourse out of the raw materials of political struggle and debate (1990).⁴³ For example, Janis Goldie’s (2010) research on the Somalia Inquiry argues, “The commission discourse is certainly a place where ‘moral talk’ is able to occur. That is, the commission allows social values, such as peacekeeping, multiculturalism and accountability and transparency to be defined, debated and often reasserted within its bounds” (p.159). She argues that while the importance of process and procedure was emphasised, both in terms of a value within the commission discourse, as well as in the way that the commission works,

⁴³ At times the objective of the participants in the inquiry may differ from what the commission is mandated to examine and so all of the issues they raise may not be dealt with in full. For example, family members of Air India victims repeatedly raised issues of discrimination, yet this was not fully examined in the final report of the Commission (see Chapter Five for further analysis), and, in fact, was dismissed in the preliminary report by Bob Rae (2005) before the investigation took place.

the value that was placed on process and procedure in the commission discourse was also often tied to the reaffirmation and sanction of the transgressed values in the discourse, and, interestingly, was drawn on as a tool to dispel issues of difficulty, such as battles for power, that arose throughout the commission's discourse and operations. (Goldie, 2010, p.159)

In her study she concludes that commissions, in relationship to the discourses they produce and in relationship to how issues are framed, become a space for moral discourse to form within its heavily formal and procedural process (Goldie, 2010).

Public Participation and Media Discourse

Public participation and the types of testimonies being produced in public inquiries present different ways to address a public issue and change the way a topic is spoken about in public discourse. Another area where discourse about public issues is produced is within the media and reporting on public inquiries. In the social scientific literature on commissions of inquiry, there has been some discussion about the role of media in presenting information about commissions. The media have had two roles: first, to create enough attention about an issue for an inquiry to be called, and second, to report the outcome of the inquiry to the general public. Scholars such as Liora Salter (1981), Nicholas d'Ombra (1997), and Innis Christie and Paul Pross (1990), briefly discuss the media as actors that bring attention to a controversial issue before an inquiry is called, while in process, or upon completion. Christie and Pross (1990) write that,

[B]y the stroke of a pen, the media can set the public focus. In the end, it is that public focus with its potential for damage to individual interests by trial in the media or, indeed, by trial by the commission itself which, without the protections afforded in court proceedings, has given rise to the tensions that were explored at the conference. (p.4)

Through the media, information framing a public inquiry can reach people before the fact-finding process is complete. Media ability to reach large-scale audiences can shape

the public focus of the inquiry and the discourse around which issues are salient. One of the challenges, according to Justice O'Connor (2007), is "the inquiry process relates to the need to ensure procedural fairness to those who may be adversely affected by the information that emerges during the course of the inquiry or in the report" (n.p). During the Maher Arar Inquiry, for example, media had a large influence because "during the course of hearings, the evidence [was] reported in newspapers and on the radio before the commissioner... formed many conclusions with respect to the facts [and] news [was] frequently generated by focusing on evidence that points to fault by individuals or institutions" (O'Connor, 2007, n.p.). Public inquiries are not *in camera*, thus information about the investigation is made available to the public through the media. This adds to the complexity of inquiries because, journalists reporting on an inquiry can contribute to how the topic is framed. In reports, certain topics covered at the inquiry are presented as more salient than others. Importantly, what is considered salient is influenced by the political context in which the inquiry is taking place, the information collected for the inquiry, and how this information is presented to the public (through final inquiry reports, media, other press releases). In relation to the Air India Inquiry, Sherene Razack (2008) states,

Inquiries are important symbolic acts. A political and media framing of the Air India bombings as one in which there was a *Canadian* loss of life would have gone a long way towards acknowledging to Indo-Canadians their place in the nation. Such an inquiry early on would have also indicated that the government was taking steps to ensure that it not happen again. (pp.23-24)

Prior to the Air India Inquiry, Air India family members made statements to the media about their treatment as "second-rate citizens" by the Canadian government (see Public Hearings, 2006). This statement made by family members was widely circulated in media, in families' reports to the government and was spoken about during the commission. While the focus on "citizenship" and "rights" was not part of the mandate, media coverage emphasised citizenship and rights as a central need to be addressed for families. On a final note, the media voice presents a challenge for commissioners in that

their job is to provide recommendations, rather than assigning fault. As a result, Justice O'Connor (2007) warns that commissioners need to be careful with the language they use, as "what the media will focus on is beyond the control of the inquiry" (n.p.).⁴⁴ As of yet, there have not been extensive studies on the role of the media in relation to public inquiries. In terms of public discourse, this section of the chapter discussed the ability of the inquiry to produce a dominant discourse about the topic under investigation and how this discourse can be ideologically framed. Air India Flight 182 families saw a public inquiry as a means for their experiences of loss and discrimination to be acknowledged. In addition, they viewed the Air India Inquiry as a means to hold the government and policing agencies accountable for the failures in the criminal investigation into the bombings.

Section Two: The Air India Inquiry

The *Official Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182* began in 2006 with the public hearings and was completed in 2010 with the release of the Air India Inquiry Report. There were two components of the Air India Commission: "the family mandate" and the mandate to examine the failures of "investigation by the RCMP and CSIS" into the bombings (Air India Inquiry Report, 2010a). The Commission resulted in two final reports titled, *The Families Remember* (2008) and *Air India Flight 182: A Canadian Tragedy* (2010).

⁴⁴ Ashforth's (1990) point is significant in that the aim is to change how an issue is currently framed, understood, and presented to the public. Public inquiries and media accounts of the inquiry can change the dominant discourse of a topic.

For Phase I, *The Families Remember* report, the Commission heard testimonies between the dates of September 26 and November 17, 2006. Phase I included testimony from those directly impacted, including family members of Air India victims, lawyers representing the family members and the cabin crews, members of the RCMP, select individuals who participated in the search and rescue operations, and Bob Rae's *Lessons to be Learned* report. The Inquiry also included written submissions from family members (that were not orally presented at the inquiry), legal submissions from key parties involved such as the Air India Victims' Family Association (AIVFA), Lata Pada's Family Interest Group, and other documents submitted by interested groups such as the World Sikh Organization. There were also expert witnesses who either gave testimony or submitted reports, including Professor Sherene Razack (2008) who provided a submission to the Inquiry on systemic racism.

There was additional documented evidence collected for the second phase of the Air India Inquiry. The material includes,

A total of 17,692 documents consisting of tens of thousands of pages were provided via a secure electronic network, which allowed the Commission to review and organize the materials. In addition, the Commission was provided with access to a portion of the RCMP database on the Air India investigation, containing countless documents with a total number of pages ranging in the millions. (Air India Inquiry Report, 2010a, pp.44-45)

Additionally, there are hardcopy documents consisting of several thousands of pages. Other submissions include the court transcripts from the Air India criminal trials and reports from government agencies, such as the Attorney General's Office. The sheer quantity of documents analysed for the Inquiry is an indication of the task the Commissioner undertook, but it is important to note that access to data and data collection were the largest roadblocks the Commission faced in completing its mandate. Most notably, government documents submitted to the Air India Inquiry had been redacted and/or had altered information, indicating the great lengths particular Canadian government agencies took to cover up any of their potential errors (Air India Inquiry

Report, 2010b; Air India Inquiry Report, 2010c). The Commission allocated much time and resources to determine the contents of the original, unaltered documents. While at times it had been necessary to redact some of the information because select National Security Agency (NSA) files needed to remain confidential (Air India Inquiry Report, 2010a, p.45), many sections of these documents were unnecessarily blacked out and altered.⁴⁵ In response to the type of documents available for the public inquiry, a section in the final Air India Inquiry Report read,

The proposed redactions essentially made the documents meaningless, with too much of the information remaining censored and unavailable to counsel for the families and to the public. Under the circumstances, a meaningful discussion of the factual issues could not have taken place, since even the most basic facts and issues could not have been dealt with in public. (Air India Inquiry Report, 2010a, p.46)

The extent of the censoring of material about the Air India incident had not been known until the Air India Inquiry, twenty years after the incident, and determining the original content of the documents became a major issue for the Inquiry and was identified in the final findings of the Commission.

⁴⁵ The Air India Inquiry Report indicates that, “In September 2006, the Commission began to receive Government documents in response to its July 2006 and subsequent requests. Approximately 4,500 documents were initially received and the documentary review and redaction requests process began. Meanwhile, as the document collection process continued, more new documents were provided to the Commission in response to prior and new requests. Because a vetting process had already commenced within Government, it was possible in October 2006 for the Commission to provide to the Parties, in redacted form, approximately 1500 documents identified as essential by the Government” (Air India Inquiry Report, 2010a, p.46).

Terms of Reference

Both Phase I and Phase II of the Air India Inquiry reports include copies of the Commission's Terms of Reference. For the Air India Inquiry, Section A of the Terms of Reference states that the Commissioner "conduct the Inquiry as he considers appropriate with respect to accepting as conclusive or giving weight to the findings of other examinations of the circumstances surrounding the bombing of Air India Flight 182" (Air India Inquiry Report, 2010a). The Air India Inquiry was mandated to primarily inquire about the investigation into the bombing of Air India Flight 182. The Terms of Reference include a list of several points, from "a" to "t" detailing the key points the Commissioner should investigate. The list specified the title of the Inquiry, and allowed the Inquiry to grant families an opportunity to participate. The Terms of Reference also include a list of documents the Inquiry could consider, including documents such as Bob Rae's (2005) *Lessons to be Learned* report, the criminal court cases, the security intelligence report, and India's Kirpal Inquiry (1986) (Air India Inquiry Report, 2010a).

Section B of the Terms of Reference states that "the Commissioner [is] to conduct the Inquiry specifically for the purpose of making findings and recommendations" (Air India Inquiry Report, 2010a). The areas the Commissioner can make recommendations in are listed in several subsections under part "b" of the "Terms of Reference." For example, the list under part "b" includes questions such as:

if there were deficiencies in the assessment by Canadian government officials of the potential threat posed by Sikh terrorism before or after 1985, or in their response to that threat, whether any changes in practice or legislation are required to prevent the recurrence of similar deficiencies in the assessment of terrorist threats in the future;

if there were problems in the effective cooperation between government departments and agencies, including the Canadian Security Intelligence Service and the Royal Canadian Mounted Police, in the investigation of the bombing of Air India Flight 182, either before or after June 23, 1985;

[and], the manner in which the Canadian government should address the challenge... of establishing a reliable and workable relationship between

security intelligence and evidence that can be used in a criminal trial. (Air India Inquiry Report, 2010a)

The four other bullet points under part “b” of the Terms of Reference refer to concerns related to Canada’s existing legal framework in relation to terrorist financing, adequate protection for witnesses, unique challenges present in persecuting and trying terrorism cases, and legislation with regard to aviation security (Air India Inquiry Report, 2010a). To summarize the Terms of Reference for the Inquiry, the final Report states,

The Terms of Reference for this Inquiry require the Commission to make findings and recommendations with respect to a broad range of issues arising out of the Air India investigation and prosecution, including issues of threat assessment, aviation security, interagency cooperation, terrorist financing, witness protection, the relation between security intelligence and evidence, as well as the unique challenges presented by the prosecution of terrorism cases. (Air India Inquiry Report, 2010a, p.41)

The reason for describing the Terms of Reference is to show how heavily weighted the Air India Inquiry was towards investigating the criminal investigation into the bombings, and towards determining recommendations to further the Harper government’s stance for stricter anti-terrorism and security legislation or policy.

Two sections of the Terms of Reference, sections “f” and “g,” directly reference the participation of family members. They state that the Commissioner “be authorized to grant to the families of the victims of the Air India Flight 182 bombing an opportunity for appropriate participation in the Inquiry” (Air India Inquiry Report, 2010a) and that, “the Commissioner be authorized to recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting rates of remuneration and reimbursement and the assessment of accounts, to ensure the appropriate participation of the families of the victims of the Air India Flight 182 bombing” (Air India Inquiry Report, 2010a). Section “d” applies to the families indirectly in that it states, “that the Commissioner be authorized to adopt any procedures and methods that he may consider expedient for the proper conduct of the Inquiry, and to sit at any times and in any places in or outside Canada that he may decide” (Air India Inquiry Report, 2010a).

One of the clauses in the Terms of Reference states that individuals are able to communicate in both official languages yet does not state that the alternative languages include the most common ones used by South Asians in Canada, such as Punjabi or Hindi. Nor does it indicate that languages other than English and French be made available for communication at the Air India Inquiry (for a copy of the full Terms of Reference, see “Appendix C”).

Phase I: The Families Remember

The Phase I Report of the Air India Inquiry, titled *The Families Remember* (2008), is the first official document produced by the Commission to acknowledge the perspectives and testimonies of the Air India Flight 182 victims’ families. The document addresses the Canadian government’s failures to adequately support families over the course of two decades between the bombing and the legal trial. The Phase I report of the Air India Inquiry was compiled from a series of oral testimonies and written submissions presented to the Commission by the family members of Air India victims and emergency workers. In contrast to discourses about terrorism, counterterrorism, national security and intelligence collection, *The Families Remember* document was meant to shed light on the “profound and enduring” and “paralyzing grief” experienced by the families; it was based on the testimonies and submissions of the family members of Air India victims and rescue workers (Air India Inquiry, 2008, p.1). The Phase I report recognises the testimony of family members, stating:

[T]he persistent raw emotions of their experience, suffering and sorrow had to move the feelings of all who listened. Some accounts had been documented previously in books, articles and the media. In other cases, individuals who had earlier chosen not to speak came to be heard. What was different this time was that the families were invited by this Commission, mandated by the Government of Canada, to express their feelings in a formal public hearing before a government-appointed Commissioner. (Phase I, 2008, p.4)

As noted by the Commission, the testimonies submitted and orally delivered by the family members were deemed important because of the official invitation, mandated by the Government of Canada, to give testimony of their experience. The Commission notes that, “transcription in an official record makes their tragedy a part of our history. In this way, the further passage of time cannot erode the public memory of the enormity of what happened. The pain and loss it inflicted upon the families and communities of those who perished cannot be erased” (Phase I, 2008, p.5). At the same time, the passage from the report suggests an invitation to participate in the Commission, acknowledging the families’ two-decade old demands for recognition and demands to be heard. Here the families were clearly not just interested in expressing their pain and loss. The families’ testimonies provide documentation of the steps they took to demand recognition and outlined what they hoped the Inquiry would achieve. In addition, the families provided the Commission with recommendations. Finally, they made claims about their citizenship rights and questioned whether the neglect and failures in the criminal investigation had anything to do with systemic discrimination.

The Phase I report uses the families’ testimonies and organizes their statements into five distinct sections: the first section describes the human loss following from the bombing. The second section of the Phase I report provides an explanation of the heroic efforts by families in their pursuit for justice, while the third section addresses the Canadian response to the tragedy. The fourth section is on the aftermath of the bombing, which included family members’ experiences of grief and the preservation of memory (p.139). The final section is about reconciliation and hope and acknowledges how the families “rallied for justice” (p.149). The report states,

When listening to the painful recounting of events and the personal experiences and memories of family members of the victims of the bombing, it was immediately apparent that there was an enormous loss of human potential. Parents and children, scholars, scientists, doctors, social workers, business people, artists, humanitarians and students, perished as a result of that cowardly act of terrorism. (Phase I, 2008, p.9)

The Phase I report memorializes the people who were on-board Flight 182, and includes a photo and a short biography of each victim. Each biography ends with how the family has been impacted by the loss, as they continue to mourn. Acknowledging the scale of devastation recognised that three generations of families had been lost, or that the sufferer had been left alone because one parent and their children had been on-board the aircraft (Phase I, 2008, pp.12, 16, 20). It also acknowledges that entire families had been lost in the bombings, leaving no one to represent them. Some biographies include excerpts of poems written by family members who lost loved ones, schoolwork produced by children who died on Air India Flight 182, and/or a story or memory of a loved one (Phase I, 2008, p.24). Importantly, the statements used in the document also include stories of immigration, settling in Canada, having families in Canada, and wanting to be part of what the Commission report describes as “what they saw as their new and welcoming multicultural land” (Phase I, 2008, p.23).

As I will make clear in Chapter Five, while the narrative of the immigrant arriving to Canada and participating in the multicultural landscape of the nation attempts to recognise them as loyal Canadians, it also dismisses the demands for justice and recognition. Furthermore, the Phase I report connects the human element to the families’ loss of faith in the Canadian government, yet this is framed in relation to their loss of faith in the police services, justice system, intelligence services and airport security, not in their loss of faith in citizenship rights in Canada (Phase I, 2008, p.68).

Phase II: The Final Air India Inquiry Report

The Phase II Report contains the majority of the material produced by the Air India Inquiry. It focuses on the failures of the criminal investigation and aviation security, and identifies ways to prevent future acts of terrorism. Phase II is a multivolume report, including an introductory volume, five in-depth volumes of findings, and four volumes of research material produced by scholars in the field of anti-terrorism and security. Phase

It is referred to by the Commission as the “Air India Inquiry Report” and the documents produced in this report focus on the investigation of the bombings conducted by Canadian security agencies.

The Air India Inquiry Report provides an analysis of the criminal investigations pre- and post-bombing, the evidence and intelligence collection processes, as well as an analysis of aviation security, and terrorism prevention in Canada. The final Report provides a series of recommendations for the Canadian government about procedures and precautions to take into account when investigating acts of aviation terrorism, responsibilities of policing agencies in their investigations, and preventative measures the government can take to minimize aviation terrorism in Canada (Air India Inquiry Report, 2010a, p.44). The Report provides an overview of the content of each of its volumes, specifically referring to concerns about terrorism prevention (see Figure 2.1 below). First, the final Report addresses the investigation of the incident pre-bombing, examining the investigative roles of CSIS, the RCMP and other policing services. The volume about the pre-bombing period questions if the government knew about potential threats to Air India planes in Canada, growing Sikh extremism in Canada, and already existing intelligence on suspected terrorist threats and activity. The post-bombing volumes focus on CSIS and RCMP operations, and examine how each agency focused on their own mandate without cooperating with one another for the investigation. In this way, the final Report shows that there was a “battle of sources” between the agencies, further complicating the investigation and limiting the evidence available to each agency. The Report states,

It is important to note that, the story of the investigation of the Air India bombing demonstrates that the problems that plagued the relationship between CSIS and the RCMP were not simply the result of misunderstandings or personality conflicts. They were primarily the result of each agency’s principled but overly narrow focus on its own mandate. (Air India Inquiry Report, 2010a, p.31)

Further, the post-bombing volume of the Report examines concerns related to aviation security, cargo handling and airport screening processes. In the Report, the

Commission looks at how terrorism has changed the way countries look at security in airports in reference to bombs and hijackings, and other potential threats (Air India Inquiry Report, 2010a, p.32). This volume also discusses how terrorist prosecution should be regulated in Canada, suggesting

that, in the context of terrorism prosecutions, the responsibility for reconciling the competing claims of disclosure to ensure a fair trial and secrecy to protect national security should be consolidated and assigned to the trial judge, rather than, as is now the case, being bifurcated between the trial court and the Federal Court of Canada. (Air India Inquiry Report, 2010a, p.33)

One major concern in how the Reports frame security, terrorism, and airport screening is the potential these have to racially profile certain subjects. The ways the Canadian government can use the recommendations provided by the Air India Inquiry to further racialise subjects is an area that requires further research.

The Phase II report places significant emphasis on anti-terrorism discourses in North America, recognizing that this changed in scope after 9/11 in 2001. Family members of Air India victims and the Phase II report make reference to the 9/11 terrorist attacks in relation to Flight 182, questioning why 9/11 received the attention it deserved while Air India Flight 182 was not important enough to garner the same attention.⁴⁶ The

⁴⁶ Part of the significance in this connection between 1985 and 2001 is because there is a clear shift with regards to how terrorism was conceptualized in the 1980s and post-9/11 (see Hoffman, 2006). In Bruce Hoffman's (2006) book, *Inside Terrorism*, he carefully uses historical events beginning with World War II and ending with 9/11, to show how the term "terrorism" is continually evolving. Terrorism is redefined according to the various (and numerous) acts of violence taking place in different regions of the world. Hoffman (2006) introduces the concept of terrorism by stating, "Indeed, virtually any especially abhorrent act of violence perceived as directed against society – whether it involves the activities of anti-government dissidents or governments themselves, organized-crime syndicates, common criminals, rioting mobs, people engaged in militant protest, individual psychotics, or lone extortionists – is often labelled 'terrorism'" (p.1). Terrorism is violence, or the threat of violence, with a political aim (Hoffman, 2006, p.3). Since the attack on the World Trade Center in New York, the definition for terrorism

first sentence of the volume points to the sheer size of the report and references the “ambitious mandate” assigned to the Commission, which reflects the necessity to provide a review and evaluation of the performance and interactions of government agencies before and after the bombing, along with a request for recommendations in some of the most difficult and complex areas in relation to this country’s response to the murderous phenomenon of terrorism. (Air India Inquiry Report, 2010a, p.21)

The ambitious mandate of the Commission’s Report reflects the Commission’s “view of its obligation to layout in comprehensive detail the facts about the Government’s preparedness for the possibility of the bombing and for the subsequent post-bombing investigation” (Air India Inquiry Report, 2010a, p.21), and it connects this need directly to the families. This section states that, at a minimum, “this much is owed to the families of the victims and to the Canadian public at large” (Air India Inquiry Report, 2010a, p.21).⁴⁷ Considering the ambitious mandate, the following table demonstrates the focus of each section of the reports.

Table 2.1 below summarizes the contents of the Air India Inquiry and the areas emphasised in the final reports.

has shifted once again. According to Hoffman (2006), “as the meaning and usage of the word [has] changed over time to accommodate the political vernacular and discourse of each successive era, terrorism has proved increasingly elusive in the face of attempts to construct a consistent definition” (p.20). Hoffman (2006) argues that in the last decades, there has been a new generation of terrorists that are “part of far more amorphous, indistinct, and broad movements” and that “instead of the classic cellular structure that was common to previous generations of terrorist organizations, many of these newer movements are more loosely connected or indirectly linked through networks comprising of both professional (...) and amateurs” (...)” (p.271).

⁴⁷ In outlining the purpose of the Air India Inquiry Report, there was no clear indication of the role of family members of Flight 182 passengers and crew, until this statement on page 12 of the Phase II report. And there remains no indication that the families’ testimonies—and their perspective—are reflected in the overall document. This raises the question as to whether the families, their experiences, and their statements were considered part of the material used to help provide recommendations, or helped construct how the Air India incident was narrated.

Table 2.1 The Air India Inquiry: A Summary of Content

REPORT	SHORT TITLE	PAGES
Air India Inquiry: Phase I	The Families Remember	211
Air India Inquiry: Phase II		
Opening Remarks	Remarks by Commissioner John C. Major	7
	Key Findings of the Commission	9
	A Guide to the Report	9
Volume One	The Overview	264
Volume Two: Part 1	Pre-Bombing	586
Volume Two: Part 2	Post-Bombing	646
Volume Three	The Relationship Between Intelligence and Evidence	342
Volume Four	Aviation Security	460
Volume Five	Terrorist Financing	274
Reader's Guide	Acronyms and Key Names	28
Air India Research Guide		
Volume One	Research Papers on Terrorism in Canada	236
Volume Two	Understanding Terrorist Financing	306
Volume Three	Terrorism Persecution	396
Volume Four	Unique Challenges to Terrorism Persecution	326

Table 2.1 provides a breakdown of the Phase I and Phase II reports produced from the Air India Inquiry. This chart indicates the titles of the volumes and the number of pages of material produced by the Commission. By sheer volume, it shows that the primary focus of the Air India Inquiry was not about family members' claims and their experiences, rather the majority of the analysis and recommendations focused on the investigation into the bombings, anti-terrorism and security, and the responsibilities of Canadian policing agencies. The material produced in Phase II is predominantly on terrorism, and the material is fifteen times greater than the combined references and documentation about the family members' testimonies at the hearings. This is despite the inclusion of several volumes of verbal testimonies and written statements by family members, cabin crew and others involved in the search and rescue process of the

aircraft produced during the Commission. The emphasis on terrorism, rather than the focus on the families, reveals the way the Air India incident was used by the state to reinforce anti-terrorism legislation and further securitization of the state, rather than examine its failure to its citizens.

The contrast between the contents of the Air India Inquiry Report and what the families demanded in their testimonies is evident in the Report specifically with regard to how families were represented (which includes being left out of sections) throughout the multi-volume document. The Air India Inquiry Report is primarily concerned with missing information from the investigation and with redacted information from government documents submitted to the inquiry; the report specifies unclear responsibilities for the RCMP and CSIS—including gaps in their investigation, and unclear reporting processes and jurisdiction; the final report addresses issues of anti-terrorism legislation in Canada, the need for better aviation security, and legislation against money laundering for potential terrorist organizations. Yet, as the previous chapter demonstrates, there was ongoing activism by family members to make sure the reasons why they requested a public inquiry were addressed. The families wanted “their voices to be heard”; they wanted the government and Canadian public to know about the lack of assistance, information, and support they received over the twenty-year period. The discrepancy between the families’ demands to be heard, and the lack of attention paid to their testimonies in the final Air India Inquiry Report raises questions about how the “human element” and the families of Air India victims in this public inquiry were used.

Conclusion

The first section of the chapter showed that public inquiries can be flexible and that there are several ways that the public can participate in this process and that their testimonies can be used by the commission to help inform the recommendations provided in the commission’s findings. By contrast, this chapter shows that the Air India Inquiry Reports did not use the information provided by the families in the bulk of the

Reports. This is despite family members of Air India victims giving testimony and submitting written statements to the Commission on concerns that directly impacted them. As I will show in more detail in Chapters Four and Five, the key themes that emerged from the families' statements at the Inquiry went beyond the painful losses, for example losing single or multiple family members in an act of terrorism, and included the challenges they faced with coping with their losses and the search for justice over the years in the face of the refusal of the Canadian government to advise, assist, support or seek information and justice. Family members spoke about what they hoped the inquiry would achieve in its investigation, and about the expectations they had from the Canadian government to provide them with services and compensation (see Chapters Four and Five). Families of Air India victims also provided a series of recommendations to the Commission. Many of their recommendations are in relation to aviation security, while other suggestions are about how the Canadian government should respond to families of victims of terrorism and what services should be offered to families and those impacted if another terrorist attack was to occur.

Chapter 3.

Demands for Justice and Connections to Citizenship

This chapter examines concepts of citizenship as a way to understand what the family members of Air India victims meant when they used the terms “citizen” and “Canadian” in their testimonies. The chapter focuses on academic literature that includes the concept of “culture” in the definition of citizenship. This literature, for instance, goes beyond legal rights and considers the cultural rights of minorities. To begin, this chapter provides an outline of how the families use the term “citizenship” and then discusses how Canada’s political context has shaped the development of theoretical models of citizenship in relation to multiculturalism. Next, this chapter provides a critique of multiculturalism as it is conventionally used as a framework for citizenship, and argues for a framework that more explicitly includes the agency of individuals and groups in their demands for justice and recognition. This chapter shows that while multiculturalism is an important concept, one that is necessary for conceptualizing the diversity of Canada’s population, the way that it is used as a framework for citizenship is limiting with regard to how “minority rights” are defined (Kymlicka, 1995, 1997). In this chapter, I argue that citizenship should be understood and developed through the “claim-making” processes of individuals and groups (Isin and Wood, 1999), rather than just recognizing the importance of cultural difference. I suggest that as a concept, citizenship should be understood in terms of the actions of individuals and groups, which Engin Isin has theorized as “acts of citizenship” (Isin, 2007, 2009, 2013). This conception of citizenship incorporates culture as defined by Cultural Studies scholars such as Stuart Hall (1996) and includes the political subjectivity

and agency of subjects as part of their citizenship identity. The final section of this chapter provides a brief description of three case studies to show how, beginning in the 1980s groups mobilized as “citizens” to demand different forms of redress or recognition from the Canadian government. The purpose is to show that the steps they took were a part of their citizenship—not only in terms of the demands and claims they made, but also in terms of the actions they took to make these demands. Their actions constitute “acts of citizenship” (Isin, 2009, 2013). The chapter also addresses how these demands are acknowledged by governments—at times problematically—according to what scholars define as a “culture of redress” (Henderson and Wakeham, 2009, 2013; James, 2013, 2014)

Section One: Citizenship as Political Action

A Vernacular of Citizenship

As evident from their testimonies, the families of Air India victims used the terms “citizen,” “citizenship,” and “Canadian” in diverse and complex ways to speak about their rights. The family members used these terms to reference legal forms of citizenship based on being born in Canada, having Canadian passports, or having received legal citizenship status through immigration. They also used informal ways to justify their rights to receive government services and to speak about their ill treatment and Canadian authorities’ mismanagement of the Air India case. In their testimonies, the victims’ families often made reference to how the government ignored their rights as Canadian citizens in the handling of the investigation, trial and absence of justice against the perpetrators of the attack. On the one hand, the family members used the terms “citizenship” and “citizens” as a way to describe part of their identities as Canadian, while on the other hand, they used the terms to critique the Canadian government for their experiences of exclusion. To add a layer of complexity, as I will discuss in Chapter Five,

families also used terms like “citizen,” “citizenship,” and “Canadian” to speak about their sense of belonging to Canada, and their contributions to society as Canadian citizens—even in comparison and contrast to their diverse ethnicities, cultures and backgrounds, experiences, and political and social involvement. They also connect these terms to other concepts theorized within the literature on citizenship, such as “security,” “rights” and “multiculturalism.”

For the families of Air India victims, the terms citizen and citizenship were used in the vernacular sense, acting as a marker of their identity. Their use of the terms moves fluidly between the legal rights that come with formal citizenship status and a sense of belonging to one that recognises different subjective elements to their identities, including sporting activities, religious affiliations, civic activities and ethnic membership. In other words, the term citizen is attached to a sense of belonging to Canada and also a legal understanding with specific rights. For the families, citizenship was an identity that included them in the multicultural identity that Canada claims to embrace. In other words, *because* they were Canadian—including all the messiness that the term carries—they expected to be treated a certain way, and they expected certain rights would be recognised. As citizens, they expected action from the Canadian government (which I will discuss in detail in Chapter Four), regardless of any precedent set by the Canadian government regarding how terrorist acts were responded to in the past.

In many instances in their testimonies, families of Air India victims referred to their *lack of citizenship* and/or *second-rate citizen* status when speaking about their experiences of neglect by the Canadian government. They pointed out the lack of information they received about the investigation from the RCMP and CSIS over the years, the fact that two suspects were acquitted in 2005, and the way that the Air India bombings had been erased from Canadian history (see Chapter Four for an analysis of the families’ critiques of the government). In particular, these terms were used to emphasise their experiences of discrimination. Their use of the terms moved beyond definitions of citizenship based on multiculturalism, and they used these terms in ways that showed how citizenship could not be limited to legal status, a list of rights, and/or

claims for rights. Rather, their testimonies show that citizenship needs to be understood through actions, agency, and demands for justice.

Importantly, it is evident that their understanding of citizenship is influenced by policies and public discourses, theoretical definitions, as well as the vernacular usage of the terms. As such, my analysis shows that dominant discourses of citizenship are reproduced in two ways: first by groups using the concept to justify their rights, and second, by governments, which have further institutionalized a neoliberal model of the Canadian multicultural citizen. Specifically, I examine definitions of Canadian citizenship in relation to the concept of multiculturalism developed by Will Kymlicka and Charles Taylor, who have been influential in developing theories and policies of multiculturalism in the Canadian context (see Kymlicka, 1995, 1997, 2010; Taylor, 1992). Because the families so prominently use the terms, I analyse dominant models of citizenship, and present a critique of how these operate in Canada. I conclude this chapter by drawing on the work of Engin Isin (2009, 2012) to argue for a framework of citizenship that is based on the act of demanding justice, and political struggle that draws on articulations of identity as expressed by marginalized groups.

Shifts in Terminology: From Multiculturalism to Acts of Citizenship

In Canada, the terms citizen and citizenship theoretically and institutionally encompass ideas of inclusion and diversity, as well as multiculturalism discourses, immigration policy, and security discourses. This chapter traces formulations of citizenship in Canada from the 1970s onward when multiculturalism policy was first being institutionalised, specifically with minority rights being integral to the *Canadian Charter of Rights and Freedoms* (1982) and the *Canadian Multiculturalism Act* (1988). Second, this chapter discusses how incidents like the Front de Libération du Québec (FLQ) crisis forced the Canadian government, policy makers, and academics to acknowledge the tenuous relationship between civil liberties and security, particularly

when protecting the rights of minority groups (specifically, the rights of French Canadians). Third, the chapter considers how in this period, marginalized and racialised groups began to actively demand recognition and/or redress from the Canadian government. For example, in the 1980s, the Japanese Canadian community demanded redress for their internment during World War II which heavily influenced how civil liberties are understood in Canada, explicitly showing the group's mobilization for their rights. This political climate shaped the context of the 1985 bombing of Air India Flight 182 in terms of how citizenship was conceptualized in policy and theory, as well as in the actions marginalized groups were taking in their demands for redress.

In academic research, the concept of citizenship is simultaneously celebrated and heavily critiqued (Nyers, 2004). On the one hand, Peter Nyers (2004) notes that citizenship is a “political identity that embodies modern claims to liberty, equality, rights, autonomy, self-determination, individualism, and human agency” (p.203). On the other hand, the concept is problematic because “its accomplishments are almost always realized in a highly unequal—indeed, exclusionary—fashion” (Nyers, 2004, p.203). Importantly, critiques of the multicultural framework, by scholars such as Bannerji (2000), Mackey (1999) and Dhamoon (2006, 2007) challenge this double bind of citizenship as described by Nyers. They show how national or civic citizenship is often problematically discussed in relationship to cultural or “ethnic” belonging, which they argue “relies on difference” (Bannerji 2000; Dhamoon, 2006, 2007, 2009; Mackey, 1999).⁴⁸ As this chapter develops the term culture in relation to citizenship, critiques by Bannerji and Dhamoon justify the need for a framework of citizenship that examines culture in relation to injustice. For example, Rita Dhamoon (2007) argues that one of the concerns is that “liberal multiculturalism has emerged as the dominant normative lens through which to

⁴⁸ The term “ethnic” is used in the citizenship literature to describe “visible minority” groups. The terms “ethnic” and “visible minority” are criticized in critical race scholarship and the term “racialised” is used instead. I use the terms as they are cited in the scholarship on citizenship.

theorize the diversity of cultures” (p.32). Specifically, Dhamoon (2007) notes that Kymlicka’s theory of multiculturalism and Taylor’s theory of recognition have been influential in shaping this understanding of culture, and that these types of “liberal multiculturalism interpretations of culture obscure and undermine analysis of the interactions between modes of injustice” (p.32). Debates in Citizenship Studies, Critical Race Studies, and Cultural Studies critique models of multiculturalism by showing how they fail to work theoretically and in operation (Bannerji, 2000; Dhamoon, 2007; Isin and Wood, 1999). As Engin Isin (2009) notes, “the debate over citizenship has focused on two distinct but related aspects: citizenship as status and citizenship as practice” with multiculturalism being understood as practice (p.369). For Isin (2009) citizenship as practice refers to, “studies that emphasise practice typically focus on integration, cohesion, multiculturalism, education, nationalism and transnationalism” (p.369). He shows that models of citizenship that define culture in terms of practice often do not consider individual and group struggles for justice by those marginalized (Isin, 2007, 2009, 2012). As I will explain in this chapter, the scholarship of, for example, Eva Mackey (1999), Himani Bannerji (2000), Sunera Thobani (2007), Ena Dua (2008), Peter Nyers (2004), and Yasmeen Abu-Laban (1998) use different case studies to show the experiences of racialised and marginalized individuals and groups to identify their concerns with the multicultural model of citizenship. Their scholarship critically reveals how the dominant understanding of “citizenship” and “multiculturalism” shapes one’s sense of belonging, highlighting the limitations of mainstream formulations of “culture”.⁴⁹

⁴⁹ According to Nelson, Treichler and Grossberg (1992) “In cultural studies, the politics of the analysis and the politics of intellectual work are inseparable. Analysis depends on intellectual work; for cultural studies, theory is a crucial part of that work” (p.6). The authors state that, “Cultural studies, then, is always partly driven by the political demands of its context and the exigencies of its institutional situation” (p.6). Leading up to the public inquiry and in families’ testimonies, part of their political demands was about the erasure of the Air India bombings from the Canadian public and to be recognised as Canadian citizens. Challenges against

Drawing on their interventions, I centre this chapter on the “cultural” component of citizenship by critiquing dominant models of multiculturalism in Canada. I draw on their critique—along with my own critique—to examine how multicultural policy manages diversity. Rather than recognizing that differences are produced through power relations—such as racial categories that identify who or what is a desirable and undesirable immigrant, worker, resident, profession, neighbourhood, and so forth—dominant models present them simply as ethnic difference. These critiques provide a definition of culture that moves beyond the linguistic, cultural, regional, and other characteristics that define ethnic diversity.

In what follows, I turn to the multicultural citizenship and the citizenship-as-rights frameworks to show why the agency of subjects needs to be included as a component of their citizenship. The critics of multicultural citizenship argue that there is a need for a “citizenship-as-rights” framework (Isin and Wood, 1999), claiming that the actions of subjects rather than their ethnic traits should be prioritized in understanding what is entailed in being a citizen. The “citizenship-as-rights” framework (Isin and Wood, 1999) and the “act of citizenship” framework (Isin 2009, 2012) provide a definition of cultural identity that focuses on political struggle and the subject’s demands. I then turn to scholars such as Isin and Wood (1999), Dhamoon (2009), and Mackey (1999) who borrow from scholars such as Stuart Hall to address the agency of subjects. Hall (1996) is important for these scholars because he offers an understanding of how communities define their identities for themselves, laying the ground for an understanding of culture and citizenship that goes beyond linguistic, geographic and racial categories. Hall (1990) focuses on the practices and processes of identity formation, which means identity is never static nor based on essentialist characteristics. Hall’s definition allows

dominant definitions of citizenship are debated by scholars critically examining the politics of belonging from the perspective of marginalized groups.

these scholars to move beyond the managed and restricted definitions of cultural identity provided in dominant discourses of citizenship.⁵⁰ Using Hall's work, this chapter explains that for the "acts of citizenship" framework (Isin 2009, 2012) agency and political subjectivity are key components in the understanding of citizenship. As I will explain, in developing a theory of citizenship as a claim-making process, Isin defines it in terms of the actions/or the acts of individuals and groups, which are conceptualized as "acts of citizenship" (Isin, 2007, 2009). Isin states that it is necessary to map the *sites* and *scales* of these acts (Isin, 2009). To understand correctly the processes of demanding, it involves looking at the contested sites of political struggle in which one's citizenship is invoked. I will thus apply an "acts of citizenship" framework to the actions of the Air India families in various sites at various scales. This model will be used in Chapters Four and Five to analyze testimonies, media reports, and debates in the federal Hansard.

Understanding Citizenship in a Canadian Context

In the western philosophical tradition, the meaning of the term *citizen* was first used to describe the legal rights of *man* as a civil participant in a society (Faulks, 2000, p.13-16). Eventually, the term adopted a more general understanding, which described "a person who, by living in the city, participated in a process of cultivation or civilization" (Isin and Turner, 2002, p.7). In its roots, the term citizenship was used to "exclude" individuals rather than to "include" them, and as an exclusionary term, one's citizenship helped determine who could and who could not participate in civic duties and responsibilities, and by extension, who did and who did not have certain rights

⁵⁰ Theories developed in diaspora studies, for example, provide an alternative lens through which we can engage with cultural identity and citizenship, when we view diasporic subjects as powerful, active agents (see Tölölyan, 2007).

guaranteed and protected by the state. From this basic designation, theories of citizenship have developed to shape what constitutes the *rights* and *responsibilities* of (and obligations to) individuals and groups in their societies. This understanding of the term begins to show the key elements of citizenship, even at its most rudimentary level.⁵¹

As Janine Brodie (2002) argues, Canada was developed based on favouring—or discriminating against—several culturally based characteristics of one’s identity. Specifically, Yasmeen Abu-Laban and Christina Gabriel’s (2002) research shows that citizenship and immigration in Canada from 1867-1967 were influenced by both cultural considerations (religion, race, ethnicity) and the labour market (p.37-38). The authors argue that labour, economics, and cultural considerations have been underlying factors associated with immigration since colonization, which then also influence legal citizenship and have remained significant as the country develops.⁵² This includes having cultural considerations influence changes to immigration and citizenship policies,

⁵¹ Theoretical debates over the last few decades point to a shift from the concept of modern citizenship, which can be described as “merely a status held under the authority of a state,” and towards a more contemporary understanding of citizenship concerned with “the recognition of universal rights” (Isin and Turner, 2002, p.2; Isin and Wood, 1999). There is also a shift away from the concept of universal rights, from primarily critiquing economic and class disparity, toward considering other social rights as determined in a pluralist society. Newer approaches to citizenship also challenge the very legal definition of citizenship to include individuals without legal citizenship status who have acted to demand social rights, albeit at greater risks than those assumed protected by this legal status (Nyers, 2004).

⁵² As an example, Abu-Laban and Gabriel (2002) argue that immigration and citizenship are tied to both economics and culture, adding class and socioeconomic privilege to the debate. The authors show how changes to multicultural policy in Canada, and phrasing used by Citizenship and Immigration Canada in the 1990s, emphasise an explicit economic focus. Abu-Laban and Gabriel (2002) argue that the policies suggest that, “The ‘ideal’ immigrant/potential citizen is one who has the necessary skills and attributes to join the Canadian labour market and contribute to the globalizing economy. The ‘ideal’ immigrant is also a self-sufficient one, one who will not make demands on the social programs of the welfare state. And if the ‘ideal’ immigrant has a family or dependants, the ‘ideal’ immigrant will be able to support them and bear the costs of their integration into Canadian society” (p.65). These characteristics of what the ideal immigrant/potential citizen should resemble positions the individual in a specific socioeconomic category, and assumes a seamless integration (and assimilation) process.

as well as the formation of multiculturalism policies in the 1970s and 1980s (Abu-Laban and Gabriel, 2002).⁵³

Similarly, Anna Pratt's (2005) research outlines the history of immigration laws in Canada and how the state responded to newcomers, immigrants and refugees. Pratt (2005) discusses how as late as the 1980s, immigrants and refugees were "increasingly regarded as a multifaceted threat" (p.95). These individuals and groups were considered a "numerical threat to be limited and managed in the name of administrative efficiency, fiscal restraint, and economic growth" (p.95). Furthermore, they were considered a "threat to the 'integrity' of the system due to fraudulent claims made by

⁵³ Similarly, Abu-Laban and Nieguth (2000) trace a history of citizenship in Canada, including how immigration policies changed under the Pearson government in the 1960s, and they examine how shifts in immigration policies impacted the conceptualization of citizenship. Abu-Laban and Nieguth (2000) draw attention to the lack of articles that demonstrate how minority groups participate in their civic duties, in their citizenship rights, and in demanding their rights. They argue that, "much work [needs] to be done on the political participation and the representation of minorities and ethno-cultural associations in national, provincial and urban political processes" (p.469) and that "among Canadian politics specialists, the area of race, ethnicity and politics that has attracted relatively greater attention relates to the constitution" (p.469). Abu-Laban (2000) proves false four assumptions made by scholars about the relationship of the Charter and minority groups, which are the following: the entrenchment of the Charter created a new set of constitutional actors and, at the very least, invigorated the political activities of ethnic minorities and other subordinate groups (including women and Aboriginal peoples) (p.470); the Charter has greatly increased the political power of a variety of subordinate social groups by granting them formal constitutional recognition and was crucial in triggering an ethnic discourse (p.471); the political power of ethnic minorities and other non-dominant groups has been solidified as a permanent feature on the political landscape (p.472-473); and, the constitutional concerns of subordinate groups (including ethnic and cultural organizations) are limited by narrow self-interest (p.474). Importantly, Abu-Laban and Nieguth (2000) challenge these views by using different case studies and minority group organizations, suggesting that the activity of minority groups—particularly women's groups, aboriginal communities, and gay rights activists—highlights moments when rights were claimed before the Charter was in place. Abu-Laban and Nieguth (2000) argue that academic work in the area of "minority rights" and "citizenship" continues to lack the same recognition of ethnicity and immigration practices within conceptualizations of citizenship. In 2000, they argued that concepts like discrimination based upon race and gender were not as clearly defined within the fields of Political Science and Citizenship Studies, and thus an inclusion of work from "Ethnic Studies" was necessary (Abu-Laban and Nieguth, 2000).

unscrupulous, 'bogus' refugee claimants; and a threat to national security and public safety posed by criminals and terrorists" (Pratt, 2005, p.95).⁵⁴ In other words, the veneer of multiculturalism policy (as the federally instituted identity for Canada) was managed by border control and immigration, and exclusions of diversity justified under claims of security.

To develop this point further, Janine Brodie (2002) shows that the identity of Canada as a nation began developing post-World War II and continued into the 1960s. Brodie (2002) is concerned with social citizenship, and connects her development of Canadian nationalism to the welfare state. She states that, "The over-writing of federally inspired discourses of pan-Canadianism nationalism onto the universalism and inclusive construction of the postwar social citizen was barely visible in the 1950s but soon became indelible as social policies were expanded and multiplied in the 1960s" (Brodie, 2002, p.384). During the 1960s, cultural and national projects were built up alongside social policy, "sutured together through state discourses" (Brodie, 2002, p.386); these changes continued into the 1970s and 1980s. While caution must be drawn in conflating immigration and multiculturalism policies, there is a relationship between which immigrants became part of Canada's multicultural project, and what was considered an acceptable form of inclusion and membership to the country.

In the 1970s and 1980s, during the same time period when marginalized groups were making demands for recognition and redress from the Canadian government, there also were several policy related changes in Canada, which influenced the meaning of citizenship within discourses of multiculturalism. Policy and regulatory changes included

⁵⁴ The case study Pratt (2005) uses to discuss illegal refugees as threats to the nation is from 1987 when a boat of Sikhs sought entry into Canada from its coastal border. While Pratt does not provide too much context about the 1987 ship, I would argue that the context is vital to note and more research is required to understand the significance of these refugees in 1987, two years after the Air India bombing.

the introduction of official multicultural policies, which stated that Canada would affirm “the value and dignity of all Canadian citizens regardless of their racial or ethnic origins, their language, or their religious affiliation.”⁵⁵ These policies began to develop in the 1970s and later became law in the 1980s. In 1988, the *Canadian Multiculturalism Act* was established, institutionalizing the principle that “every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination.” Prior to official multiculturalism policy, in 1982 the *Canadian Charter of Rights and Freedoms* (the Charter) was entrenched in the Canadian Constitution to ensure institutions operated without discrimination. The Charter guarantees fundamental rights for all citizens of Canada, upheld by the law.⁵⁶ These significant policy changes helped define and delineate multiculturalism as part of the national fabric of Canada.

In the early 1990s, Canadian scholars note a paradigm shift towards a “rights” discourse in the field of citizenship studies, focused on the complexity of *rights* and *responsibilities*. Kymlicka and Norman (1994) suggest there are several reasons for this renewed interest in citizenship and Citizenship Studies in this period. They argue, “at the level of theory, it is a natural evolution in political discourse because the concept of citizenship seems to integrate the demands of justice and community membership—the

⁵⁵ Canadian Multiculturalism Act (R.S.C., 1985, c. 24 [4th Supp.]). Retrieved from the Government of Canada’s Justice Laws website: <http://laws-lois.justice.gc.ca/eng/acts/C-18.7/>

⁵⁶ In addition, there were two failed attempts at amending the Canadian Constitution, the first being the Meech Lake Accord (1987) and the second, the Charlottetown Accord (1992). For example, Eva Mackey (1999) provides details about the Meech Lake Accord arguing that it left crucial elements of the proposal undefined and ambiguous, and under the 1982 formula, it had to be ratified by each provincial legislature within three years, before it became part of the constitution. This process would prove to be its undoing, the Accord finally defeated in a dramatic scene in the Manitoba legislature, in which Elijah Harper, an Aboriginal Member of the Provincial Parliament, used procedural tactics (also called a ‘filibuster’) to delay its approval until the deadline had passed. He argued that if Québec was to be recognised as a “distinct society,” the claims of Aboriginal people must be dealt with first (pp.111-112).

central concepts of political philosophy in the 1970s and 1980s, respectively” (p.352). Matt James (2013) makes the link between the demands for justice by groups and the influence on the political discourse of citizenship. He examines government-funded projects for community groups who have mobilized to seek forms of redress. He states, “[In the 1980’s,] racialised and minoritized immigrant groups exploited the official emphasis on multiculturalism—a leading discourse of Canadian citizenship in the first decade of the Charter of Rights—as a tool of civic voice for historically excluded and oppressed people” (James, 2013, p.33). Yet at the same time, official multicultural policy and immigration policies were shaping a discourse of multiculturalism to reflect a self-sustaining and economically contributing citizen (Abu-Laban and Gabriel, 2002). This is important for two reasons, first, because as marginalized communities and groups took action and sought redress, their demands were being redefined and rearticulated in terms of prevailing concepts of citizenship. Second, groups seeking redress often reproduced ideological and/or institutionalized discourses of citizenship to justify their demands.⁵⁷

After the terrorist attacks in the United States on September 11, 2001 (9/11), citizenship and immigration policies in Canada became further tied to security and anti-terrorism (see Roach, 2005, 2006). Recent critiques of citizenship post-9/11 by Canadian scholars argue that civil liberties, multiculturalism and immigration discourses have been negatively influenced by prevailing security discourses (see Bhandar, 2008; Wilkinson, 2009). For example, the Canadian government’s response to terrorism under the Harper administration has been to implement legislation such as the *Anti-Terrorism Act* (ATA) and to make amendments to the *Immigration and Refugee Protection Act*

⁵⁷ Chapter Five makes important connections between the demands for recognition made in the testimonies by family members of Air India victims to their socioeconomic position and their contributions as good citizens of Canada will be further discussed to show how these discourses circulate.

(IRPA). Changes were applied in 2001, which included changes to permanent residence cards and passports. Both scholars and practitioners question the impact these particular changes to legislation have on civil liberties and citizenship rights. For example, Supreme Court of Canada Chief Justice Beverly McLachlin (2009) argues how the response to terrorism post-9/11 “must be one that preserves our fundamental values and the rule of law” (p.5). Similarly, Kent Roach (2006) argues, “... that security strategies that target people on the basis of religion, race, or lack of citizenship may not only discriminate, but also may be of limited effectiveness because of their radical over- and under-inclusiveness in targeting terrorists” (p.2154). Roach’s concern directly links citizenship to security, and security to fears that lead to discrimination based on forms of racialization. These actions impact citizenship both in terms of status and practice, and who has access to citizenship. This also shapes how groups identify with the term, and raises questions about the attempts to restrict citizenship rights for security. This change also shows a deeper connection between the term citizenship and security, as the meaning of the term adapts to the political environment of the period. Importantly, some of the family members of Air India victims also demonstrate this connection in their own articulations.

Since 2001, critiques of citizenship continue to focus on the relationship between rights and security. Recent work has addressed government responses to terror, including the implementation and changes to various laws surrounding immigration, security and anti-terrorism (see Bhandar, 2008), which has resulted in isolating groups not protected by the status of Canadian citizenship (see Pratt, 2005). According to Peter Nyers (2004), the concern is that “there is a double movement to security as it simultaneously produces and contains insecurity” (p.205). Similarly, Davina Bhandar (2010) is concerned with struggles for cultural citizenship and how it is used as a disciplining tool by states (p.332). One concern is how states—through what they distinguish as their country’s set of values—claim cultural exclusivity. This results in an anxiety “expressed by the dominant population that the intensification of migration and resettlement would put domestic values and traditions at risk” (Bhandar, 2010, p.332).

By rejecting official multiculturalism as something that manages difference, Bhandar (2010) is concerned with how multicultural policy debates end up being intimately linked to national security (p.333). Considering the civil liberties that are restricted under the need for securitization, Nyers (2008) argues that citizenship studies in Canada needs to move “away from conventional and political ways of understanding identity and towards a strategic concept that is central in the analysis of identity, participation, empowerment, human rights and the public interest” (p.1). To situate this dissertation in relation to this work, this project connects citizenship with agency and examines the acts of citizenship of subjects. By examining the political subjectivity and acts of subjects, an understanding of citizenship can move beyond cultural categories that demarcate ethnicity, religion, and region, and toward one that engages with participation, action, and demands for social justice.

Definitions of Canadian Multiculturalism: Critiques and Challenges

Canadian scholars Will Kymlicka and Wayne Norman (1994) suggest one of the challenges with the term citizenship is that it “is intimately linked to ideas of individual entitlement, on the one hand, and of attachment to a particular community, on the other” (p.352). This paradox between individual and community/group rights is addressed in various ways in academic literature with several key contributions in the areas of minority rights and multiculturalism. Both concepts, minority rights and multiculturalism, are considered key characteristics of citizenship.⁵⁸ Kymlicka and Norman (1994) note that shifts in theories of citizenship have moved away from a “basic structure” and towards

⁵⁸ Kymlicka and Norman (1994) respond to this debate by examining how liberal scholars and communitarian scholars address the individual versus the community. I, however, focus on other components of the debate, building on notions of group rights, which are also debated under the umbrella term “minority rights.”

one that examines the “qualities and attitudes” of citizens, including their own “sense of identity and how they view potentially competing forms of national, regional, ethnic, or religious identities” (p.353). Here they introduce elements of one’s individual and group identities to definitions of citizenship, and begin to examine “culture” as a key component of citizenship. This is why citizenship theories are concerned with topics such as tolerance and acceptance, processes of integration and challenges with assimilation, differentiated rights, and multiculturalism.

In addition, some scholars focus on how government policies and institutions need to accommodate difference and the complex “identities” of “minority groups” (Kymlicka, 1997), while others focus on how marginalized groups participate in society by using political processes to hold governments accountable (Isin, 2008; Nyers, 2004). The latter literature moves from a focus on individual and group rights, toward an understanding of citizenship as an act of participation. The literature on minority groups also considers the responsibilities of states and citizens toward economic growth, health and the environment (Kymlicka and Norman, 1994, p.353). In this context, Kymlicka and Norman (1994) stress the need for scholars to create a “theory of citizenship” that builds from a “citizenship-as-rights” framework (in spite of its own inherent limitations) (p.353). For Kymlicka and Norman (1994), a citizenship-as-rights framework is considered through the concept of multiculturalism, with a specific focus on the culture component. Kymlicka (1995, 1997, 2010), in particular, uses the concept of multiculturalism to consider how government policies need to accommodate difference and recognise cultural rights. He sees a tension between these two levels of citizenship—the multicultural state and the intercultural citizen—and recognises the need to resolve conflicting values between them (p.148). A focus on culture becomes central because, as Abu-Laban (2002) notes, “belonging to a culture... forms the justification for recognizing difference and providing differentiated rights and citizenship” (p.464). Culture becomes fundamental to understanding both individual and group rights, and to accommodating difference.

Minority Rights and Difference

This section of the chapter examines the debate within Citizenship Studies that focuses on issues of differentiated rights, drawing attention to group rights as opposed to individual rights. Group rights are debated and conceptualized under the umbrella of *minority rights* (Isin and Wood, 1999; Kymlicka, 1995, 1997, 2010). Isin and Wood (1999) note that minority rights have moved to the forefront of political theory, specifically focusing on the multiculturalism debate (p.3) (for example, see Banting et al., 2007; Beiner, 1995; Joppke, 2010; Taylor, 1992; Tully, 1994). In Canada, references to this debate partially stem from the need to culturally protect and maintain the autonomy of Quebec and the differentiated rights of francophones, whereby Kymlicka (1995) refers to Quebec as a “national minority,” differentiating its rights from that of other minority groups and the rights of Indigenous peoples (p.10). Debates within democratic liberal theories of multiculturalism argue for a need to recognise other cultural minorities, such as immigrant and/or ethnic groups, who have “typically wanted to integrate into the larger society, and to be accepted as full members of it” (Kymlicka, 1995, p.10-11).⁵⁹ Kymlicka and Norman (2000) claim that the goals and promotion of citizenship “must take into account the levels and forms of ethnic and religious pluralism” (p.8).⁶⁰ How ethnic and religious pluralism is accounted for is an important component of the debate.

⁵⁹ One of the assumptions made by liberal theorists falls under the “majority rule, with minority rights” concept. Within this theory we see the assumption that integration is a goal for minorities. Kymlicka argues that rights of minorities need to be acknowledged without factoring other issues that may not allow for integration, but that promote isolation. Kymlicka does, however, focus on the alliances of minority groups to construct a majority.

⁶⁰ Kymlicka and Norman (1994) suggest that literature reflects the rights of minority groups because of the political context of what was happening in Western nation-states and that it should be “increasingly recognised that the sorts of civic virtues required for a large pluralistic modern society, and the appropriate means to promote them, may differ from those required for a small, homogeneous city-state” (p.8).

For Kymlicka (1995, 1997), citizenship is inherently inclusionary (as opposed to older definitions of citizenship, used to exclude members from participating in civic duties) and his objective is to conceptualize citizenship as an inclusive term, making sure it incorporates the cultural rights of minorities. Kymlicka (1997) turns to the concept of culture as a way to understand rights. He (1997) argues that, “the real concern with immigration in Canada, therefore, is cultural, not political or economic” (p.16).⁶¹ Here, the focus on the cultural dimension of citizenship becomes the pivot point on how rights discourses are understood in Canada, specifically when minority and majority rights may be at odds with one another. Academic debates have focused on how multiculturalism should operate in Canada, specifically with regard to which groups are labelled as cultural, which definition of identity is privileged, and what type of power relations are at play in this formation (for example see Isin and Wood, 1999; Bhandar 2010; Dhamoon, 2009). This debate draws attention to the type of *ideal* or *standard* that minority groups are required to uphold (Kymlicka, 1997).

Matt James (2013) writes how the Canadian government uses multiculturalism as a “branding strategy for promoting Canadian business” (p.34). His work, similar to critiques of economics and multiculturalism by Abu-Laban and Gabriel (2002), provides an example of how multiculturalism and the cultural in Canada are folded into neoliberal and economic discourses. From this perspective, multiculturalism is equated with diversity and culture (rather than racial and other power differences), and with the socioeconomic benefits that result from this inclusionary identity. These discourses are

⁶¹ Within the literature, a few key themes emerge, which reflect the social, cultural and political context of the 1980s and 1990s in Canada. One key area of research that deals with the inclusion and exclusion of people from the nation-state is the theorization of multicultural citizenship, which continues to be a focus within citizenship studies (Banting et al., 2007; Joppke, 2010). For example, with regards to multiculturalism and immigration, key scholars such as Bhikhu Parekh (2006), Iris Marion Young (1999) and Will Kymlicka (1995, 1997) present theories important to liberalism and liberal democracies.

reproduced in individuals and groups' own articulations of themselves. As discussed in Chapter Five, in their testimonies, the families of Air India victims often referenced their economic status, education, contributions to Canada (economically and professionally), and occupation to demonstrate how they met the ideal characteristics of Canadian citizenship as a way to question why the government did not recognise them as such and ignored their rights and voices and rights over the last two decades following the Air India bombing.

Another area of discussion for multicultural scholars is the integration of migrant communities into Canadian society with the "concern [being] that recent immigrants are not becoming *one of us*, the way that earlier immigrants did" (Kymlicka, 1997, p.16). Here, Kymlicka is not being critical of processes of assimilation and isolation, rather he is addressing concerns about resistance to assimilation and argues for a model of citizenship that accommodates culture. His solution is a multicultural framework to recognise diversity in Canada, and argues that government policies and institutions must consider diversity and pluralism as a way to protect rights of individuals and groups. While governments and institutions in liberal democracies implement policies to offer migrant and/or racialised groups a protection of rights, the problem is "immigrants are being blamed for not meeting some standard of *integration*, even though no one has explained what exactly this standard is, or how to live up to it" (Kymlicka, 1997, p.17, italics in the original). The concern here is that implicitly there is an expectation of integration to the standards of the dominant group in society, ultimately privileging white, settler identities and liberal democratic forms of citizenship (Bannerji, 2000). Further, these claims identify a moment in liberal democracies that illustrates the tension over which *outsiders* should be *allowed* citizenship in Canada under what circumstances. Historically, immigration policies have been rigid, overtly discriminating against certain groups according to the "white Canada only" ideology (see Ward, 2002). I draw on this debate to examine the Air India Inquiry because of the themes of discrimination, citizenship rights and recognition, and questions of Canadian and South Asian identity, which are also key themes in the families' testimonies. As an example, some of the

families make statements that connect their citizenship to descriptions of what being a *good Canadian* meant, describing their love for hockey, the outdoors, the cold, and/or winter sports (see Chapter Five).

While Kymlicka narrows his focus on the relationship between multiculturalism and integration, the issue is perhaps with existing government policies and practices. According to Kymlicka, multiculturalism as an official policy has an inherent marginalizing effect where “immigrants must either integrate into the majority culture, or seek the sorts of rights and power of self-government needed to maintain their own societal culture” (Kymlicka, 1997, p.51). In this quote he is arguing how integration strategies by governments result in alienating minority cultures as they are forced to either assimilate or to self-govern. Kymlicka (1997) argues that to ensure equal rights, “a liberal state must impose two strict limits on any multiculturalism policies: [first,] multiculturalism must uphold equality between groups, and [second,] freedom within groups. That is, multiculturalism policies cannot allow any group to oppress other groups; nor can it allow any group to oppress its own members by limiting their basic civil and political rights” (Kymlicka, 1997, p.58). His approach addresses this concern from a policy standpoint, which does not fully consider experiences of exclusion by migrant groups. This includes restricted rights based on ethnicity, and the potential impact government policies may have on minorities from participating full members of society. In his later work, Kymlicka draws further attention to the problem of when multicultural policies are at odds with individual understandings of intercultural rights. Kymlicka (2010) states that ideally, “in any conception of citizenship: there should be a ‘fit’ between our model of the multicultural state and our model of the intercultural citizen,” and more often than not, “the multicultural state do[es] not always fit neatly with our models of the intercultural citizen” (p.148).

While Kymlicka’s multiculturalism project distinguishes the experience of Indigenous peoples from the experience of other national minorities and marginalized groups, and employs a framework that differs from critical race scholars, scholars such as Himani Bannerji who critique how Indigenous peoples have been read through the

multicultural framework (see Bannerji, 2000; Mackey, 1999).⁶² As Mackey (1999) asserts, the processes of maintaining “British and French colonialism as the acts of Two Founding Peoples” has inherently forced the “sovereignty and land claims of Aboriginal peoples [to] disappear” (p.13). Another view is that for “Aboriginal peoples, multiculturalism [is] irrelevant to their claims on the state, which are based on treaty rights” (Abu-Laban and Gabriel, 2002, p.109). Terminology used to speak about Canada and national minorities within the framework of multiculturalism erases discourses of colonisation. According to these criticisms multiculturalism may attempt to ensure the protection and recognition of cultural rights of minorities, however Canada’s nation-building project was based on maintaining a white majority—even if this whiteness is somewhat flexible and contingent. The erasure of racialised identities—or the promotion of British and French identities in Canada—further complicates a rights discourse of citizenship when integration requires the assimilation of one group’s identity

⁶² As an example, the rights of First Nations communities are often linked to discourses of culture and diversity, without talking into consideration Indigenous identities and governance systems. First Nations have long demanded that the Canadian government recognise their rights. The Royal Commission of Aboriginal Rights claims that Canada’s recognises common-law practices in Indigenous nations, yet it fails to also consider models of indigenous self-governance. James Tully (1994) lists the rights of aboriginal peoples that need to be recognised: “The Aboriginal peoples demand recognition as independent, self-governing *First Nations* with their own original legal and political systems and land base, and in international treaty relations of equality and co-existence with the federal government and, to a lesser extent, with the provincial governments” (p.78). He (1994) suggests that to introduce self-governing models and alternative forms of justice would require important changes to the modern nation-state structure. I turn to Himani Bannerji (2000) who argues that, “the issue of the First Nations—their land claims, languages and cultures—provides another dimension entirely, so violent and deep that the state of Canada dare not even name it in the placid language of multiculturalism” (Bannerji, 2000, p.105). It is within this understanding of multiculturalism in which racialised migrant groups are making claims of justice, thus at times perpetuating a structure of power violent to other Peoples, specifically Indigenous Peoples and communities (Dua, 2008; Lawrence and Dua, 2005).

into the dominant culture.⁶³ This problem exists when groups demand redress and/or other forms of recognition, as they simultaneously justify their rights through normative conceptualizations of citizenship, as is the case for the families of Air India victims. However, if one moves beyond a rights based framework, the descriptions of families' actions show that there was also a struggle for justice. Their demands for citizenship were most visible in the actions taken by of individuals and groups, which can be considered as "acts of citizenship" (Isin, 2009, 2012).

To move beyond the rights based framework, I turn to Iris Marion Young's (1999) seminal essay on "differentiated citizenship" to look at other forms of exclusion from the mainstream society. She raises the following critique of the liberal model of citizenship by asking: how can the notion of citizenship be revised in order to address the ever-increasing pluralisation of nation-states? Young (1999) offers an "ideal of desegregation and social justice" which she calls "together-in-difference" (p.237). This ideal assumes that "people dwell together in a common polity but are locally differentiated into group affinities. Together-in-difference both affirms such group affinity and calls for equality of life chances across space" (Young, 1999, p.237). Importantly, she critiques the binary of segregation versus integration and questions the negative connotations associated with the term division in relation to diversity and equality, rather than focusing on culture as a component of citizenship, like Kymlicka. Instead, she aims to develop a framework of togetherness through pluralism and diversity, where "an ideal of integration that denies value to group differentiation" is just as problematic as the rhetoric of segregation (Young, 1999, p.240).⁶⁴ She argues that "the ideal of together-in-difference thus aims to

⁶³ Kymlicka (1997) suggests that nation-building projects can be seen as "extending freedom and equality to all citizens" and that some "ethnocultural groups have accepted the call to integrate" (p.28-29).

⁶⁴ Young's (1999) critique of segregation first argues that segregation is wrong because it violates a principle of "equal opportunity" and in that respect can wrongly restrict, for example, access to housing. Second, and most important, segregation produces and reinforces unjust privileges

balance two political interests and obligations that are often in tension with one another: the impulses and obligations of localism, particularism and participation, on the one hand, and the need for coordinated cooperation over a wide context of interdependence, on the other” (Young, 1999, p. 245). Yasmeen Abu-Laban (2002) also sees Young’s concern with the “difference blindness” embedded within Kymlicka and Taylor’s frameworks. Abu-Laban (2002) sees Young’s call for special rights for marginalized groups as similar to Kymlicka’s focus, which is based on *equity* as way to overcome their disadvantages (p.463). While sympathetic to both Kymlicka’s and Taylor’s focus on the cultural, Abu-Laban (2002) critiques their view of culture as singular and homogeneous, which “rules out multiple, hybrid and even shifting identities (based on religion, race, nationality, gender, class, age, etc) that may shape one’s existence, and quests for belonging and recognition” (p.465). By equating Young’s use of *equity* with cultural rights, Abu-Laban (2002) argues that “there is seemingly more room for multiplicity when multiculturalism is also advocated on the grounds of equity, as opposed to the grounds highlighted by philosophers like Charles Taylor and Will Kymlicka” (p.465). She states,

A multiculturalism premised on equity, on the notion that cultures are dynamic and differentiated, and on the idea that individuals may have multiple identities, allows for a perspective that recognises the historical and contemporary overlap and intermingling of cultures that have resulted from processes of colonialism, diasporic migratory movements, and more recently the globalization of cultural flows (including information, images and music). (Abu-Laban, 2002, p.465)

and continued disadvantages. Third, the very processes that produce segregation make it difficult to remedy these wrongs for at least two reasons. The processes of segregation obscure the fact of privilege from those who have it. In addition, the social and spatial differentiation produced by this privilege makes political communication among the segregated groups difficult (Young, 1999).

To develop Abu-Laban's (2002) position, I turn to scholars such as Rita Dhamoon (2006, 2007, 2009), Himani Bannerji (2000), Peter Nyers (2004), and Eva Mackey (1999) who also further challenge the foundation on which the normative conceptualization of Canadian multiculturalism is built, introducing debates about how individual and group rights are determined and implemented, and arguing for the need to consider culture as heterogeneous.

While Will Kymlicka's theoretical work has been influential in developing official multiculturalism policies in Canada, critical race and citizenship scholars add rigour to the debate by addressing concerns of power and dominance, and they provide alternative views of culture from those written by liberal multiculturalists. What exists is a dichotomy between *top-down* conceptualizations of multicultural policy used as a method to manage difference, and a *bottom-up* understanding of a broadly conceived idea of citizenship, which factors in the diverse experiences of marginalized subjects and/or communities.⁶⁵ The distinction between the two viewpoints in the literature shows the need for further engagement with how people use terms like "Canadian," "citizen," "citizenship," "culture," and "multicultural" as ways to articulate their sense of belonging in Canada and what they view as Canadian citizenship. As I will discuss in Chapters Four and Five, while sections of the testimonies of the families of Air India victims

⁶⁵ A theory of citizenship based on a "rights" framework distinguishes between citizenship as 'thin' (or passive) and 'thick' (or active) (Ignatieff, 1995). On the one hand, thin citizenship often refers to rights that are received passively where the state guarantees the citizen freedoms and securities based on their membership to a civic society—citizenship as legal status. This follows a top-down model. 'Thick' citizenship, on the other hand, is public and active, and reflects a bottom-up method of claiming rights, which is more "revolutionary in style" (Turner, 1990, p.189; Kymlicka and Norman, 1994). In other words, thick citizenship includes active participation in matters of justice. If an active, citizenship-as-rights approach to contemporary theories of citizenship is used as framework, then the relationship between active citizens and governments needs to be further examined because this viewpoint demands that governments take into consideration the "activities" of citizens and their use of terms like "citizen" and "citizenship" to describe their own identities.

reinforce and reiterate the ideal multicultural subject, other parts of the testimonies draw attention to their demands for recognition and experiences of discrimination, as well as descriptions about their diverse and complex identities.

Demands from the Margins: Critiques of Multiculturalism

As a challenge to Kymlicka's framework, scholars such as Himani Bannerji (2000) and Eva Mackey (1999) critique the development of multiculturalism and multicultural policy, and its impact on immigrant communities, specifically those marginalized on the basis of race. Bannerji (2000) and Mackey (1999) argue that Canadian multiculturalism is dependent on difference. Mackey's (1999) research begins by challenging the very image of Canada as a "cultural mosaic" and the celebration of "hyphenated cultures" as part of this Canadian identity. She argues that, "multiculturalism implicitly constructs the idea of a core English-Canadian culture, and that other cultures become 'multicultural' in relation to that unmarked, yet dominant, Anglo-Canadian core culture" (Mackey, 1999, p.2). From this central position, Mackey (1999) argues that multiculturalism policy "defines acceptable forms of difference" and "the support provided by the state is limited to that which will help cultural groups to *participate in and contribute to Canadian society and Canadian unity*" (p.66). She continues by stating that, "acceptable cultural diversity must buttress the project of nation-building and national unity in Canada. Ethnic groups are thereby mobilised as picturesque and colourful helpmates and allies in the nation-building project" (p.66). This quote is important because it speaks to the type of diversity and cultural difference acceptable for the multicultural project of Canada, constituted by an Anglo-Canadian culture. It also draws attention to political participation, acceptable ways of identifying as a citizen and, of course, the management of this participation. In relation to the Air India Inquiry, these quotes link the demands for recognition made by the families, and the further justification of the securitization discourse that has surrounded the Air India bombing. Eva Mackey (1999) further complicates this relationship between citizenship

and identity, arguing that “complex patterns of colonisation and cultural and economic development that created Canada have resulted in a situation in which the multiple identities which make up the nation are constantly at battle with each other, and in which the boundaries, inclusions and exclusions of identity are unstable and constantly changing” (p.13). Importantly, Mackey draws attention to the shifting ways identities are accepted into the larger identity of the country, highlighting the government’s role in developing a national identity (see Bannerji [2000] for a more detailed discussion).

Himani Bannerji (2000) provides another critique of Kymlicka’s definition of multiculturalism. Bannerji (2000) argues, “[i]t may seem strange to ‘Canadians’ that the presence of the First Nations, the ‘visible minorities’ and the ideology of multiculturalism are being suggested as the core of the state’s claim to universality or transcendence” (p.105). She continues by stating,

The discourse of multiculturalism, as distinct from its administrative, practical relations and forms of ruling, serves as a culmination for the ideological construction of ‘Canada.’ This places us, on whose actual lives the ideology is evoked, in a peculiar situation. On the one hand, by our sheer presence we provide a central part of the distinct pluralist unity of Canadian nationhood; on the other hand, this centrality is dependent on our ‘difference,’ which denotes the power of definition that ‘Canadians’ have over ‘others.’ (Bannerji, 2000, p.105)

Bannerji draws attention to the position from which she is entering the debate, and the meaning the term (sign) “Canadian” is suggested to embody. She makes a clear distinction between Canadian, First Nations, and visible minorities to tackle what she calls, the ideology of multiculturalism. In the second quote, Bannerji (2000) argues that multiculturalism *relies on difference* as an ideology of multicultural nationhood, which is often read in a power-neutral manner rather than as something organized through class, gender, race, etc. (Bannerji, 2000, p.105). Importantly, Bannerji references individuals whose lives are directly managed and defined as part of the multiculturalism project and on which plurality is dependent. Bannerji challenges Kymlicka’s definition of multiculturalism in three distinct ways: first, by critiquing multiculturalism’s need for the

existence of difference. Second, by drawing attention to the power imbalance created and maintained by the majority in relation to other cultures. Here, as discussed above, she demonstrates how the framing of multiculturalism is deeply rooted in a form of colonisation. Third, the assumption that one group (the dominant group) does not already have power over others (minority groups) ignores the ongoing experiences of First Nations, marginalized groups, diasporic communities, and twice and thrice generation citizens (not only by recent immigrants).⁶⁶ Both Mackey and Bannerji draw attention to the overlap between citizenship and national identity, and how citizenship privileges a colonial-settler image of Canada's national identity.

To add another layer of complexity to this understanding of cultural rights, I turn to Bannerji's (2000) critique of Charles Taylor's (1992) theory of recognition, related to the *Canadian Charter of Rights and Freedoms*. Taylor (1992) argues that the issue of multiculturalism (as debated in the early 1990s) "has a lot to do with the imposition of some cultures on others, and with the assumed superiority that powers this imposition" (p.64). He questions the imposition some cultures have on others in relation to power, questioning "whether cultural survival will be acknowledged as a legitimate goal, [or]

⁶⁶ James Tully (1994) offers another contribution with respect to the critique of multiculturalism. He examines "identification" as an understanding of "minority rights" by examining the agency of citizens. In his analysis, he draws on policy, not in isolation, but rather in the context of politics in Canada, for example, what he would list as the constitutional demands of groups. Tully (1994) focuses on the "crisis of political identification." He draws attention to the agency of individuals by saying that "citizens who advance demands cannot identify with and give their allegiance to the Canadian federation until their cultural differences are recognised and affirmed in the constitution and legal and political structures of Canada" (p.78). After all, they are making a demand because a need or right is not being met. This phrase suggests that to achieve a shared national identity and to have citizens that "stand for Canada," groups need to feel that their differences are reflected, acknowledged, and protected in government structures and institutions. Therefore, demands for injustices to be officially recognised by parliament, the courts or through public inquiries allows for some recognition of the demands made by marginalized individuals. However, the challenge, I suggest, is that when these official institutions, government bodies, or other structures lack an understanding of the claims these groups are making, they typically ignore or misrepresent the demands for justice.

whether collective ends will be allowed as legitimate considerations in judicial review” (Taylor, 1992, p.64). In contrast, Bannerji (2000) argues that the requirements for acknowledging the culture of an individual or group already exists officially, specifically in the Charter, which claims to not discriminate on the basis of race, gender, and so on. The problem with the power imbalance is in how it is implemented and how it is used to organize communities. She states that through, “[the Charter,] by its very organization of social communities in ‘race’ and ethnic terms, the state constantly creates ‘Canadians’ and ‘others.’ This happens not only in the realm of state constructed policy, but also in that of everyday life...” (p.81). Bannerji (2000) offers a view of multiculturalism policy that critically assesses the organization of communities based on racialised categories. Bannerji (2000) further challenges Taylor’s position, arguing that he falls into the trap of using “‘multiculturalism as a discourse,’ characterised by its reliance on diversity” (Bannerji, 2000, p.98).⁶⁷

In critiquing both Kymlicka and Taylor’s theories of citizenship, Rita Dhamoon (2006) questions how these scholars *define culture*, acknowledging there are “several consequences of privileging an interpretation of culture as ethnic, national, and linguistic difference” (Dhamoon, 2006, p.355). First, Dhamoon argues that, “liberal multiculturalists present culture through an essentialist definition” (p.355). Dhamoon

⁶⁷ Bannerji (2000) states that Taylor is caught in a bind first because Canada has “different differences” and that, “Canada is more than a dual monocultural entity” (Bannerji, 2000, p.98) She argues that, “Underneath the ‘two solitudes,’ as he knows well, Canada has ‘different differences,’ a whole range of cultural identities which cannot (and he feels should not) be given equal status with the ‘constituent elements’ of “the nation,” namely, the English and the French. At this point Taylor has to juggle with the contending claims of these dominant or ‘constituent’ communities and their traditions, with the formal equality of citizenship in liberal democracy, and with other ‘others’ with their contentious political claims and ‘different cultures.’ This juggling, of course, happens best in a multicultural language, qualifying the claim of the socio-economic equality of ‘others’ with the language of culture and tolerance, converting difference into diversity in order to mitigate the power relations underlying it” (Bannerji, 2000, p.98).

questions how liberal multicultural theorists classify culture often rendering it in an isolated or homogeneous way. In contrast to Kymlicka and Taylor, scholarship over the last two decades has been concerned with the complexity, fluidity and intersectionality of culture and identity, and that citizenship frameworks need to factor in the experiences of individuals and groups in relation to power. Dhamoon (2006) argues, “interpreting culture-as-ethnicity/nationality/language is that it has become privileged as the primary signifier of identity” (p.357). Similarly, Singh and Singh (2014) argue that this interpretation of culture categorizes groups using “external” makers such as region, religion, ethnicity, rather than examining the heterogeneity, flexibility and complexity in identities. If ethnicity, nationality and language are used as the primary signifiers for identity then “culture obscures the ways in which identities are formed through other systems including racialization, gender, ableism/disablism, capitalism, heteronormativity, and homosexuality” (Dhamoon, 2006, p.357). Dhamoon (2009) is critical of how theories of multiculturalism make culture an object, containing culture as “bounded entity” (p.21). In borrowing from Dhamoon’s (2006, 2007, 2009) critique, moving beyond these signifiers to determine culture is required. I argue that examining a subject’s activity, or the terms and conditions they present to governments in their demands for recognition, is one way of determining their citizenship. This is developed from Engin Isin’s (2009) “acts of citizenship” framework.

Nira Yuval-Davis (2006) argues that an understanding of the “politics of belonging” must move beyond accommodating isolated cultural characteristics, with a view to the “social power axes” that shape our sense of belonging (p.201). Social power axes refers to the varying intersecting points that influence one’s culture and identity instead of looking historically at a particular group’s experience in isolation.⁶⁸ This

⁶⁸ Nina Yuval-Davis (2006) does not develop this point, however the concept of “social power axes” requires further examination as it speaks to the varying intersecting points that make up identities, which are also subject to power dynamics.

framework is similar to Dhamoon's second critique of multiculturalism. Dhamoon (2006) suggests that, "liberal multicultural theories emerge from considerations about how the state should respond to diversity because of concerns over unity" (p.358). She connects this to how liberal multiculturalists are concerned with managing "Othered cultures rather than how power is exercised and challenged" (p.358). For example, this includes how individuals and groups demand governments to recognise their rights. Key critiques in debates about rights raise questions about why multicultural debates centre on the cultural, linguistic and ethnic components of identity, rather than examining racism, patriarchy, class difference, or ableism (Dhamoon, 2009, pp.xii, 2, 26). Similar to Dhamoon, Peter Nyers (2004) notes that, "Prejudices, chauvinisms, inequalities, and hierarchies internal to societies have excluded individuals and groups from full citizenship status on the basis of race, gender, caste, sexual orientation, religion, region, and other factors" (p.203). Thus, he argues that necessary for critical scholars who are concerned with power relations and justice attempt to reprioritize what should be considered in relation to rights and citizenship.

A Citizenship-as-Rights Framework: A Turn to Action and Agency

Considering the critiques of liberal conceptions of multiculturalism previously outlined, this section of the chapter presents an understanding of citizenship that is based on how individuals and groups *practice* their citizenship in order to demand justice. To return to her work on Canada and multiculturalism, Himani Bannerji (2000) draws attention to the experience of marginalized communities and how these communities "continue to live here [in Canada] as outsider-insiders of the nation which offers a proudly multicultural profile to the international community" (p.100). She stresses, "we have the awareness that we have arrived into somebody's state," and that this awareness requires questions such as: what kind of state, whose imagined community or community of imagination does it embody, and what are the terms and

conditions of our belonging to this state of a nation (Bannerji, 2000, p.100). Importantly, Bannerji suggests that the answers to these questions are found when “travelling through the side-roads of political discursivities and practices [where] we come across markers for social terrains and political establishments that allow us to map the political geography of this nation-land where we have ‘landed’” (Bannerji, 2000, p.100). I emphasise two aspects of Bannerji’s statement: first, the conditions of belonging, and second, the political *discursivities* and *practices* that act as markers of one’s belonging. Bannerji’s emphasis on the intersections that mark the social terrain is important to highlight because of its connection to action. Bannerji’s (2000) critical examination of multiculturalism in Canada challenges the foundation on which multiculturalism is understood both in theory *and* in practice. The following section examines the “citizenship-as-rights” framework, as a way groups identify themselves as citizens in ways that differ from the normative dimensions established by the mainstream multicultural framework.

As a conceptualization of citizenship, a citizenship-as-rights framework considers people’s claims, activities and actions as essential to its very definition (Isin and Wood, 1999; Isin and Turner, 2002). In turning attention to minority rights in citizenship discourses outside of the multicultural framework, Isin and Turner (2002) argue that citizenship should focus on “the economic, social and cultural conditions that make possible the articulation of new claims and the content and the form of these claims [and thus enactment] as citizenship rights” (p.1).⁶⁹ Citizenship is understood through

⁶⁹ In *Acts of Citizenship*, Engin Isin (2008) theorizes the philosophical meaning of “act.” He argues that in theories of citizenship, addressing *extent*, *content* and *depth* is no longer adequate. Isin (2008) states the following: “Citizenship studies often proceeds with a focus on the three aspects of citizenship: extent (rules and norms of exclusion and inclusion), content (rights and responsibilities) and depth (thickness or thinness of belonging).” He further argues that, “We can suggest that these aspects of citizenship arrive at the scene too late and provide too little for interpreting acts of citizenship. They arrive too late because the actors of extent,

injustices, oppression and marginalization; the challenge for studies of citizenship is to produce “analytical and theoretical tools with which to address these injustices” (Isin and Turner, 2002, p.3). In other words, as subjects are actively demanding recognition of their rights, the analytical tools to understand these claims are also required. These scholars view citizenship as a type of “cultural politics” where “various social movements, such as those of women, gays, ‘racial’ and ethnic ‘minorities,’ have charged that behind the veil of ‘universal citizenship’ and ‘equality before the law’ there lies systemic forms of domination and oppression that misrecognise and marginalize them” (Isin and Wood, 1999, p.1).

Isin and Wood (1999) use *cultural politics* as a way to describe the diverse movements of groups and communities; in particular, they are interested in how they use culture as a way to challenge false “images, conceptions, representations and practices” of these groups (p.1). This approach as Bauder (2008) summarizes, views citizenship as a “strategic concept...in association with constructions of identity and belonging, struggles over recognition, and the politics of participation and contribution” (p.316). As Isin and Wood (1999) point out, cultural politics is about “effective resistance to injustice, inequality, domination and oppression engendered by advanced capitalism and institutionalised by neoliberalism” (p.2).⁷⁰ Their project on citizenship-as-rights connects the concept of citizenship and identity as terms that work together, instead of as terms that work in opposition from one another—the notion of citizenship being universal, while identity being particular is challenged in their framework (p.2). Importantly, similar to

content and depth are already produced; for acts produce actors that do not exist before acts. They provide too little because the scene has already been created” (Isin, 2008, p.37).

⁷⁰ While in the introduction of their book, Isin and Wood (1999) do not give an overview of the debates, they do point to key authors who have discussed their concerns with regard to the term “cultural politics.” The purpose of this literature review is to show the breadth of how citizenship is addressed in the field, rather than giving an in-depth analysis of specific concepts. My interest is to see how family members of the Air India victims use their citizenship rights as an instrumental term to advance their claims.

Dhamoon (2006), Isin's and Wood's (1999) earlier work also notes that one of the concerns is whether ongoing struggles for recognition brought on by different groups at different times in different places let groups transcend their identities or if they "succumb to essentialism and produce various forms of oppression" (p.15).

According to Isin's and Wood's (1999) definitions of citizenship, while identity is expressed in "juridical and legal norms that define the rights of the members of a polity... [it] begins outside the purview of legal rules and regulations" and is then brought into the legal field (p.19). Here is where the intersection of formal citizenship and group rights meet. Group identity is important because it is a process whereby "individuals recognise in each other certain attributes that establish resemblance and affinity" (p.19); thus, shared attributes of identity allow groups to form (p.20). The connection between citizenship and identity is that both provide individual markers and group markers. Isin and Wood (1999) thus emphasise the act of individuals, recognizing one another as members of a group, in this case, through group markers, which is an important component in how citizenship becomes defined and determined through people's actions (recognition). Citizenship is a "politics and practice" (Isin and Wood, 1999, p.21) and is enacted through the acts, which reflect diverse forms of belonging, and identity that individuals and groups express. Therefore, for Isin and Wood (1999), citizenship is guided by two principles that connect it to identity. First, citizenship can no longer be seen as unitary; it should be considered multidimensional (p.22). Second, to develop a relationship between the two terms, one must move beyond the essentialist and constructivist assumptions of identity and recognise the various inequalities that shape and influence identity (p.22).

This foundation helps establish a relationship between agency and citizenship, which recognises both the formal rights and responsibilities of citizens, and the fluidity of identity. For the Air India case study, with this formulation of citizenship it is possible to recognise how the families' own descriptions of their identities and their actions leading up to the Inquiry show the need for a citizenship-as-rights model. To develop this concept further, Isin and Wood (1999) turn to Stuart Hall, whose work helps draw

attention to the complexity of cultural identity and the agency of subjects, which means that they are not passive; rather, subjects are invested in multiple forms of identification, and their points of attachment are fluid and constructed (p.16). Similarly, Eva Mackey (1999) uses Hall's work to show that "identity is formed in the 'simultaneous vectors of similarity, continuity, and difference'" (p.24). For Mackey, Hall's work draws attention to "narratives of nationhood" and the various "sites of identity production" in which identity is represented (p.71). Mackey's use of Hall's definition of cultural identity is important because she shows how these identities are then managed in order to produce multicultural policies in Canada. Dhamoon (2006) also considers Hall's critique of the representation of race to show how "relations of power [are] rooted in symbolic categories as articulations and inscriptions of culture, gender, sexuality, disability/ability, class, racialization and ethnicity" (p.362). Dhamoon (2006) adopts an intersectional approach, which sees culture and identity "beyond ethnicity and geography to include constructions of identity through ideologies of disablism, ableism, hetero-normativity, capitalism, patriarchy, sexism, nationalism, colonialism, and racism" (p.362). Dhamoon's (2006) statement shows complexity with how subjects identify, arguing that citizenship must then factor in the agency of subjects working within these power structures.⁷¹

⁷¹ Expanding Hall's definition, his conceptualization of "culture" is deeply connected to identity and it directly challenges struggles of recognition, experiences of isolation and assimilation into a "host-state," and a diaspora's process of adapting to "host-countries," while remaining connected to cultural, social and political elements of their identity. This process includes keeping ties to the "home-country" even for people who are twice and thrice removed. Turning directly to Stuart Hall's (1990) text he argues, "identity is never stable, fixed, or unified. Rather [identities] are fractured and fragmented. Identity is embedded in histories, languages and cultures. As a result, identity is a process, one of becoming rather than being" (p.225). Hall develops the concept of identity in relation to diasporas and argues that these groups are subject to the "continuous play of history, culture and power" (Hall, 1990, p.225). Hall sees these identities as those which are constantly (re)producing themselves through "transformation and difference" (p.237). Identities are influenced by experiences and everyday life; furthermore, cultural identities are undergoing constant transformation and are far from being "fixed in some essentialized past" (Hall, 1990, p.225). For Isin, connecting Hall's (1990)

In arguing that the process of claiming rights needs to be considered an “act of citizenship,” Isin (2007) is also recognizing the political subjectivity of citizenship acts. Isin (2007) states that, “critical studies of citizenship over the last two decades have taught us that what is important is not only that citizenship is a legal status but that it also involves practices of making citizens—social, political, cultural and symbolic” (p.17). Isin, Nyers and Turner (2009) develop their view of *political subjectivity* from Hannah Arendt’s (1951) classic phrase, “the right to have rights” suggesting that, “Citizenship is about political subjectivity. Not one or the other but both: political and subjectivity” (p.1). These scholars consider that the process and ability to act is part of one’s citizenship. They suggest that, “before a subject can struggle to claim rights that subject must have already won the right to wage that struggle in the first place” (Isin et al., 2009, p.1). They do not assume that claiming rights is a simple, or a one-way process; they argue that in the struggle to claim rights, “a subject must have already also accepted that the right to have rights brings with it obligations. So then citizenship as political subjectivity is the right to have rights and obligations” (Isin et al., 2009, p.1). For Isin (2009), citizenship enacts the very conception of the political (p.370). Citizenship includes an

definition of identity to this definition of citizenship because the fluidity of identities is what constitutes the citizen as it becomes less and less defined according to geographical boundaries. For Hall (1993), “The nation-state was never simply a political entity. It was always also a symbolic formation—a ‘system of representation’—which produced an ‘idea’ of the nation as an ‘imagined community,’ with whose meanings we could identify and which, through this imaginary identification, constituted its citizens as ‘subjects’” (p.355). For Hall (1993), “There is no question, then, that the relative decline of the centralized nation-states, with their incorporating cultures and national identities, implanted and secured by strong cultural institutions, which claimed to be able to subsume all differences and diversity into their imagined unity, opens up profound ambivalences and fissures within the discourse of the nation-state...” (p.355). Just as identities are in transformation and never fixed, cultural recognition cannot be rigidly defined within a policy that does not recognise the various intersecting points that constitute citizenship rights. Hall’s understanding of cultural identity moved beyond identities associated with state citizenship. Likewise, scholars within the field of critical citizenship studies have used his cultural studies definition and applied it to their own frameworks.

understanding of the “actors of citizenship... as an instituted subject-position, [that] can be performed or enacted by various categories of subjects including aliens, migrants, refugees, states, courts and so on” (Isin, 2009, p.370). This point is important because it challenges how subjects must identify and/or be identified as legal citizens in order to enter a struggle within a particular power-imbalanced political structure. It also recognised the political subjectivity of those *acting* as citizens, even without formal citizenship status (see Nyers, 2004).⁷²

According to Isin (2007), citizens are connected, through state accords, national and international agreements, and other forms of global movement, “involuntarily in a web of rights and responsibilities concerning the environment (wildlife, pollution), trade (copyright, protection), security, refugees, crime, minorities, war, children and many other issues” (Isin, 2007, p.15). He argues that through “new subjects, sites and scales of struggle, citizenship, while typically understood as a legal status of membership in the state, if not the nation-state, [becomes] increasingly defined as practices of becoming claim-making subjects in and through various sites and scales” (Isin, 2007, p.17). The combination of *rights, sites and scales* in practice can be considered as the following:

The rights (civil, political, social, sexual, ecological, cultural), sites (bodies, courts, streets, media, networks, borders), scales (urban, regional, national, transnational, international) and acts (voting, volunteering, blogging, protesting, resisting and organizing) through which subjects enact themselves (and others) as citizens need to be interpreted anew. (Isin, 2009, p.368)

Thus, for Isin (2009) “the actors of citizenship cannot be defined in advance of the analysis of a given site and scale, which are its other central categories” (p.370). Site

⁷² For example, an individual may argue that in return for paying taxes, the state should provide basic services. This relationship between the state, citizenship and rights continues to be examined within citizenship theory, for instance, in terms of whether a government can restrict the rights of its citizens for the sake of its security.

and scale are important because the focus is on the acts of subjects, rather than on categorical markers of identity. To explain further, *sites* of citizenship are the “fields of contestation around which certain issues, interests, stakes as well as themes, concepts and objects assemble” (Isin, 2009, p.370) and *scales* are the scope of where and how these actions take place. By focusing on sites and scales of action, an act of citizenship requires the following as way to consider the framework in application: first, actors and their actions are not predetermined. Second, the acts produce “sites of contestation, belonging, identification and struggle” (p.372). Third, acts of citizenship are not limited geographically; they involve multiple and overlapping scales of contestation, belonging, identification and struggle (p.372). Finally, acts of citizenship focus less on what people say, and prioritize what people do, including the steps they take to mobilize for further action (p.372).

Considering the above arguments, connecting citizenship to agency and practice, the ongoing demands for a public inquiry by families of Air India victims, their demands for recognition and for rights, and even their act of testifying at the Air India Inquiry can be conceived as acts of citizenship. Their claims for rights not only support the view that citizenship is about the actions it takes to make a claim, but also support the position that citizenship can be understood through the very struggles of recognition themselves. The acts taken by family members call for a conception of citizenship that acknowledges the plurality of subject positions of those who are making claims for their rights. To understand their demands as acts, it is important to map the sites and scales (or intersections) of where their demands take place. This framework of citizenship-as-acts also compliments the Cultural Studies approach of this research project because the analysis a) maps the site and scale of where families’ acts occur, b) it recognises that their acts and their claims are part of the process of citizenship, c) which are determined through social struggle, and d) it conceives citizenship as connected to the actions and agency of marginalized groups who challenge power. In other words, the practices of the families shape the framework this project uses, rather than the framework being imposed on their practices. One of the aims of this research project is to map the acts of

family members in the demands for recognition (see Chapter Four). The framework conceives citizens through their acts as claim-making subjects; the idea is to open up the site of citizenship beyond the Air India Inquiry so the scope of their demands reaches beyond the parameters set by the Inquiry's Terms of Reference, which restricted the families' contributions to the Inquiry. Because the demands made by groups are not in isolation, the next step of analysis is to review how governments acknowledge these acts of citizenship. I argue that the demands made by groups can be co-opted through official government processes of recognition, and subsequently can be used to serve the government's objectives rather than serving those making the demands.

Section Two: Demands for Recognition

A Culture of Redress

In Canada, there are established government processes that can address group demands for recognition and redress, including official apologies, public inquiries, public memorial sites, civil lawsuits, forms of financial compensation, and other formal processes. When addressing these demands, governments have been critiqued for co-opting the issues as a way to put an end to public controversy, or for addressing the issues in a way that reinforces existing ideologies. This cycle of community-based-demands followed by forms of state-recognition can result in governments reproducing strategic and politicized narratives to fulfil their own objectives, rather than recognizing the concerns brought forward by groups. In Canada, formal recognition of injustices experienced by marginalized communities has tended toward reinforcing dominant discourses of Canadian citizenship and multiculturalism, which simultaneously erases the country's violent colonial history and ongoing treatment of Indigenous peoples and ignores discriminatory legislation. Framing demands for redress or recognition under

these existing discourses further institutionalizes a particular type of conventional citizenship instead of addressing the root concern of discrimination and injustice.

Demands for recognition and the responses from governments are complex. To understand this cycle, I examine two dimensions associated with the call and response process between governments and groups demanding recognition. First, I contextualize redress movements in Canada beginning in the 1980s as a way to showcase what types of political demands groups made over the past 35 years, and how the Canadian government responded to these demands. This context helps situate the bombing of Air India Flight 182 and the demand for a public inquiry by family members of the Air India victims as an act of citizenship. It helps articulate and define their demands for recognition in relation to the actions of other marginalized groups, rather than through the lens of the Inquiry. As I will explain in more detail in the next two chapters, even though family members of Air India Flight 182 victims did not ask for “official redress,” they did demand a public inquiry, greater accountability by the Canadian government, and public acknowledgement of the Air India bombings as a Canadian concern (rather than an Indian one). They also demanded recognition of their experience and their claims that discrimination shaped how the investigation was conducted, the trial and the interim period after the bombing.⁷³ The Canadian government responded to the demands of the families with the Air India Inquiry, memorial sites, a formal apology, ex-gratia payments, and a funded research centre (see Chapter Six).

The way family members of Air India victims use the term citizen is similar to other marginalized groups who have demanded redress and recognition (see Miki, 2004,

⁷³ As stated in the introduction of this dissertation, the steps the Canadian government took after the acquittals of Malik and Bagri, including an apology from the Prime Minister, the construction of four memorial sites, and the development of a research centre, typify the different government responses to demands for redress and public forms of state recognition.

2013; James, 2013; Cho, 2013).⁷⁴ Glen Coulthard (2007) draws a connection between demands made by groups and theoretical definitions of citizenship, noting that “The increase in recognition demands made by Indigenous and other marginalized minorities over the last three decades has prompted a surge of intellectual production which has sought to unpack the ethical, political and legal significance of these types of claims” (p.438). Coulthard’s (2007) research specifically examines the connection between indigenous justice movements in Canada and the federal government’s response to their demands for recognition and rights. In relation to redress, he uses case studies from Indigenous and marginalized communities to contribute to the theoretical “politics of recognition” debate (p.438). Importantly, the difference between demands made by Indigenous peoples and questions made by marginalized minorities about how the definition of citizenship is shaped both theoretically and institutionally in public policies. When discourses of citizenship are produced and used institutionally, its meaning also influences the common use of the term, thus while families of Air India victims may not be using any of the various theoretical definitions of multiculturalism and citizenship; these definitions still shape how they use the term in their testimonies.

⁷⁴ It should be noted that First Nations groups, in their rights claims and demands for recognition challenge the idea of citizenship and the European colonial institutions formed on Indigenous lands. Specifically, Matt James’ (2013) research distinguished between diasporic forms of redress from marginalized groups and Indigenous reconciliation. My research project draws a parallel between the citizenship claims made by so-called “ethnic” migrant communities and the demands made by Air India victims families, and thus draws upon literature that focuses on diasporic communities. My research aims to acknowledge Indigenous rights and struggle as much as possible, without confusing or conflating the very specific demands made and rights claimed by First Nations peoples.

Demands of Recognition and a “Culture of Redress”

My research project is situated in a twenty-five year period between the 1985 bombing of Air India Flight 182 and the release of the Air India Inquiry Report in 2010. It also takes into consideration the period that includes the 1970s and 1980s when key social justice movements, including Indigenous movements and racialised communities' movements, aimed to draw attention to historical wrongs and have these injustices remedied.⁷⁵ When many of these groups made their demands, they asked for redress or other remedies using existing government processes and institutions, which inherently ended up reframing their concerns according to the government's objectives and conditions, reinforcing existing power structures. The Canadian government has responded to demands for recognition in several ways, including through public funding for research and/or community projects, such as the “Canadian Heritage” project (James, 2013, 2014); official apologies (see Dean, 2013; James, 2009; Somani, 2011; Wakeham, 2012); and public memorial projects (Failler, 2012). While there is a necessity to have group demands formally acknowledged, government responses have been critiqued by scholars who claim that it has created a “culture of redress” (Henderson and Wakeham, 2009, 2013).

The phrase “culture of redress,” refers to “the overall pattern of governance arising from how a community engages its historical injustices. Grasping a redress

⁷⁵ Some examples of social movements taking place in the 1980s include the Indigenous movement demanding an apology for being forced to go to residential schools and their treatment in these schools; the Japanese Canadian movement seeking redress for violation of their rights, including their internment in Canada during the 1940s; Chinese Canadian movements that sought redress for head-taxes and restrictive immigration regulations; Italian Canadians seeking redress for their treatment during WWII; and the South Asian Canadian movement that mobilized for an apology for the Komagata Maru incident of 1914 and the continuous journey regulation designed to keep Indians from migrating to Canada. This chapter will examine three case studies from racialised communities to provide context for the demands for justice made by family members of Air India Flight 182 victims.

culture means grasping the recurring norms and assumptions that govern the community's apportionment of causal and reparative responsibility for historic wrongs" (James, 2014, p.1-2). Matt James (2014) outlines the demands for and locations of redress by communities as well as the structures in which they occur. To draw a parallel to Engin Isin's (2009) framework, the locations of these demands are the sites where acts of citizenship take place. Critically, it is important to note that the ways communities seek redress also can fall within existing governance structures. Like Bannerji (2000), Henderson and Wakeham (2009, 2013) argue, in a government's process of recognition, colonial injustices are often erased, and further mask the injustices experienced by Indigenous and other marginalized communities. This concern about erasure is best explained by their research on Stephen Harper's 2008 apology to Indigenous communities in Canada for their inhumane treatment in residential schools. Henderson and Wakeham (2009) argue that Harper's apology speech had the effect of erasing the colonial violence Indigenous communities experienced during Canada's colonial history and that the "apology manages never to invoke the category of colonialism, encoding a palpable absence that is not as far removed from Harper's subsequent outright denial of the 'history of colonialism' as it might initially appear" (p.2). The authors argue that, "In the last few decades, Canadian governments have joined those of other liberal-democratic nation-states in making apologies for historically distant, carefully circumscribed instances of so-called misguided state action, often rhetorically mitigated via references to the antiquated 'attitudes' of past eras" (Henderson and Wakeham, 2009, p.2). The 2008 federal apology for residential schools was preceded and followed by a series of other apologies (for Japanese Canadian internment, Chinese head-tax, and the Komagata Maru Incident of 1914). Knowledge of these apologies, "of these state-inflicted group injuries," and Canada's "proclaimed regret for them" marks what

Henderson and Wakeham (2009) describe as “part of the hegemonic understanding of Canada” (p.3).⁷⁶ They argue that official apologies not only erase past injustices, but also maintain a view that Canada actively reconciles these injustices.

The relationship between cultures of redress and multiculturalism is not coincidental. As the

range of cultural, political, and pedagogical practices enacted by heterogeneous agents, the culture of redress shapes particular notions of history and the political establishes what can count as a group injury and indeed what it is that can be injured, solidifies a sense of the ‘national state,’ and potentially naturalizes government response as well as the contingent identities of those groups forming themselves to make demands upon the state. (Henderson and Wakeham, 2013, p.10)

The increased global movement of people and migration to Canada due to the liberalization of immigration policy in the late 1960s onwards, has created the need for the federal government to develop multicultural policy to manage diversity (see Abu-Laban and Gabriel, 2002; Mackey, 1999). In this context, different forms of redress as well as multicultural policies have given governments a way to falsely present themselves as inclusionary and advocates of diversity (see James 2013, 2014; Mackey, 2013). For example, Matt James (2014) examines how community redress projects under the Canadian government’s Community Historical Recognition Program (CHRP) funding project are framed by discourses of multiculturalism, which erase nation-state colonial violence and racist ideologies (see also Henderson and Wakeham, 2011). For example, in 2013 the CHRP funding proposal listed a series of eligible wrongs communities could apply for and the final decision for funding was made by Citizenship and Immigration Minister Jason Kenney (James, 2014, p.5). Two eligible wrongs on the

⁷⁶ For a list of recent formal apologies given in the past three decades please see, *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Henderson and Wakeham, 2013, p.6).

list included proposals to fund projects on the Chinese head-tax, and the Komagata Maru incident of 1914. Attempts to end, or erase colonial practices and/or fold them into current narratives of cultural diversity and inclusion allow the writers of Canadian history to forget/skip over the extensive discriminatory regulations and differential treatments which were central to Canada's nation-building project. The discriminatory regulations were maintained under the banner of "white Canada forever." These regulations attempted to manage groups from immigrating and settling in Canada based on race and their country of origin (Ward, 2002).⁷⁷

James' (2014) research on the Truth and Reconciliation Commission (TRC) for Indigenous victims sent to residential schools shows that the government's "culture of redress" establishes a "no-blame/victim-centred" approach that resulted in a "broader Canadian resistance to blame and introspection" (p.7). He critically draws attention to the lack of governmental responsibility in the redress process when it comes to acknowledging responsibility for their (historical) actions. While each government had different political positions and responses to community demands, according to James, almost all their responses support and reinforce a culture of redress. For example, Mulroney's Progressive Conservative in the 1980s, as well as Harper's Conservative Government responded to demands for redress in different ways, but their responses

⁷⁷ As Sunera Thobani (2000) states, these "'keep Canada white' policies from the early 1900s, which had relied on overtly racialised categories in immigration policy, could be transformed once the 'whiteness' of the 'nation'—as a bicultural and bilingual one—had been secured..." (Thobani, 2000, p.18). To keep a nation white the Canadian government had to deter settlement of particular groups; to maintain this identity of the state, the objective was to show non-white migrants as a "threat" (Kazimi, 2011; Thobani, 2000). Similarly, Abu-Laban (1998) shows that with research on citizenship in Canada, one of the gaps in the literature is a systemic discussion about "immigration and naturalization" (p.70). She suggests that by looking at "Canadian power relations and immigration policy in relation to citizenship, it is possible to argue that there is an interrelationship between the criteria used to winnow out potential citizens, as established through state immigration laws and policy practices, and existing inequities based on gender, race/ethnicity, and class among Canadian citizens" (Abu-Laban, 1998, p.70).

still emphasise a nation-building project embracing multiculturalism. James' (2008) research reviews the differences and inconsistencies with how group demands have been addressed by governments over the last few decades. He argues that group experiences of discrimination and demands for justice from governments and institutions are complex in their own right, including how groups use different government apparatus to have their demands answered. Many of the acts and claims made by marginalized communities fit within the framework of "Canadian citizenship." As both Lily Cho (2013) and James (Sa'Ke'J) Youngblood Henderson (2013) note, for many of these migrant groups, access to the full rights and promises of citizenship is seen as a step forward, whereas for Indigenous peoples, citizenship is a term that reinforces settlement and colonization. In this way, the three case studies highlighted in the next section exemplify the complexities involved in immigrant communities' demands for redress, and despite the differences in each case, they all utilize citizenship to assert their membership in Canada (see Dhamoon and Abu-Laban, 2009). The groups' use the term citizenship in ways that show their belonging to Canada, and while this project addresses the actions taken by immigrant social movements, the complexity of the issues faced by Indigenous peoples should not be equated with the issues faced by immigrant communities. Instead of outlining the formal government processes for redress, in the following section, I show the actions these groups took in demanding their rights. I map the actions taken by these groups to show their agency in order to show how their mobilization for recognition and/or redress can be constituted as acts of citizenship.

Demands for Justice, Redress and Recognition

In the 1980s, three historically racialised groups—Japanese Canadians, Chinese Canadians and South Asian Canadians—challenged the federal government about its role in segregating their communities, with racist regulations and violence targeted against them. Within the 1980s context of redress-seeking (both formal and informal—as is the case for Japanese Canadians), the Air India bombings occurred and family

members began demanding recognition from the Canadian government about their ill treatment. During this time period, Japanese Canadians were mobilizing as a community to demand recognition, redress, and remedies from the Canadian government for their ill treatment and displacement during the 1940s.⁷⁸ As Roy Miki (2004) writes, “between March and October [1942] their [Japanese Canadians] citizenship rights were revoked, their properties, businesses, assets and personal belongings seized—and, soon after, sold without their consent—and larger groups were scattered to what the government called ‘resettlement camps’ but which in fact were sites of confinement” (p.2). Under internment, the Canadian government tried to justify the removal of legal citizenship for Japanese Canadians.

Without formal citizenship, the government had deemed it legal to deny Japanese Canadians their economic, social, and political rights, and any other liberal rights such as freedom of mobility and freedom of speech. The challenge, as Roy Miki (2004) writes, is that citizenship for racialised minorities is often unstable and their legal status and civil rights can be stripped away at any moment and without cause (also see Bannerji, 2000). In the 1980s, the Japanese Canadian community began to seek redress for their internment. Importantly, “official redress” did not begin right away; rather it was a process created and defined as the community mobilized and acted in defence of their rights, and made demands for recognition. Eventually, formal redress conditions were negotiated and a definition for redress, as created by the community, was established.

⁷⁸ Roy Miki (2004) notes that the Japanese Canadian redress movement began gaining momentum in the 1980s after the Japanese Canadian Centennial Project (JCCP) redress committee transformed from a study group to an activist group. Miki (2004) states that the group was “driven by the belief that the question of redress should be faced by Japanese Canadians” (p.145). According to Miki (2004), the group was moved by the civil rights movement, which took place in the 1960s in the USA, with the need for “racialised minorities to speak back to social injustices and inequities” (p.145).

As defined by the Japanese Canadian Centennial Project (JCCP), the meaning of redress had two components, first it was “an act of setting right a wrong” and second, in acknowledgement of the wrong, “members of our community who were unjustly treated during the war years should now receive some form of compensation” (JCCP as cited in Miki, 2004, p.139). The Japanese Canadian community mobilized to get public recognition and redress from the Canadian government for their experience of racism and discrimination. Renisa Mawani (2004) notes, “the Japanese Canadian Redress Order, albeit equally contentious, has set an important precedent by awarding compensation to Japanese Canadians while at the same time very narrowly setting the social and legal parameters for recognizing past racial harms” (Mawani, 2004, p.141). I argue in this dissertation that these legal parameters are significant because the government process used to acknowledge the demands of marginalized groups sets limitations to the demands community groups made when they seek from redress and/or recognition.

Importantly, Roy Miki (2004) traces the actions by members of the Japanese Canadian community to seek redress. He documents how the National Association of Japanese Canadians’ (NAJC) redress committee used newspapers, talked to government officials, rallied people, and held vigils to draw attention to the injustice—and the erased history—of Japanese Canadian internment. Miki’s (2004) research can be used as an example of how other marginalized and racialised groups have made demands for recognition of their experiences of injustice. Importantly, his research shows the Japanese Canadian community’s complex relationship with news media and with government officials. In particular, he provides an example of how the media framed the steps the community took to rally Members of Parliament in Ottawa. Miki (2004) provides a detailed account of conversations he, along with other members from the Japanese Canadian community and members of the NAJC, had with reporters from CBC television and their interest in the “more activist stance towards redress” (p.147). Miki (2004) states,

Our CBC contacts wanted to give the feature more edge and currency by highlighting 'voices' advocating redress. The three of us who appeared were not only misidentified... but viewers were led to believe that we spoke for an 'association representing 45,000 Japanese Canadians' who would be going to Ottawa for following spring 'to make their case for compensation.' (p.147)

Importantly, this example shows how Miki, also a member of the NAJC's redress committee, traced discrepancies in the reporting of the redress protests, a result of his research solely using news articles written about Japanese Canadian redress to tell the story of the movement.

In their acts to mobilize, the Japanese Canadian community created a survey to determine what kind of redress they were looking for, including questions about monetary compensation and forms of public acknowledgement (Miki, 2004, p.150). Importantly, Miki (2004) highlights that the conditions for redress took time to formulate, and while there were internal challenges, by 1985, the word redress "took a life of its own" (p.153). This was significant because even within the Japanese Canadian community, the word "redress" had different meanings attached to it (p.153), and the objectives and demands of the groups varied, including within various committees. Once the Canadian government agreed to the terms of the Japanese Canadian redress, in 1988, the Mulroney government delivered an official apology in the House of Commons, and in the following years members of the NAJC and officials negotiated terms of agreement (Miki, 2004). The NAJC was seeking an official acknowledgement of the injustices, and both individual and community compensation.⁷⁹ Eventually, the official redress agreement for Japanese Canadians included compensation of "tax-free

⁷⁹ In his book *Redress* (2004), Roy Miki outlines a list of the agreements made for redress (p.9). The agreements included \$21,000 in individual compensation with stipulations and \$12 million to the Japanese Canadian community for projects administered by the NAJC.

payments of \$21,000 to roughly 18,000 survivors, [it] established a \$12 million community development fund, and earmarked \$24 million to create the Canadian Race Relations Foundation” (James, 2008, p. 140).

Within this redress process, Miki (2004) discusses the power of nationalism: the “movement to seek redress was born out of Canadian conditions, and placed us deeply inside the language of this nation’s democratic values” (p.11). Miki (2004) notes that one way to resist racialization was to default to the term Canadian, “a term that declared membership in a citizenry...” (p.14). In other words, to reclaim their rights and identity as citizens of Canada, Japanese Canadians were “narrating themselves into the nation” (McAllister, 1999, n.p). McAllister (1999) critically examines this way of identifying to show how Japanese Canadian activists developed a “narrative, which functioned to assimilate [themselves] into the history of the Canadian nation” (n.p). McAllister criticizes the paradox of this approach, arguing “While at a legal-political level this aided them in their negotiations for redress, at a semiotic level it functioned to erase the specificity of their experiences” (n.p.). The combined effects of the erasure of a community’s heterogeneity and adoption of the Canadian narrative of nationalism reinforces an assimilated meaning of Canadian, one that stripped away the cultural complexities of one’s identity.

To build on Miki’s (2004) explanation of how redress was born out of the “Canadian condition,” I turn to the acts of discrimination and discourses of multiculturalism by using the example of the Chinese Exclusion regulation and head tax (1900-1922). Renisa Mawani (2004) critically examines the Canadian nation-state in relation to the head tax, and she states, “Chinese Canadian demands for redress have been read through two liberal national-racial myths that are generated by, circulate within, and [are] sustained [by] Canadian discourses of multiculturalism... these mythologies have influenced the juridical and public responses to head tax redress” (p.128). These two dominant narratives see Canada as a nation that has been “settled” by immigrants who “chose” to migrate (p.128), and second, it produces a model minority narrative (p.129). Like Bannerji (2000) and Mackey (1999), Mawani (2004) argues that

these two narratives “work simultaneously (and often converge) in ways that erase Canada’s colonial racial history and its legacies” (p.128). In 1984, the Chinese Canadian community sought redress and compensation from the Canadian government for the injustices faced by Chinese migrants at the turn of the century. As Mawani (2004) notes, “notwithstanding the federal government’s repeated refusal to engage with the issue of redress, those seeking head tax compensation [... pressed] for a political solution” (p.134). The methods of participation include mass letter writing campaigns directed at Canadian leaders, and other more imaginative forms of political engagement, including a class action lawsuit in court (Mawani, 2004, p.134). Mawani (2004) talks about how compensation and the experiences of Chinese Canadians were handled in the courtroom setting, ignoring the racial and political reasons behind the head tax and the Chinese Exclusion regulation. She writes, “at the Court of Appeal, Canada’s colonial racial histories were further diluted through liberal narratives of immigration as ‘choice’” which reflects notions of a particular Canadian identity based on whiteness” (p.137). To pursue their activist goals, Chinese Canadians needed to write a “counter-narrative” to challenge dominant discourses of migration and settlement (Mawani, 2004). One of the key concerns here can be tied directly to citizenship insofar as Chinese Canadians chose to be a part of Canada, choosing to become nationally Canadian. This is clear in the conflation of two separate events: reasons for and the desire to migrate to Canada contrast Canada’s discriminatory regulation and legislation to restrict the process and impose limitations on those who have already migrated. Mawani (2004) also draws on concepts of multiculturalism used to shape both the theoretical discourse of citizenship as well as Canadian government policy in the 1980s. Japanese Canadian redress and the Chinese Canadian head tax redress both show how community groups seek redress or recognition of their rights and increasing public awareness of their experiences of injustices through government structures. The forms in which redress is sought, and under what conditions, are different for each group, including how the term redress is put into action (and informally and formally). The examples reveal the frameworks of citizenship that groups use. The ground up approach starts by identifying the acts of

individuals and groups in their claim-making processes, in contrast to approaching citizenship through formal state structures and definitions. What is evident is that during these redress cases, both the sites and scales of where and how citizenship is practiced moved beyond government structures and into the spaces of individuals, communities and groups. This is important to consider for the Air India bombing case especially because the government—the formal structures—refused to recognise the families' demands. Thus instead, families started practicing their citizenship in sites and scales outside the formal government structures.

A third example relates to the members of the South Asian community who demanded recognition of the violation of their rights during the Komagata Maru incident of 1914. While the Air India bombings in 1985 also relate to this community, both incidents occurred at different historical times and under different political conditions, therefore the intention is not to present the incidents in sequence or as interchangeable with one another, rather the goal is to show that members of the South Asian community at different historical periods have organized to demand recognition from the Canadian government in complex ways and for diverse issues.

One of the earliest incidents where South Asian Canadians demanded recognition of their rights can be traced to the Komagata Maru incident of 1914. Early migration of South Asians to Canada, beginning at the tail-end of the 19th century, fuelled the anti-Asiatic sentiment in Vancouver at the time. The arrival of the S.S. Montezuma in 1907, carrying people from India, sparked fear in British Columbia's white community who assumed that this ship's arrival would bring "masses of South Asians" to the West Coast of Canada (Buchignani et al., 1985, pp.14, 22). As Rajender Kaur (2012) states, "in the wake of the 1907 anti-Asiatic riots in Vancouver, the 'continuous journey' provision established by the Canadian government in 1908 made it a requirement that "each person disembarking have \$200" (p.151). Similarly, the continuous journey provision was enacted to curtail immigration from Asia and India to Canada, and to keep migrants from South Asia out of the country. This regulation stated that ships coming to Canada must arrive in one continuous journey, and that ships could not stop at any other

ports for fuel or to pick up passengers. Considering ship transportation systems, boats from South Asia could not travel directly to Canada without refuelling. The provision also indicated that passengers must depart from their country of origin. The first test of this provision was in 1908 when a ship from Fiji (a British colony with indentured labourers from India) arrived in Canada and the passengers of Indian origin were denied entry because they did not come from their country of origin (Buchignani et al. 1985, p.24). Then, in 1914, the S.S. Komagata Maru, a chartered Japanese ship carrying 376 passengers, was denied entry into Canada based on this discriminatory provision. The passengers on the ship were mostly Punjabi Sikhs with some Hindus and Muslims; the passengers were almost all men, except for two women and a baby girl. Most of the ship's passengers never set foot on Canadian shores, with 352 of the 376 people on-board forced to return to India (Johnston, 1989). This forced departure exemplifies the extensive administrative steps taken by the Canadian government to attempt to keep Canada white (Ward, 2002).⁸⁰ Leading up to the ship's arrival and during its time docked in the port, members of the South Asian community and others had already challenged the discriminatory immigration legislation leading up to the 1914 Komagata Maru incident (see Abu-Laban, 1998; Agnew, 1993; Basran, 1993; Johnston, 1989; Thobani, 2000). South Asian Canadians justified the requests by stating that they were good British subjects, entitled to fair treatment, and were allowed movement in any British colony because of British rule in India. There is a clear connection to claims of being British subjects and being citizens in their statements.

While today, researchers are still working on documenting the actions of the Punjabi South Asian community, examples of activism by the contemporary community include mobilization to have the Komagata Maru incident acknowledged in 1989 for the

⁸⁰ Peter Ward's (2002) book was originally written in 1978; a reprinted version from 2002 is the version referenced for this paper. "White" is being referred to a very specific, British body. Not all western Europeans were included in this category.

75th anniversary of the incident and in 2014 for the 100 year commemoration. The Punjabi South Asian community also asked for an apology for the Komagata Maru incident (Somani, 2011). In 2008, Harper's Conservative government apologized for the Komagata Maru incident during the *Ghadri Baba Mela* (festival) held at Bear Creek Park in Surrey, B.C., while the Provincial government formally apologized in the Legislative Assembly during session (see Somani, 2011). Stephen Harper's apology received mixed reactions from the South Asian community for two reasons. First, the event chosen by the Prime Minister to offer the apology was at a commemoration event remembering Ghadar revolutionaries who fought for India's independence against British rule. Second, community members argued that the location of the apology (outside of the House of Commons) reflected the "haphazard approach" by Harper that he took during the event (see Kaur, 2012; Somani, 2011). In her analysis of the negative reaction to the delivery of the apology, Alia Somani (2011) argues that, "even if official apologies are meant to be strategies of containment, they offer considerable opportunities for minority resistance" (p.2).

In her interview with South Asian Canadian activist (and now Member of the 41st Parliament) Jasbir Sandhu, Somani "presented the argument to him that apologies are instruments of state-power" (p.6). Sandhu, who had been working with others for over 10 years to demand for an apology, responded to Somani (2011) by stating, "It's not about money. What we want is an apology in Parliament. It's the right thing to do. It's not about the Canadian government getting down on its knees; it's simply about recognizing that this happened' (15 May 2009)" (p.6). From Somani's (2011) correspondence with Jasbir Sandhu, she concludes that, "the apology is important for pragmatic reasons: First, it establishes the original wrong as part of the historical record, and second, it symbolically grants inclusion into the nation to a community that would otherwise feel excluded" (p.6). These three case studies show that, at times, part of the process for marginalized communities include being heard and acknowledged formally by the government.

Demands for Recognition and Air India Flight 182

These three case studies are examples of challenges by marginalized groups against the Canadian government for racially discriminating against them. Similarly, after 1985, family members of Air India Flight 182 passengers challenged the Canadian government by demanding recognition. This challenge has important parallels for how redress (not in the formal sense) has been sought by other communities. Their demands for a public inquiry, claims for their citizenship rights to be recognised, and their need for the Air India incident to be publicly acknowledged will be analysed in terms of their mobilization. I argue that the steps they took can be considered as acts of citizenship and thus have documented their actions, rather than focusing just on the outcomes. Because the bombings occurred within the context of identity politics and other rights movements in the 1980s in Canada, it is important to recognise the potential influences of these three cases on both the Canadian government and the families—even though I am cautious about clustering these cases together because of the differences between them.

What was unique and particularly complex about the Air India incident was that it drew attention to acts of violence and terrorism undertaken by a specific group of people in the South Asian Canadian community, thus creating a split in the community between the victims and the perpetrators. This resulted in further marginalizing the community. The Air India families' demands for redress fit into a culture of redress because of how the Canadian government eventually responded to the families. For example, the Canadian government responded with a series of official actions such as a formal apology, the construction of four memorial sites located in Vancouver, Toronto, Montreal and Ottawa, and the development of the Kanishka Project, named after the aircraft. Furthermore, family members of Air India victims, in their testimonies, speak about the public inquiry as a site where they are able to share their experiences with other Canadians. In Lata Pada's testimony, as referred to in the introduction chapter, she states the following:

So let us ask ourselves, why are we here today? Is this Inquiry about closure for the families? Is this Inquiry about fulfilling a campaign promise or is it about appeasing a group of South Asian Canadians or is it only about acknowledging their patience, perseverance and dignity? Is it about *redressing* a wrong that has become a stain on our national conscience or is it to demonstrate that Canada cares? Is this Inquiry about sending a message to the world that Canada is not soft on terrorism? It is about all of the above and more. For me, the Inquiry is about accountability, a public acknowledgement of the past wrongs that have plagued the Air India bombing. (Public Hearings, 2006, pp.73-74, *emphasis added*)

As a form of redress, public inquiries act as a form of public recognition. Another example of family members seeing the Inquiry in terms of official recognition is the testimony of Vijay Kachru and Meera Kachroo. Vijay Kachru, who came to the Commission with her niece, lost her mother in the bombings. Meera Kachroo, accompanied by her aunt, read a statement to the Commission on behalf of her parents. Meera Kachroo read the following statement:

The impact of the Air India crash, followed by more than two decades of investigation, inquiry, two trials, commissions and constant media reminders do not allow us to heal. There has not been, and in the foreseeable future will not be, closure, public closure to our private tragedy. We, the families, and Canadians in general, have been told that prior to the crash and following the terrorist action all concerned responsible parties, like the RCMP and CSIS, acted in an appropriate manner. Then what went wrong?

The impact on us is that we feel we are being lied to, that there is no accountability on behalf of the Government of Canada or its agencies that in fact mistakes were made and the responsibility for those mistakes is that of the government. We feel that because the majority of the victims and their families were from a visible minority we were not treated with the respect and dignity that should have been accorded Canadians. This brings to mind the injustices done to Japanese Canadians and their 50-year long struggle to have the government take responsibility for its form of terrorism.

Maybe a more successful outcome of a case of government mismanagement being brought to the public eye is the recent Arar case.

We feel that the process of commissions and inquiries has not been and will not be satisfactory. We have lost faith in these processes as ways to reach the truth. The government and its agencies should be forced to take responsibility and be accountable for the mistakes that were made so that some changes can be made. Perhaps a class action suit is one way of forcing some accountability, but in this case it is out of the question as there was a lawsuit and it was settled back in 1991. (Public Hearings, 2006, pp.778-779, indentation in the original)

The ways in which the Inquiry represented a site of redress for family members of Air India victims parallels to the way in which Lily Cho (2013) claims demands for redress against the racist head tax legislation against Chinese Canadians. Cho (2013) shows that the actions of community movement represent a way for “minoritized communities to work in solidarity” (p.88). She argues that these movements make a demand for models of citizenship “that rigorously protects the ideals of equality and social justice in political practice” (p.88). Even though the outcomes of the Japanese Canadian and Chinese Canadian head tax redress movements were arguably co-opted, their actions still address histories of racism within Canadian citizenship itself, while also showing the diverse perspectives within their communities.

Conclusion

Within this political context, the bombing of Air India Flight 182 turned the Canadian government’s attention to concerns about security and terrorism. Family members of Air India victims affected by the bombing began asking for government support—in terms of counselling, economic and financial support, and for information about the criminal investigation, yet these services were not provided. This section of this chapter is important because it shows what could be considered acts of citizenship and how this framework reveals the political subjectivity and agency of individuals and groups as citizenship. In terms of the limitations of Canada’s formulation of citizenship itself, the first section of the chapter points to a history of policies based on exclusion

rather than inclusion, which directly targeted marginalized groups. This chapter sets the framework for this research project, while recognizing the limitations of existing frameworks citizenship. Rather than focusing only on examining and uncovering issues of race and discrimination, this examines how communities demand their rights, and in what ways.

Chapter 4.

Demands for Recognition: Leading Up to the Air India Inquiry

Chapter Four has two objectives: the first is to use the testimonies of Air India victims' families to provide an alternative narrative about the Air India bombings, a narrative that neither reproduces dominant discourses of anti-terrorism and security nor frames the incident as solely an Indian issue rather than as a Canadian one. The second objective is to trace the families' demands for information, support services, and justice by examining the actions they took to keep public attention on the bombings and to lobby the Canadian government for a public inquiry. I trace their actions, such as contacting the media, holding demonstrations, meeting Canadian officials, and organizing into family groups as "acts of citizenship" (see Chapter Three). As Engin Isin (2012) emphasises, citizenship is practiced and should be understood through activities, political struggle, and claims for recognition. As I discussed in Chapter Three, these moments of contestation, the actions subjects take to face adversity, can be analysed as "acts of citizenship" (Isin, 2008, 2009, 2012).

In 2006, the Air India Inquiry heard testimony from the family members of Air India victims, each detailing the personal impact the bombings had on them and what they hoped the Inquiry would achieve (for a list of participants, see Appendix B). Their testimonies clearly show their demands for justice and require further examination into how their demands were left out of the official record of Air India bombings. Each testimony is rich, providing detailed descriptions of their family members and their experiences hearing about the bombing. The families' testimonies explain the lack of

information and services they received from the Canadian government over two decades, and their treatment as “second-rate” citizens of Canada (Public Hearings, 2006, p.47). Their experiences of discrimination resulted in families mobilizing to get information and services by contacting members of the media, Air India Airlines, airline ticket agencies, the RCMP, and/or Canadian government officials. A comprehensive examination of the Air India incident from the perspective of the families is absent from dominant discourses of the bombing produced in public documents such as transcripts from the criminal trials, government documents, Inquiry documents and media reports. Before the Inquiry, materials about the families’ experiences were highly fragmented and could only be found in news media clips or texts they produced themselves (see Introduction). The family members of Air India victims also knew the Terms of Reference and the mandate of the Inquiry before giving their testimony, thus their statements may have been influenced by these parameters (see Chapter Two for a description of the Terms of Reference and see Appendix C for a copy of the Air India Inquiry’s Terms of Reference).

As primary source material, the families’ testimonies provide insight into their diverse, individual experiences, as well as their collective demands for justice. Each testimony operates at a personal level, providing detailed information about their family life, the loss of loved ones, professional position, religious communities, and intercultural connections, as well as the unique and difficult circumstances they faced after the bombing. The testimonies also operate at a group level, showing their collective demands for a public inquiry and the need for the Air India bombings to be publicly acknowledged as a Canadian tragedy. Their individual and collective statements show how family members struggled to identify themselves in a context where their own government has failed to recognise them as Canadian citizens. They make direct statements in their testimonies about how their citizenship rights were denied to them by the Canadian government.

Engin Isin’s (2009) model of citizenship argues that the definition of citizenship should be understood by these identity claims and that these claims can be understood

through the activity of citizens in their political struggles for justice. He argues, “It is social and political struggles that connect and combine demands and claims and articulate them through available sources (legal, illegal, social, cultural, religious or other)” (Isin, 2012, p.109). As argued in Chapter Three, Isin (2012) states that citizenship needs to be understood as “acts” and should not be confined to either legal status or to the rights already given to subjects (he refers to the later approach as “citizenship as habitus”). For Isin, citizenship as acts means “we would be interested in how people constitute themselves as political subjects by the things they do, their deeds” (Isin, 2012, p.110). Isin (2009) provides a framework that maps the “sites” and “scales” in which these “acts of citizenship” take place. In paraphrasing Schattle, he argues “What we need to understand is how these sites, scales and acts produce new actors who enact political subjectivities and transform themselves and others into citizens by articulating ever-changing and expanding rights” (Isin, 2009, p.368). For Isin (2009), “sites” are the places of contestation and scales are the scope of where these actions are applied (see Chapter Three). Definitions of citizenship and the citizen are also flexible because our rights are ever-changing and expanding. Using Isin’s (2009) acts of citizenship model, I show that the families’ testimonies provide clear descriptions of the actions they took to demand a public inquiry and why they felt the Canadian government’s response to the bombings was severely inadequate. The testimonies reveal several sites of activity, the scale of the demands, and the actions they took to have their demands met. Their testimonies show how the Canadian government failed to provide the families with key information about the bombings, basic services, and justice in terms of determining who was responsible for the bombings.

In this chapter, I use the families’ testimonies from the Inquiry to examine the actions they took to pressure the government for information and for a public inquiry (at different times, sites and scales). This requires not only presenting their claims, but also describing in detail how they mobilized to make these claims. It also requires cross-referencing their activities using other available material circulating about the bombings, including government documents and news articles produced by the media (even though

I critique this material for framing the bombings mainly through anti-terrorism and security discourses). For this chapter, the emphasis is on the “sites” and “scales” where the families’ demands took place and how they developed, beginning with the frustration families experienced with the lack of information and services provided to them, and continuing to their collective demands for recognition (Isin, 2009). This includes providing detailed descriptions of their varying experiences hearing about the bombings and the initial steps they took to find out more information, travelling to Ireland (the site of the crash) and the experiences they had in Cork, and upon their return to Canada, their experiences demanding the government for information for over two decades. It includes mapping their interactions with members of the media and government officials, and descriptions of the physical locations where actions took place such as their homes, memorial sites, meeting locations, places where rallies and vigils occurred, RCMP offices, the courtroom and the site of the public inquiry (Chapter Five will specifically examine the site of the Air India Inquiry in further detail).

Air India Discourses: Ideology and Representation

I begin this chapter with a critique of public discourses to show how marginalized groups are racially represented in these documents. I provide a critique of the mainstream media and samples of articles written about the Air India bombing to show the need to not restrict the primary corpus for this study to these texts. This allows me to shift the focus away from media and government frameworks to use alternative perspectives about the case (specifically focusing on the collection of testimonies of Air India victims’ families as a counter-narrative on the bombings).

In terms of the texts written about the Air India bombings, according to Maya Seshia (2013) and the Hansards, narratives produced in government discourses have focused on growing fundamentalism in Canada and the threat of Sikh extremism, the need for further aviation security and anti-terrorism policies, and about the missteps in

the investigation into the bombings by the RCMP and CSIS (Roach, 2005; Farson, 2010; Air India Inquiry Report, 2010a, 2010b, 2010c). Media attention on the Air India incident is more complex than the discourses found in government reports as they focus on a wider range of topics than are assumed to be of interest to their readers, including the criminal investigation, potential suspects, motives for the bombings, and the need for Canada to have improved its anti-terrorism legislation and security, and the families' experiences.⁸¹ As I will discuss below, the narratives in the media coverage of the incident are diverse. Some media reports show support for the families, while other reports racially profile Sikhs.

The families' testimonies are used as the primary set of documents for this dissertation because of the ideological ways in which the media and government documents frame the Air India bombings. I also understand the testimonies to be framed by certain normative discourses, which will be critiqued in Chapter Five. While Chapter Five brings attention to the instances when families reproduced normative discourses of the multicultural citizen, their testimonies also provide an alternative way to develop an understanding of the Air India bombings. In this section I provide a brief review of scholarship that examines the representation of marginalized groups in the media and other dominant institutions. The overview is necessary because in some cases, I rely on media sources, whether to supplement and crosscheck the testimonies or for factual information, because along with government documents, they are one of the few publicly accessible sources of information that cover the incident from 1985 onwards. I thus need to consider the framing when using media reports (and

⁸¹ In addition to the Air India Inquiry, the *CBC*, for example, has continued to archive information and its in-depth report on the Air India bombings and a documentary was recently released. Certain journalists from different media channels have been following this case since it first occurred in 1985. The Air India incident has been documented by sectors of the Canadian Government, in media reports, and by journalists, such as Terry Milewski, Salim Jiwa, Kim Bolan, and Gurpreet Singh.

government documentations) for information—specifically the under-representation and misrepresentation of racialised groups. Considering the limited academic work available on this case study, government documents and media reports remain two of the main sources of information about the Air India incident. Because I use these documents to supplement the testimonies, given their bias, I provide a critique of how they produce dominant, ideological discourse. Critical Race Studies and Cultural Studies scholars caution readers about the media, and their misrepresentation and/or under representation. Thus, it is important to pay attention to the ideological effects of dominant discourses when examining media and government documents. For Stuart Hall (1996), ideology means:

[T]he mental frameworks—the languages, the concepts, categories, imagery of thought, and the systems of representation—which different classes and social groups deploy in order to make sense of, define, figure out and render intelligible the way society works. (pp.25-26)

Hall (1996) argues that the problem of ideology is in the ways it “grips the minds of the masses” (p.25). In particular, Hall draws attention to language and how it can “stabilize a particular form of power and domination” in relation to how marginalized groups are represented in these discourses (p.26).⁸² In my study of the Air India case, one example of how, without critical reflection, it could “stabilize...power and domination” (p. 26) would be to reproduce anti-terrorism discourses produced in the media or in government documents that sensationalize the bombings while racializing the suspects.

Importantly, the objective is not to dismiss all the information produced by the media or governments, but to draw attention to the ideological discourses constructed within their texts, and to ensure they are not unconsciously reproduced in this study of

⁸² Stuart Hall (1996) traces the definition of “ideology” primarily by tracing a lineage of work from scholars such as Marx, Gramsci and Althusser.

the issues regarding the Air India bombing. The challenge is balancing a critique of these discourses, while simultaneously drawing on them as sources for factual information about events. This includes effectively using information from media and government documents to help describe the actions and activity of the families regarding their demands for justice in the period leading up to the Inquiry as a way of documenting what happened. The way public discourses circulate meaning is significant for this project in terms of understanding what we know about the Air India incident. Yasmin Jiwani's (2006) research shows that dominant discourses can become so normalized that they enter everyday communication and are often taken for granted. She states,

As with the positioning and perception of different groups in society, the shared language of power as it is discursively communicated by dominant institutions (such as the media, the medical system, the justice system, and the education system) influences the categories by which the world is defined. Hence, certain definitions of violence are normatively enshrined—they are taken for granted and influence the ways in which violence is understood in everyday thought and talk. (Jiwani, 2006, p.6)

Here, Jiwani is drawing attention to discursive power structures and the institutions in which they are produced. This includes the justice system, government institutions, and also public inquiries (Razack, 2008). It also includes the taken-for-granted nature of anti-terrorism and security discourses and the power these discourses have to shape our everyday understanding of a topic. Sherene Razack's (2008) submission to the Air India Inquiry⁸³ refers to Jiwani's critique of media discourses in relation to systemic racism to show how systemic racism operates in institutions. Razack (2008) argues, "if we consider systemic racism in the media, for example, the problem is not that active racists

⁸³ Sherene Razack is a Professor at the University of Toronto. She was asked by AIVFA family members to provide a submission to the Commission on systemic racism. Razack's (2008) submission was used in the AIVFA's submission of recommendations to the Commission, but not adequately addressed or included in the final Air India Inquiry Report.

run the media. Instead the media draw on particular kinds of representations to communicate 'a common sense stock of knowledge' about racial minorities" (p.7). Razack (2008) then connects the narrative of systemic racism in the media to other institutions, such as policing agencies. She argues that, "police officers also work in an institution that is majority white. The police form a social elite that has a key role to play in the symbolic and material arrangements of a racially ordered society" (Razack, 2008, p.8). Importantly, this scholarship calls for careful analyses of how discourses are produced and reproduced by institutions in power and Razack's (2008) work specifically relates to the Air India case. In her analysis, Razack (2008) argues that, "The RCMP gave no indication that they took Air India's warnings seriously" (p.12) and "Perhaps no evidence indicates the presence of an ethnocentric, if not a racist approach to threat assessment more than the issues surrounding translation of surveillance tapes" (p.16). The scholarship informs my approach to analysing the institutional power of and control over Air India discourses. Furthermore, the testimonies of the Air India victims' families reveal that these institutions are more complex, especially in their ability to receive and transmit information. For example, at times families relied on the media and/or on government officials for information about the bombings, and they also spoke with representatives of these institutions to make public statements regarding their demands on their behalf.

Considering this critique, institutions like the government and media, can be viewed as a double-edge sword, providing factual information about current affairs to the public, while also producing, framing and discursively constructing them in racializing ways. Robert Jensen (2005) argues that while contemporary news production provides public information, despite "the inordinate power given to official sources (primarily government and corporate) in the professional practices of journalists, news accounts are often dominated by 'facts' that come from those power centres, not from independent inquiry" (Jensen, 2005, p.3). One way this power is evident is in the racialization of marginalized groups. Canadian scholars in the field of critical media studies, such as Jiwani (2006) and Mahtani (2001), have contributed to a body of

research that examines how marginalized groups are negatively represented, discriminated against, and stereotyped in these discourses. This academic work examines how racialised people and communities are misrepresented, underrepresented, gendered, stereotyped and/or completely erased from the public sphere. Additionally, Mahtani (2001) states, the “journalistic focus on balance, objectivity, and impartiality does not mean that everyone receives equal treatment in media representations” (Mahtani, 2001, p.99). Often minority groups are excluded, while the dominant culture is reinforced as the norm. Minelle Mahtani’s (2001) research on Canadian media and minority identities provides a comprehensive literature review of the misrepresentation of racialised individuals and groups. In her work, Mahtani (2001) suggests an alternative approach to understanding the media. She states,

The media provides an important source of information through which citizens gain knowledge about their nation, and our attitudes and beliefs are shaped by what the media discerns as public knowledge. The media is directly responsible for how Canada, in all its diversity, is interpreted among its citizens. Simply put, the media is responsible for the ways that Canadian society is interpreted, considered, and evaluated among its residents. (Mahtani, 2001, p.99)

Mahtani draws attention to the media as interpreted, considered, and evaluated by Canadians. Turning to my case study of the Air India bombing, as this chapter explains, passages from the families’ testimonies show how the families speak *about, to, against, and with* the media in order to show the bombings were a Canadian concern, rather than focusing on how they were represented in media discourses. The media frames the Air India incident sometimes as a Canadian concern and sympathizes with the families and other times as an issue of national security, racialising Sikhs as terrorist threats to Canada (see pages 139-142 of Chapter Four). Since this study focuses on acts of citizenship, rather than conducting a media analysis, I focus on how the media has been used—how the families of Air India victims used the media to contact the Canadian government, to keep attention on the impact of the bombings, to demand a public inquiry, and so on.

Given the systematic critiques of the media by Jiwani and Mahtani, this dissertation draws upon media coverage cautiously as it considers how families of Air India victims used the media as a tool to circulate their demands. Starting with the perspectives of families, this approach follows a Cultural Studies framework, which acknowledges the significance of the subjective elements of people's experiences and how they mobilize. It focuses on the agency of families and on their actions to show how they communicated with the media and government officials. The following sections, while critical of the discourses produced, also uses samples of newspaper articles to highlight the relationships and communication between family members, government officials, and reporters thus highlighting the families' actions in their correspondence with reporters and officials.⁸⁴

⁸⁴ Some coverage of the bombings circulated in "ethnic media." An analysis of mainstream and ethnic media sources is beyond the scope of this project because this project is not a study of representation of the Air India bombings in the media, but rather a study of how the families of Air India victims organized to pressure public institutions (the media and government) to recognise them as Canadian citizens. Family members contacted members of mainstream media sources for information about the bombings, and as a way to keep public attention on the bombings. It is also important to note that community-based media from the 1980s is not readily accessible due to its lack of digitization, including key papers like the *Vancouver Sun*. Even though my project is not about the representation of the Air India bombings in the media, part of my research process led to me phone and email publishers of South Asian media to access these archives. This area of "ethnic media" analysis of the Air India bombings requires further study. Two examples of South Asian print media, *The Link* (English language paper) and *The Indo-Canadian Times* (Punjabi language paper) were circulating during the 1980s in Vancouver, and *Rhim Jhim* radio station (rebranded to *RJ1200*, and recently again to *Spice Radio*), which began in 1987, reported some local news. Other "ethnic" print and radio sources began emerging in the 1990s, such as the *South Asian Post*, with these publications printed in either the English, Hindi and/or Punjabi languages. Darshan Singh Tatla (1999) notes the circulation of Punjabi publications in the diaspora. Tatla (1999) states, "In North America, Vancouver has been the centre of the Punjabi media for almost a century. For the past two decades [1980s and 1990s], the *Indo-Canadian Times* has held the lead among weekly papers" (p.54). Tatla (1999) notes, "While the *Indo-Canadian Times* took a sympathetic stand on the 'Khalistan issue,' it was duly denounced by leftist organizations, as pandering to 'sectarianism, separatism and violence'" (p.104). In the overview of the Air India Inquiry Report (2010a), the newspaper *Indo-Canadian Times*, references Tara Singh Hayer. In the Report it is

Air India Flight 182: The Canadian Media from June 23 to 25, 1985

From June 23 to 25, 1985, the first major newspaper headlines in media such as the *Globe and Mail*, the *Toronto Star*, *Vancouver Sun*, *Vancouver Province*, and the *Montreal Gazette*, and in television coverage on the *CBC* (re-telecasted from reports by the *BBC*) provided some of the first reported information about the Air India 747 Boeing “falling from the sky.” Canadian news stories emerging within the first 72 hours of the incident began to shape some of the earliest discourses about the Air India bombings, as well as providing information to the public about what happened. Almost all the families describe finding out about the bombings either from hearing it on the radio, television and newspaper coverage, or by receiving phone calls from friends, family or co-workers who heard about the bombings from the media. In their statements, families do not reference any phone calls by Canadian officials or representatives from Air India Airlines as their first source of information about the bombings. Coverage of the incident

written that, “The RCMP’s pursuit of ‘ready evidence,’ and lack of interest in what it viewed as ‘intelligence,’ seems to have led it to prematurely cut off avenues of investigation that could have led to a deeper understanding of the Air India conspiracy and the persons involved” (p.124). The Report states, “On August 26, 1988, Hayer was the victim of a vicious attack that left him in a wheelchair for the rest of his life. Harkirat Singh Bagga visited the *Indo-Canadian Times* office and shot Hayer three times. Bagga initially identified Bagri as having put him up to the crime, but later retracted his statements and pled guilty to the crime. RCMP investigator Solvason, as well as the Hayer family, expressed the view that there were other extremists who had put Bagga up to the shooting and that the investigation had an important national security dimension,” which was ignored (p.124). In terms of further research projects, the use of “ethnic media” specific to the South Asian community is important in terms of mapping what was circulating about the Air India bombings at the time of the incident as well as during the criminal trial as an alternative, community-specific source of information. But as exemplified by the Hayer case, extreme caution was taken with regard to what was reported on. To determine what was published at the time in ethnic media is important, but it is beyond the scope of the research in that the focus of this study is to determine how family members communicated with members of the mainstream media. While a study of ethnic media would be very insightful, I argue that for this project focusing my analysis on ethnic media content does not provide information about how the families contacted mainstream media journalists as a way to keep national attention on the bombings. Furthermore, examining ethnic media would require another set of research questions than the ones asked in this dissertation.

has continued over the years, becoming more widely reported when there has been new information about the criminal investigation and the criminal trials, and there are always media stories about the bombings near the anniversary date of the incident.

Over the three days following the bombings, newspaper articles began to discuss the need for increased airport security and more adequate training of security guards. They focused on cancelled Air India Airline flights to Canada, how families immediately began organizing vigils, and memorial services held in communities and religious spaces such as *mandirs* and *gurdwaras*. Articles were supplemented with quotes from family members about their loss. In Canada, newspaper headlines between the dates of June 24 and June 25, 1985, such as those printed in the *Globe and Mail*, included titles that focused on terrorism and security, such as “TERROR IN THE SKIES: Canada announces immediate increase in airport security” (Fisher et al., 1985), “Airline terror links probed” (“Airline terror links probed”, 1985), and “Time for an international law against terrorism” (“Time for an international law”, 1985). On June 24, 1985, the day after the bombing, articles printed in the *Toronto Star* addressed concerns of “sabotage” and question how the airplane crashed (Handelman, 1985). The articles indicate a focus on terrorism, sabotage and the need for security.

Another selection of articles frames the Air India bombings as an issue isolated to the South Asian community. For example, an article titled, “Tragedy hits Canada’s East Indian community: Bomb is suspected as 329 die in crash of jet from Toronto” (“Tragedy hits,” 1985), links potential suspects to the South Asian community. The article indicated that a member from the “Sikh Student Federation” (the International Sikh Youth Federation) in Canada claimed responsibility for the bombings, while other Sikh organizations in Canada came forward to deny any involvement (“Tragedy hits”, 1985). An article from the *Globe and Mail* titled, “Airline terror links probed” also refers to how “Canada’s Indian community grappled with the tragedy,” potential acts of terrorism, and speculation as to how the plane crashed (“Airline terror links probed”, 1985). Some journalists reported that the individuals suspected of carrying out the bombings were held in custody in Duncan, B.C. and that there were concerns about terrorism. For

example, one article titled, “2 Sikhs held on explosives charges linked to Air-India disaster probe” in the *Toronto Star* (1985) directly connects the bombings to the South Asian community, while racially framing the suspects. The article reports, “Talvinder Singh Parmar and Inderjit Singh Reyat, both wearing turbans, were brought before a Provincial Court judge in this Vancouver Island community yesterday and remanded for a bail hearing Thursday. The two full-bearded men were grim-faced during their brief appearance in a courtroom filled with reporters and other Sikhs” (“2 Sikhs”, 1985). Even though knowing two suspects were charged is sufficient factual information, the article went on to racially profile them as Sikhs. The headline highlights the religion of the suspects and draws attention to their turbans and beards as ways to identify the two suspects; it then links the two suspects to others of the Sikh faith and community.⁸⁵ Within days of the bombings, explanations for the attack began to emerge; for instance, linking the bombings to other incidents, including references to incidents such as “Operation Blue Star,” the assassination of Indian Prime Minister Indira Gandhi, and the subsequent targeted attacks on Sikhs in the State of Punjab and in the city of Delhi.

While some news reports avoided suggesting who were suspects in this terror plot, other news stories pointed to the Sikh Punjabi community, specifically stating that

⁸⁵ This description of the suspected bombers made unnecessary racialised references to their turbans negatively and stereotypically framing Sikhs in their coverage of the Air India incident. In additional coverage, descriptions of the turbans are used to describe the suspected terrorists. Isolating the responsibility for the bombings to the South Asian community and racially framing Sikhs further labels the South Asian community as violent, while at that same time making the community susceptible to further discrimination. This is similar to Yasmin Jiwani’s (2005) research on the racialization of Muslims in the media post-9/11. She draws attention to negative representations of Muslims, and how post-9/11 reports used terms like terrorist, extremist, and fundamentalist, which racialised and marginalized Muslims (Jiwani, 2005, p.16). Scholarship over the last several decades has demonstrated a consistent negative representation of South Asians, Punjabi, and Muslims (all reduced to “brown bodies”) in Canadian media, contributing to ideological discourses about marginalized groups. In the academic literature, there is a consistency in the conclusions of these studies. They all point to the ideological components of the discourses produced about South Asians in the media, which can extend to media produced about the Air India case.

the bombers belonged to the Sikh community in Canada. This framing is reflected in the opening statement of facts delivered at the Air India Inquiry which links the bombings to events in India and the South Asian diaspora in Canada (see Introduction). At the same time, in contrast to the way the bombings were framed as terrorist attacks, one article from the *Globe and Mail* titled, “146 boarded ill-fated jet here” (DiManno, 1985) immediately connected the Air India tragedy to the Canadian families most directly impacted. The article quotes several family members describing the loss of their loved ones and how they found out about the crash. The article notes, “Of the 329 people aboard—307 passengers and 22 crew members—280 were Canadians [sic]” (DiManno, 1985), and describes the incident in terms of the “devastating loss” to families, including the “bright futures” of children on the plane (DiManno, 1985). Importantly, the article references the Canadian identity of the families, indicating clear links to Canada because of who was impacted. The news article profiled several of the families in its coverage, stating:

Adopted girl was going to visit natural parents. Just three years ago, Surjit Rai and his wife chose an eight-year-old girl named Kiranjit from India to be the daughter they never had. Now they’ve lost her again. The Jane St. youngster was one of about 80 children who died on Flight 182 early yesterday.

“My wife is in despair, she is weeping so much, so much,” Rai told The Star. Kiranjit, 11, was on her way to India to spend the summer with her natural parents, who wanted to see her again. “We had only one son, so we heard of her through relatives in India and we arranged to adopt her,” said Rai. “But her natural parents asked to see her again, and we said she could go. Her natural father was meeting her at the airport. He was waiting to see her again.” Kiranjit had just finished Grade 5 at King George School in York. Her father said, she was good at everything, especially English and math. “She loved to read; she read all the time. When she got the chance to go to India, she read all about it.” (DiManno, 1985)

Other newspaper articles made reference to the “East Indian community” in Canada as well as references to the “loss of Canadians” in this explosion. Some articles identified

the families as “East Indian” and in other articles they were referred to as “Canadian.” The different ways of identifying those affected by the bombings demonstrate challenges with how the incident was initially framed in the media. While some of the initial articles focused on the local, Canadian connection to the Air India bombings, as some families state in their testimonies, the attention on the impact the incident had on Canadian families is considerably minimized after the initial reports.

Recognizing how groups are misrepresented and racialised in the media is important for this analysis because of the ways in which the terrorism discourse is reproduced in dominant discourses of the bombings. It shows the need for an alternative perspective, one that not only challenges the racialised terrorism framing that ends up being applied to South Asians in general, but also provides a completely different perspective about the case study. But as indicated, the media also at times presents the families sympathetically and emphasises their Canadian identity, showing a fluctuating and at times contradictory approach to interpreting the significance of the bombings to Canadians. It is here that the families’ testimonies provide insights into media coverage when they discuss their complex relationship with members of the media as sources of information, and as a means to communicate to the government and Canadian public. Furthermore, as a sample of the first reports on the bombings, this is the type of information the families had available to them. What the media reports show is that even when journalists were reporting on the families’ experiences, their voices and perspectives were mediated, fragmented, and mixed in with terror and security discourses, including a highly racialised framing of Sikhs and South Asians in Canada. Even though I draw upon this material in my study, I need to carefully consider what texts I select and what information I use from these texts because of how they misrepresent and racially frame marginalized groups. While my presentation of the different ways the media has framed the bombings shows that a critical analysis of this material is necessary, this dissertation does not focus on analysing the media. Such an approach would limit the research to discursively analysing dominant discourses presented in the media and would not allow me to examine the agency and actions that

families took to demand justice.

The information available in the media does not provide insight into alternative narratives about the Air India incident. While this thesis uses news articles and government documents to supplement the families' testimonies from the Inquiry hearings, the main focus for this chapter is to examine demands for justice as stated by Air India victims' families. Tracing families' activity through their testimonies relocates the bombings in a Canadian context and extends the scope of analysis beyond the parameters of the Air India Inquiry. To recall, Engin Isin (2009) argues that,

Citizenship is enacted through struggles for rights among various groups in their ongoing process of formation and reformation. Actors, scales and sites of citizenship emerge through these struggles. Investigating citizenship involves analysing groups whose struggles constitute it as a contingent and contested institution rather than beginning with an abstract definition. (p.383)

The actions of individuals and groups define citizenship by taking into account their political struggles. Citizenship, as an identity, is linked to the motivations and demands of the subject, which occur at different sites and scales. This approach adopts a cultural studies framework where identity formation occurs at specific sites where struggles over power, and challenges to power relations take place. A remapping of the Air India narrative gives insight into how citizenship can be understood as more than the designation of rights: it includes a claim-making process. Using families' testimonies provides detailed information about the political subjectivity and agency of individuals and groups in their demands for justice that is predicated on a collective understanding of what is Canadian identity, and an understanding of what it means to be a citizen of a country.

Families Reactions: Canada, June 23, 1985

This section examines details provided in the families' testimonies of how they first heard about the bombings and the first steps they took to find out more information about what happened. According to Isin (2012), "We have seen that sites are places that are invested with strategic value for struggles that claim rights. Scale is a significant concept to investigate acts as it indicates the reach and scope of various actions assembled and interpreted as acts" (p.134). In this section, I explore multiple sites of the families' acts, including the victims' families' homes, their workplaces, and travel agencies. Each of these locations became contested sites in that they were where families were forced to confront the Canadian government or take some type of action to find out information about the bombings and demand justice for their family members.

As several family members state in their testimonies at the public inquiry, they first heard about the bombing on the morning of June 23, 1985, either through telephone calls from friends or other family members (who heard the news on the media), or by listening to the news themselves, demonstrating how the families turned to the media as their primary source of information. For example, in his written submission to the Commission, Mr. Krishna Bhat recalls hearing about the plane crash from the radio while at work. Krishna Bhat's statement was read by one of the Commission Counsellors.⁸⁶ It read, "*Around 3:00 a.m., I went to check the compressor house and then I was going back to the pump house. I turned the radio on to CBC. I heard the news that an Air India flight had disappeared off air traffic control screen. You can't believe how I felt. After the disaster, I went to Ireland with my brother-in-law. However, I don't remember much from that period*" (Public Hearings, 2006, p.529, italics in the original). Other

⁸⁶ As a reminder, written statements submitted to the Inquiry are indicated by the use of italics in the transcripts of the testimonies, while direct statements use normal font-type. For all quotations, this dissertation uses italics and regular font as they are used in the original transcripts of the documents.

family members, such as Bal Gupta, Mansi Kinworthy, Ram Gogia, Satrajpal (Fred) Rai, and Monique Montpetit-Castonguay, recollected similar memories of first hearing about the bombings on the media. For example, Ram Gogia states,

After we wished farewell to my mother at the airport, we stayed in Montreal for the night with close family friends. Early the next morning we were awoken [*sic*] by our friend who had heard the tragic news of the destruction of Air India flight on the morning radio. We drove back to Ottawa that day to be home and plan my next move, including travel to Cork in Ireland. No Canadian authority contacted me to help me during this confusing and traumatic time. I contacted Air India through my travel agent to get more information, got my passport issued to go to Ireland alone. (Public Hearings, 2006, p.1026)

At times, radio and television coverage were the only sources available for information, including information about whether there were any survivors from the crash and if the incident was a result of an explosion or not. As the main source of information for families, what was reported in the media as well as how the Air India bombings were written about is important since it shaped what they knew of the incident, and also over time, it reveals how the Canadian government and the public viewed the incident. The testimonies also show the ways that individual family members responded to the news of the bombing of Flight 182, including making statements about the steps they took to get more information and the steps they took to get to Cork, Ireland all without any help or assistance from the Canadian government.

There were a number of family members who expressed great concern over the way they felt the bombings were seen as an Indian concern and not as a Canadian one. This was especially evident in the way the Canadian government first responded to the incident. Neither government officials nor Air India Airlines representatives called families to inform them about the bombings, rather families were left to find out information on their own. For example, in his testimony Dr. Bal Gupta, representing approximately 80 families in his role as former chair and representative speaking on behalf of the Air India Victims Families' Association (AIVFA), and his son Mr. Susheel Gupta, provided important details about the absence of representatives of the Canadian

government at the time of the bombings and the futile efforts of the families to learn more about what happened from the government. As he makes clear, this meant that Canadian mainstream media outlets played an important role in informing families about the killing of their families in an act of terrorism at the time of the bombing.⁸⁷ Certain families took the steps to call newspaper offices to find out more about what happened. Bal Gupta states,

On June 23, I was awakened at about 5:30 a.m. by a phone call from a very close friend. This friend died a week and a half back of heart attack. His radio alarm went off early in the morning. He told me to listen to the radio. The news shattered our little world. My son and I went to our place of worship in our home to pray. Then I called newspaper offices. They confirmed that there were no survivors expected. In Toronto, at daybreak friends began coming, as did members of the media. The Government of Canada, for that matter any government, did not set up any information line and did not offer any other administrative or emotional help immediately or any time thereafter. Instead, we heard that Prime Minister Brian Mulroney sent condolences to Indian Prime Minister, Rajiv Gandhi. (Public Hearings, 2006, p.30)

Bal Gupta speaks about how he first heard about the bombings and how his initial response was to contact members of the media to find out more details about what happened to Flight 182. Similar to Ram Gogia, he notes the lack of information and services offered to families by the Canadian government. One of the struggles families had was accessing information and this struggle continued over two decades, as did their efforts to obtain information about the subsequent criminal investigation of the bombings from the RCMP. Accessing information required continuous action and effort by the victims' families. Bal Gupta's statement outlines the services he expected the

⁸⁷ Dr. Bal Gupta was one of the leaders in mobilizing and organizing family members from the time of the bombings, until the Air India Inquiry and was the chair of the Air India Victims' Families Association (AIVFA). The AIVFA represented approximately 80 of the Canadian families.

Canadian government to have made available for families, including a telephone line for families to call for information about the bombings, and counselling services. Bal Gupta states that their only other source for information, aside from reports by the media, was a telephone information line set-up by the Air India Airlines and not the Canadian government (Public Hearings, 2006, p.31).

The failure of the Government of Canada to inform the families about the attack is an example of their initial poor treatment. For instance, at the age of 12, Mr. Susheel Gupta, now a lawyer, lost his mother in the explosion. His testimony supplements his father's and references his experience with the media at the time of the bombing. He states,

What I do remember is my father getting very angry with whomever he called in the government as that unknown individual indicated they were not interested in assisting, that he should call Air India. He had to turn to the media for news and updates. At some point, my father asked me to contact my district manager with the newspaper I was a paperboy for, The Toronto Star [*sic*], in the hopes that he could assist in finding someone who could keep our family up to date. (Public Hearings, 2006, p.212)

Susheel Gupta's statement clearly recalls his father contacting the district manager of the *Toronto Star* for any possible information. The accounts of the difficulties they had in obtaining information about his mother is not limited to their own family's experiences, rather the government's failure to provide information was an issue spoken about by almost all other Canadian family members in their testimonies (see Chapter Five). Their experiences, as described in the testimonies that Bal Gupta and Susheel Gupta made to the Air India inquiry Commissioner, show that families attempted to contact numerous individuals for information, such as government officials and media workers, within the first few hours after hearing about the bombings. The action of contacting media and the government is important because it shows the first steps families took to get information and the initial barriers they faced. The quotes above highlight the role of the media as sources of information and families' steps to contact reporters, showing the early proactive steps taken by the families.

In another example, Ali Tahir Sadiq's written submission to the Commission refers to his experience trying to get information from the airline and the police immediately after the bombings. Ali Sadiq's written submission states,

It was after 9:00 a.m. in the UK. The plane had already been bombed.

Hearing the news: My sister was the first to find out about the bombing. Her colleague told her. My phone rang at 9:00 o'clock. My brother told me the news. Then we went to the Air India office.

When I reached the Air India office it was degrading to know that the staff of the office and the RCMP, who was present in the Air India office, had not yet phoned or contacted Ireland. Eight hours had passed. Radios were talking about the topic for hours. When we asked the authorities what did they know they said, "We are also just hearing the news from the radio." Instead of contacting Cork the RCMP were trying to stop me, told me to go home and be quiet. They had no information. In fact, they were even more unaware than the common people listening to the radio.

We asked them to let us go to Ireland but they refused for three days. These three days felt like three years. We were hooked to the radio. No official was giving us any news or support. (Public Hearings, 2006, pp.1019-1020, italics in the original)

Ali Sadiq's testimony refers to the role of the media as his family's source of information, and the lack of communication to the families from government officials. His testimony also indicates that he felt, at the most basic level, that the RCMP had the responsibility of taking an active role in obtaining information for families, including calling the police or other government agencies in Cork, Ireland. The emphasis is on Ali Sadiq taking the steps to go to the Air India office, speaking to the RCMP and making plans to go to Ireland. Each action families had to take in the initial stages culminated in their demands for justice. These actions can be analysed as acts of citizenship, demonstrating their struggle for basic information, as well as what Ali Sadiq felt, that it was his right to expect from their government and from agencies like the RCMP. Furthermore, these individual acts are some of the first steps that, over the years, eventually culminated in some of the families to collectively mobilize in order to demand

a public inquiry and question the government as to why services and support were not provided for them.

As another example, Mr. Mahesh Chandra Sharma's testimony describes how he frequently read the newspaper to see if the Canadian government or others knew of Air India planes being targeted for an attack prior to the bombing of Flight 182 (Public Hearings, 2006, p.493). He identifies as someone who is not an educated person, but one that, nevertheless, stepped forward to give testimony at the Inquiry in an officiated setting. His statement suggests that he had the expectation that the media should have informed the general public about potential threats to Air India planes, especially if government officials had been informed about this threat. Mahesh Sharma states,

I read the newspaper quite a bit. I'm not an educated person but I never saw anywhere in the newspaper, or a media mention that Air India plane is targeted. There was a lot going on, they were taping them with the help of the B.C. court. But I never saw in the paper. If I knew that happened, I may have to think twice before I put them on Air India. So I don't know where I failed but the media was not covering it or I didn't see it, but something I should maybe blame myself. I have no idea. (Public Hearings, 2006, p.493)

In the above example, Mahesh Sharma points to the fact that, a) the media was an important source for information for him, b) in contrast to other local or international accidents, the Canadian government did not provide the families of the victims with information that the plane had not only crashed, but was bombed, and c) that threats to Air India planes should have been made public knowledge. He points to his knowledge of the RCMP and CSIS tracking and wire-tapping potential suspects for information, and questions why information about suspected terrorist threats were not made public.

The examples above, from the testimonies of Bal Gupta, Susheel Gupta, Ram Gogia, Ali Sadiq and Mahesh Sharma, move beyond describing simply the lack of the information provided by the government, and point to the actions that family members took to demand more information and what type of information they required at the time of the bombings, including basic information about what happened and whether there

were any survivors. It is important to note that the type of information that families demanded changed over time, therefore it is not enough to state that they simply wanted to know more. Initially, they wanted information about the bombings, what happened to their families and if they should go to Cork, Ireland. Eventually, they demanded information about the criminal investigation, at which point family members began to demand that the Canadian government should be more accountable to them.

As the following section will show, family members' demands also included the need for services and support systems to help them cope with losing a family member or members in an act of terrorism, including counselling and financial support. In relation to the acts of citizenship framework, their testimonies show the sites of action where citizenship takes place, including both formal sites such as legal institutions like the court house and sites where civil litigation took place, but also informal sites such as their homes, where they found out about the bombings and responded to the incident by contacting government officials and the media. By calling newspapers, radio and television stations, their homes and offices (such as travel agencies, and their local Air India Airlines offices) were also where, through reporters, they drew attention to the need for information about the bombings and travelling to Ireland to identify the bodies of their family members. Chapter Five provides additional passages from the testimonies to connect their experiences about first hearing about the Air India bombings in relationship to their Canadian citizenship and how they used the term citizen to justify their demands.

Arriving in Cork, Ireland: A Demand for Services in June 1985

This section discusses the town of Cork in Ireland as a second site where a number of families took action to demand the Canadian government for information and services. The testimonies from families of Air India victims and rescue workers give insight into what was entailed in witnessing the horrific nature of the bombings and their experience of recovering bodies from the crash site and/or of identifying bodies in the hospital morgue in Cork. Different family members compare the support they received

on the ground in Cork from Irish and Indian government representatives, staff at the hospital, and the residents of Cork who opened their homes for the families and supported them through their grief. This is juxtaposed to the Canadian government's response, which was not even being present in Ireland for the first few days following the bombing, and when representatives did arrive, the families' testimonies show they offered very little support.

As summarized by Commission Counsel Michel Dorval, when Air India Flight 182 disappeared from the radar at the transportation centre in London, England within less than twenty-four hours the United Kingdom had called its Navy, and other rescue services to begin emergency recovery in the Atlantic Ocean to search for the plane. The initial hope was that this was a rescue mission, but the Navy soon realized that this was a recovery operation and would be searching for bodies, luggage and other pieces of floating debris (Public Hearings, 2006, p.21). There were nineteen ships that first responded to the emergency call, and about five aircrafts and helicopters also joined the search team (Public Hearings, 2006, p.21). In his opening statement at the Commission, Counsellor Michel Dorval describes how "Bodies and pieces of the aircraft were found floating in the water. Some wreckage from the plane eventually sank 6,700 feet to the ocean floor" (Public Hearings, 2006, p.21).

The Commission heard testimony from several rescue workers, including one member of an independent rescue crew, the Royal National Lifeboat Institution (RNLI), who went out to the crash site in the sea to help with the recovery process. The RNLI, as described by Seanie Murphy, is an independent institute working for the preservation of sea life. The institute is connected to England, Scotland, Ireland and Wales, and has no government affiliation (Public Hearings, 2006, p.266). Seanie Murphy, the captain leading his crew in the Flight 182 rescue mission, describes the risk he and his team took to help with the recovery of the aircraft. In his testimony, Seanie Murphy explains how his crew went beyond the distance the boat should travel based on their fuel levels. He describes how his team recovered five bodies from the sea, including that of a small child (Public Hearings, 2006, p.277). He also describes the lack of maps and

coordinates to locate the crash site, and the emergency steps they took to obtain fuel from a nearby lighthouse to get back to shore upon their return (Public Hearings, 2006). Similarly, testimonies from Daniel Brown, a seaman with the British Merchant Navy and Mark Stagg, with the Maritime and Coastguard Agency, testified about their experiences in the recovery mission of the bodies and the aircraft (Public Hearings, 2006, pp.285, 328). Daniel Brown's statement describes in detail his experience arriving on scene and seeing the bodies of the passengers scattered across the water (Public Hearings, 2006, p.292). He gives testimony about how he and his crew recovered fifteen bodies from the sea and details the condition these bodies were in, including the sickening experience of removing clothing from the ship's propeller, and carrying a small child's body onto the deck of the ship (Public Hearings, 2006, pp.299, 300). In addition, the Air India Inquiry's Phase I report, *The Families Remember*, begins with a quote from Mark Stagg's testimony. The Phase I report summarizes,

He recovered some bodies and parts of others and held the hope that some passengers might have survived. That hope was dashed when he lifted a child fully clothed and unmarked from the sea. He hoped for life but knew at once the child was dead. He described pressing the body to his own cheek and feeling the cold confirmation of death. (Phase I, 2008, p.1)

The Air India Inquiry Report (2010b) provides additional details about the recovery mission, stating "Despite the strenuous efforts of all those who participated in the recovery operation, the bodies of just 131 of the 329 victims of the bombing of Air India Flight 182 were recovered" (p.584). The purpose of providing testimonies from the rescue workers shows, first, the devastation and horrific nature of the rescue mission of the aircraft and bodies from the Atlantic Ocean. The second purpose is to provide details about the great lengths that these rescue workers (representing independent institutions, the United Kingdom's Navy and other Irish seamen) took to finding any survivors, including describing the number of hours they worked (14-18 hours) within the first 24 hours of the crash. The third purpose is to show that while England, Scotland, Wales and Ireland deployed resources to help with the recovery mission, the Canadian

government, according to several families' testimonies, had not even sent a representative to the crash site.

Within two days of the crash, Air India Airlines arranged for two members of each family to fly to the crash site near Cork to identify the bodies and body parts of their family members recovered from the ocean. For some families, having only two members allowed to travel to Ireland proved to create further complications. In their testimonies, some families indicated that allowing only two members to travel was a problem because families were forced to leave other family members alone or with relatives and friends, and in some cases, leaving children without their surviving parent. In other cases, families were forced to pay their own way to Ireland even in the face of economic and financial restraints. Another option was for the families to send their relatives to the crash site instead of going themselves to identify their family members. While Air India Airlines gave families two tickets, additional support from the Canadian government was not made available, even though certain families wanted this financial support. To return to Susheel Gupta's testimony, he explains,

The next day was Monday, which was the day after the bombing, and my father told my brother and I that he was going to Ireland. More importantly, he told us that only two of the family could travel, could go, as Air India were only providing seats for two family members to go. I begged to be the one to go with him... we didn't have the money to buy another ticket and there was no one else that we could have turned to. What this meant practically is we had to leave my brother behind on his own only a few days after he was told his mother had been murdered. I was 12; my brother, 18. I guess my father was left with no choice. (Public Hearings, 2006, p.213)

Before arriving in Cork, Susheel Gupta references the difficult decision his father was forced to make, leaving his brother behind in Canada, while he accompanied his father to Cork. Other families provide details about arriving in Cork and the absence of the Canadian government onsite and their struggle to find out information. The information needed upon their arrival in Cork differed from their initial requests for more details about the explosion and whether there were any survivors. While it is easy to overlook the

important role governments play when their citizens have been attacked on foreign soil or outside of their borders, the importance of the role of the Canadian government is evident at several key moments when families needed valuable pieces of information. For example, Kalwant Mamak gave testimony by answering a series of questions asked by one of the Commission's Counsellors. Mr. Anil Kapoor asked Kalwant Mamak if there were any Canadian officials in Ireland to greet him. Kalwant Mamak responded by saying the following,

No. Nobody was there. Then we landed there and we didn't know what to do. First we approached the -- there were some Indian government officials. When we went there we had Canadian passports and we went there and they said, 'Please go and see the Canadian officials' but there were no Canadian officials. Then we had to go to the Air India people and they put us in, you know, some accommodations somewhere and that was it. And the Canadian -- there were no Canadian officials at that time, no. (Public Hearings, 2006, p.143)

Before that, what had happened was a few days earlier, we had a Canadian rep come to the motel, you know, the hotel, knocked at the door and asked me if I was a Canadian citizen and I said I was a Canadian citizen. And then he asked me if I needed any kind of help, and I said 'You tell me what kind of a help you can give me? I don't know, I am a lost person. I don't know what I am looking for and you tell me.' And then I said -- he said 'We are just asking.' (Public Hearings, 2006, pp.144-145)

In contrast to the Air India representatives who were present, Kalwant Mamak's testimony makes a strong statement about the lack of Canadian officials in Ireland, and when representatives did arrive, how they did not provide families with information about what to do, where to go, and how to find out about their family members that were on Flight 182.

Other testimonies from families reveal that they were not given any information about the rescue mission and there were no clear directives in terms of the body-identification process of their family members (Public Hearings, 2006). Most family members relied on information from the staff at Cork hospital regarding the procedures, further highlighting the failure of Canadian officials to demonstrate any sense of

responsibility toward the families. This is in direct contrast to the actions taken by officials from other countries such India, Ireland and England. The different actions the families took while in Cork, in asking for support helps delineate what types of services were needed along with the steps the Indian government representatives or Irish hospital staff took to help them, shows their struggles and frustrations with Canadian officials. Comparing the government responses of Canada to those of Ireland and India also reveals the lack of resources the Canadian government designated to victims' family members. The actions of the Indian government also show that, even when (or especially when) abroad, governments still send representatives from either nearby embassies or directly from their country to support and help their citizens.

The exceptional efforts made by the Irish government, their navy, emergency services, healthcare workers, and local citizens were explicitly acknowledged in the testimonies of at least twelve family members. The efforts and services they provided to families were also acknowledged in various Canadian government documents, including the final Air India Inquiry reports and submissions made to the Inquiry by family members. The support includes the steps taken by the Irish rescue team of the aircraft, and the healthcare service providers at the hospital who were there to assist families upon their arrival. In their testimonies, family members provided details about how the Cork County Hospital set up a private waiting area for families as a way to give them space while coping with their loss and with the disaster (Public Hearings, 2006, p.11). In their testimonies at the Air India Inquiry, Irish rescue workers spoke about their concern for the victims and described their experience recovering luggage from the sea, collecting debris and wreckage of the plane, and recovering bodies from the crash site in the Atlantic ocean, while family members spoke about the generosity of the local residents living near and around Cork. Family members shared their experiences about how Cork residents opened their homes, greeted families as they arrived, hugged them on the street, provided them with warm clothing and food, and supported families when identifying the bodies of loved ones at the hospital, both in the days after the crash and in subsequent years as families returned to Ireland to visit the memorial (Public

Hearings, 2006). The Irish were often described as, "...the most wonderful people in this world" by Kalwant Mamak when speaking about the level of support they received upon arriving in the country to help assist them in identifying their family members' bodies (Public Hearings, 2006, p.144).

The role of local residents, the Irish government, and Irish public services such as the police, doctors, hospital staff, and residents are significant for this case, as the community, cultural, social, and humanitarian outreach towards the families was very supportive. This is juxtaposed to the lack of attention, services, support and information provided by the Canadian government. Statements by some family members refer to the care and consideration from Ireland to show weaknesses on the part of the Canadian government. As another example about how families felt about their response when they started arriving to Cork, Lata Pada states,

So my arriving in Ireland, again, was a deep sense of some connection to the past. The Irish, as you may have heard several times before, are indeed the world's most beautiful people, most compassionate, most caring. They took this tragedy upon themselves as if they had suffered and they had—they demonstrated such an incredible sense of kinship, such an incredible sense of humanity and compassion. Every home was opened up. (Public Hearings, 2006, p.64)

In addition to the quotes above, testimonies by Dr. Bal Gupta, Ms. Lata Pada, Mr. Satrajpal Rai, Mr. Heatherington, Ms. Lorna Urmila Kelly, Ms. Mansi Kinworthy, Mr. and Mrs. Kalsi, Ms. Venketeswaran, Ms. Diane Beauchesne, Mr. Mamak, Ms. Rama Bhardwaj, and Mrs. Thampi also gave evidence of the helpful and kind response to the families by the Irish government, rescue workers, and community of Cork, again contrasting the response from the Canadian government (Public Hearings, 2006). The above passage also indicates what type of support families required from the Canadian government. Furthermore, at the site of Cork, the scale of the catastrophe became more evident, and thus families' needs became more specific, including basic items such as financial support for flights to Ireland, a government representative to meet them in Ireland, and setting up hotel arrangements in what was a small town with limited

accommodations upon their arrival. At the very least, families expected information about the crash, how to get to Cork County Hospital, or where they could go to find out about their family members. At the site of Cork, their demands for information became specific, moving beyond just needing to know what happened to needing information about, for instance, what they needed to do and how to do it.

Representatives from the Indian government and Air India Airlines came to Cork within 24 hours of the crash (Public Hearings, 2006, p.64, 920). Irish nurses, nuns, local Cork residents, emergency workers, and the Indian Ambassador to Ireland, Mr. Kiran Doshi and his wife Mrs. Razia Doshi, consoled families as hospital staff helped families identify bodies. In stressing the absence of the Canadian government, further actions were taken by family members (demonstrating an increase in scale). For example, in his testimony Bal Gupta recalls his experience trying to access information while in Cork. He remembers Canadian media being present, and his decision to use the media to get a message to the Canadian government. Here the media represents the scale of action, and Bal Gupta's action to reach his government with a key message. He stated the following:

That evening, in an interview with CTV News -- I'm not sure, I think it was CTV News -- I expressed my great dismay and anger that no Canadian staff were present to help the Canadian families. That interview was aired at 6:30 p.m. news in Canada on Friday, next day, June 28th. We saw some Canadian officials on scene for the first time five days after the tragedy. (Public Hearings, 2006, pp.32-33)

Bal Gupta tells the public that it took five days for Canadian officials to show up in Ireland. It also indicates that without Canadian presence on the ground, family members went ahead and took action and used the media to get the Canadian government's attention when it was evident that it was ignoring its role in the incident and responsibility for the Canadian families who were deeply impacted by the bombings. This was despite the aircraft leaving from Canadian territory and the majority of the passengers on the plane being Canadian citizens. The Air India Inquiry Reports (2010a, 2010b, 2010c) do not indicate the date when the Canadian government first arrived on scene in Ireland to

help families, thus I rely on newspaper reports and Bal Gupta's and other families testimonies to provide these details. In terms of support sent to Ireland, a newspaper article indicates that the Canadian government sent a ship to the Atlantic coast within 48 hours of the bombing. On June 27, 1985 a *Globe and Mail* article announces a Canadian ship was sent to aid in the search, but even at this time, no indication of on-the-ground support for families was mentioned ("Air-India black box emits 'feeble' signals", 1985).

As a final example, in an extended passage from Mr. Rattan Kalsi's testimony, he reveals his complex experience of neglect and silencing from Canadian authorities while in Ireland. He arrived in Ireland five days after the bombings, and at this time, unlike the experience of individuals like Bal Gupta and Fred Rai, there were Canadian officials present to speak with him (in the above passage from Bal Gupta, he also states that Canadian officials began arriving five days after the bombings). Rattan Kalsi's statement shows how he tried to provide Canadian authorities information about a political movement in the South Asian Canadian community in Vancouver and discloses how he had heard about select individuals trying to bring down planes, even though he did not have information about any names (I will return to Rattan Kalsi's testimony in Chapter Five). Rattan Kalsi describes a conversation he had with a Canadian official in Ireland and how the official told him to remain silent about what he knew. In his testimony, when explaining his conversation with a Canadian official, Rattan Kalsi also states that he is against any type of partition after experiencing the Partition of India and Pakistan. He states,

A week later, Canadian government and Indian government made arrangements to ship the victims' families to Ireland to identify the bodies and my family selected me to go to do that horrible job to identifying...

I went to Jurys Hotel [sic] to identify my daughter Indira. There was an official from Canada government. I don't know his name. I told him, 'Sir, when I was in Canada, there is some sort of movement in Vancouver or rather in Canada that they were asking this and that. I don't know what that is.' Myself, I am against the -- any partition because I have seen one

partition. And may I let you know a little bit hint; I seen the partition of a country. I have watched over the dead bodies when Pakistan and India was created. I am 75. I have seen that. So I do not want another partition, not Canada, not any other country.

Wherever I go, that is my country. Canada is my country. I love it... So this person in high authority, I told him, 'There is a movement in Vancouver'. They probably -- I did not mention. I still do not know anybody's name. There is terrorism everywhere.

India has been kind because I was born there. It's not that I'm a friend of India or Indira Ghandi [*sic*] or somebody, no. No, I'm Canadian. So this person told me, because I told him there may be a movement, they brought the plane down. They brought the plane down. He said, 'Keep it down. Don't tell anybody.' I was expecting an answer from him that, 'Mr. Kalsi, we will do our best to find the culprits'. (Public Hearings, 2006, p.878)

The passages from families' testimonies above begin to map out their experiences of isolation, the lack of information, and neglect from the Canadian government, including Canadian officials being unwilling to hear information about potential culprits and the political climate in Vancouver at the time. In the following sections, I draw attention to their long battle to get their demands for information and services met as a way to show, on the one hand, the ongoing erasure of the incident as a Canadian incident reflected in how the Canadian government did not recognise the severity of the bombings nor the impact it had on Canadian citizens and, on the other hand, their acts of citizenship. It took twenty years for information about families' experiences to be made available to the public, and thus by retelling the Air India narrative from the families' experiences, it is my intent to not just provide another documentation of their accounts but also to recognise their struggle for support and basic information from their perspectives to highlight their agency also in the act of telling. Furthermore, in this section, I identify the rights these individuals felt they had, which were reflected in the expectations they had of their government. These expectations changed over time, showing that citizenship and rights are not static nor fixed; rather, citizenship is determined by the demands and political struggle of subjects.

From Ireland Back to Canada: Air India Victims' Families Groups

This section examines the acts of citizenship family members took upon arriving back to Canada after identifying the bodies of their family members in Ireland. Many of the family members continued to have questions about the cause of the bombings and if there were any leads on the criminal investigation. Given the scale of carnage and the nature of the attack, they continued to need services and turned to the Canadian government for support, asking for grief counselling and financial services. They also began to demand that the Canadian government take steps to more effectively investigate into the bombings and to persecute those responsible. Importantly, their frustration with the Canadian government's lack of support offered in Ireland set the stage for how they mobilized for justice in Canada, including their demands to be recognised as citizens. This section highlights three diverse ways in which these demands took shape: through the formation of families' groups, the demand for counselling services, and civil litigation.

The Formation of Air India Victims' Families Groups

Upon arriving back in Canada, family members of Air India victims began to meet regularly and form families' groups to keep each other informed and to support each other as they grieved. In the previous section, Bal Gupta's testimony demonstrated how he used his interview with *CTV* to send a message to the Canadian government about its absence in Ireland during a period of extreme crisis for Canadian citizens. His testimony continued by referring to a commitment he made to support families as much as possible once he returned to Canada. Bal Gupta stated,

While in Ireland, I promised to myself and it's possible I might have talked about it in the media -- I do not remember -- to help any and all families through mutual cooperation as long as needed. The families got together, got information on each problem one by one as they arose and shared information with each other. For about a year, the Toronto families met at every -- practically every weekend in the beginning for a few weeks in a room at Queen's Park, then in the Fairview Mall Library by Don Mills and

Sheppard in Toronto and then in Richview Library in Etobicoke, and then at my house or some other family's house to discuss and solve common problems and to grieve together. Later, the families met monthly and then on an as required basis. We also kept in touch with families in other parts of Canada, USA and even India, at least with some of them through word of mouth or phone calls. (Public Hearing, 2006, pp.35-36)

This passage is crucial for highlighting their acts of citizenship (Isin, 2009) because, in addition to Bal Gupta's statement about the lack of information from the government, he recounts his commitment to the other families and his desire for them to stay connected so they could better access information and support each other as they grieved the loss of loved ones. The passage describes his relationship with other Air India victims' families located in the Greater Toronto Area, and how during the first few months, they met almost every weekend in sites across the Greater Toronto Area, and subsequently every month for at least the first year after the bombing. Families who chose to meet, gathered to share information, solve problems, and grieve together. Bal Gupta also references their efforts to stay connected with other families located in other cities across Canada, the United States and India. These connections are important because it meant families could later mobilize to demand the Canadian government for information pertaining to the criminal investigation and to demand a public inquiry. As mentioned in the Introduction chapter, some family members chose not to get involved with any of the family groups nor with other aspects related to the Air India incident, such as the Inquiry or attending the criminal trials. Some families who were active during the 1980s chose not to actively pursue their demands over the next two decades, while others only connected with other families in the following decades after the bombings (like after the acquittal verdicts in 2005). As such, it is important to remember that some families' perspectives remain undocumented.

To keep each other informed and to collectively make demands for their rights,

Air India families organized into several groups, including the Air India Victims' Families Association (AIVFA), which represents close to 80 of the families, and the Lata Pada's Family Interest Group, representing approximately five other families.⁸⁸ Perviz Madon was considered one of the key voices representing the west coast families—her role in mobilizing for the Air India Inquiry was also acknowledged by Counsellor Mickelson during the public hearings for the Inquiry (Public Hearings, 2006, p.601). Sundaram Ramakasavan self-identifies as someone actively involved with the Ottawa families in lobbying the Canadian government for a public inquiry and lists the name of another victims' families' organization. This organization, the Citizens Alliance for the Public Inquiry into the Air India Disaster, did not provide a separate submission to the Inquiry nor list themselves as a group like the AIVFA or the Family Interest Group. Sundaram Ramakasavan states, "I was deeply involved as an organizer and spokesperson for the victim family and friends group, the Citizens Alliance for the Public Inquiry into the Air India Disaster that initiated the original call for a public inquiry into the Air India tragedy" (Public Hearings, 2006, p.112). This chapter uses their testimonies extensively as they provide insight into how they, as individuals and as representatives/spokespersons for additional families, organized and mobilized to lobby the Canadian government.

The victims' families' activities included organizing counselling services and meet-up sessions, attending the criminal trials, organizing vigils, establishing the Canadian memorial sites, and lobbying the Canadian government for a public inquiry. In his testimony, Bal Gupta references the tireless collective efforts of the AIVFA since

⁸⁸ Family members and organizations representing them were divided into three main groups, the Air India Victims Families Association (AIVFA), representing approximately 80 families residing in North America; Lata Pada and a number of other individuals aligned with her, mostly residing in North America; and there were several other groups, including the Air India Cabin Crew Association (AICCA), the Family Members of the Crew Member Victims of Air India Flight 182 and India Nationals (FMCMV/IN), as well as individual family members residing in India (Air India Inquiry Report, 2010a, p.42).

1985 and how these efforts resulted in the establishment of this Commission (Public Hearings, 2006, p.26). He acknowledges that in the bombings, entire families had been lost, and over the twenty-one years since the bombings some of the surviving family members have themselves passed away—many who were instrumental in lobbying the Canadian government for the public inquiry. For example, Bal Gupta testified about the actions families took in their quest for information and a public inquiry. He states,

Right from the beginning we asked for effective investigation and prosecution of culprits and for an inquiry into Air India 182 bombing. We met MPs from all political parties, and let me emphasise we kept away from aligning with any political party. We kept the whole thing apolitical, demonstrated in front of the Parliament, petitioned the Parliament, got questions raised in the Parliament by members of different political parties. No government official or minister ever contacted any family to communicate about any progress in any investigation for about eight years. (Public Hearings, 2006, p.42)

Here Bal Gupta notes the ongoing activism on the part of the families meeting with Canadian government, specifically to speak with the Prime Minister, Members of Parliament from various parties, the RCMP, and other officials. He continues his statement by connecting it to experiences of discrimination. Bal Gupta states,

No inquiry was promised and no responsible minister or RCMP officer apprised the families about the state of criminal investigation. Often, and I have no qualms in saying that, we, the families, felt like being [*sic*] treated as second-rate citizens of this great country, Canada. (Public Hearings, 2006, p.43)

This is the most direct statement about how one family member felt about his experience as a Canadian citizen and how he felt about the way the Canadian government handled the Air India incident (families' concerns of racism and discrimination will be examined in detail in Chapter Five). In contrast to Bal Gupta, Perviz Madon recalls the way she got involved in lobbying the Canadian government for a public inquiry. Unlike Bal Gupta, who actively made the decision while in Ireland to pursue justice for the families, Perviz Madon fell into the role more by happenstance. She states,

MS. P. MADON: That's right.

MR. MICKELSON: So you have a fairly long history of calling for an inquiry for the past two decades. Why did you feel so soon after or at least a couple of years after the aftermath of this disaster that you needed to become outspoken about it?

MS. P. MADON: I think I happened to just be there. I don't know how I took on that role. I remember that when all this happened and there was a group on the East Coast that was very vocal and they were looking for answers, they were looking to have a public inquiry set up, they were looking for settlement and class action suit and somehow they started corresponding with me and keeping me updated. And through me, I would know some families in Vancouver and I would just contact them and our very first meeting with a local lawyer in Vancouver for the class action suit and then the media just happened to know that I'm the one. The others were kind of shy. They didn't want to have anything to do with media. They were not outspoken. I think some of them were members of the Sikh community. They were feeling threatened to voice their concerns. (Public Hearings, 2006, p.602)

While the families located in Vancouver (the Lower Mainland) did not identify a name of an association or group that represented their interests, like the AIVFA, family members were still connected and several mobilized to demand a public inquiry. Perviz Madon's quote specified how she became involved in taking action for the injustices associated with both the Air India bombings and how the government handled the incident. She also identifies reasons why others may not have gotten involved with the media. Not only does this quote provide insight into some of the families who chose not to make public statements, but it also provides information about the political climate of fear in Vancouver at the time. One of the sources of fears is evident in the circumstances around the murder of Tara Singh Hayer, which will be addressed in a later section of this chapter. The rest of this chapter focuses on families' specific demands for the Air India Inquiry and the actions they took to lobby the government and contact members of the media to help circulate their messages. In the following section I will discuss the demands families made for counselling services and financial compensation.

Counselling Services

As family members tried to reassemble their disrupted lives, they documented the obstacles they faced in the months after the crash. For example, in a *Toronto Star* news article titled, "Life a struggle for victims' families," Brian McAndrew (1985) interviews a psychiatrist working with some of the family members of Air India Flight 182 victims. The article states,

They have been 'frustrated by governmental red tape,' hampered by financial troubles, plagued by lawyers offering conflicting advice on civil litigation, and struggling to overcome their grief... Some may never overcome the trauma of waking up on a warm, summer Sunday morning and learning that a husband, wife, or child died in one of Canada's greatest tragedies... 'The majority are improving, but there is a group of people I've been unable to reach,' says Dr. Vasu Srinivasan... Several people suffering hallucinations brought on by a severe state of depression are part of what Srinivasan describes as a 'lost group' of about 10 local families failing to respond to therapy. (McAndrew, 1985)

The news article reports the psychological effects of the bombings and the need for trauma counselling, which was one of the demands the families made to the government as a tangible form of support. Some family members, such as Mr. Parkash Bedi, describe how they sought counselling services privately. For example, Parkash Bedi states how he was recommended to a counsellor through his work place and struggled to find adequate support. He tried three different counselling services: the first doctor violated his confidence telling others about his personal story, while the second counsellor was not equipped to handle the type of trauma Parkash Bedi was experiencing. The third counsellor was helpful and offered him the type of support he needed to work through losing his entire family (Public Hearings, 2006, pp.254-255). This experience is not limited to Parkash Bedi. Other family members spoke about the need for counselling services and how the Canadian government had not provided this service to them. For example, Eric Beauchesne, Mahesh Sharma, and Deepak Khandelwal specifically reference the lack of counselling support for families in their testimonies (Public Hearings, 2006, pp.90, 633-634, 495-496). Their statements will be

further explored in Chapter Five under a section dedicated to families' demands for services.

Civil Litigation and Compensation

The media also reported the potential for civil suits and the need for compensation. By December 1985, within six months of the crash, some families had filed a lawsuit against the Air India Airline and three Canadian airports—Vancouver, Montreal and Toronto. One news report in the *Toronto Star* writes that approximately 200 families filed a statement of claim for negligence against three Canadian airports, stating that certain parties knew about potential “threats [that] had been made against Flight 182” and were “negligent in permitting dangerous baggage to be loaded on the plane” (Flavelle, 24 Dec 1985, A3). Within this time period, families also filed for civil litigation against CSIS. At first, Canadian courts deemed it not possible for families to sue the transportation services nor CSIS for neglect. For example, newspaper articles included “Air-India legal move delaying settlement of air crash claims,” (Todd, 28 Sep 1987, A.8) and “Court won’t allow victims’ families in Air-India crash to sue government” (Haliechuk, 08 Oct 1987, A4). With regard to the delay, Haliechuk (1987) states “Families of victims of the Air-India disaster in 1985 cannot sue the federal Department of Transport and the Canadian Security Intelligence Service for negligence... The general rule is that the crown and its agents are immune from a civil lawsuit for negligence” (A4). Eventually, a civil suit was launched in 1988 and is referred to in a selection of families’ testimonies. Details about their actions was not common knowledge as some families did not know about the civil suit until as late as a few weeks before the Air India Inquiry (Public Hearings, 2006). The civil suit was detailed in Bob Rae’s *Lessons to be Learned* report (see the second section of this Chapter). Rae’s (2005) report stated, “The families have also expressed their deep hurt at their isolation from their fellow Canadians. There was little recognition of their loss. The civil lawsuit dragged on for some years, until being settled in 1991” (p.4). The civil suit is one example where families mobilized to address the inadequacy of financial support from

the Canadian government and made legal claims about the negligence of the government, the three Canadian airports and Air India Airlines.

The civil litigation process and questions around compensation are addressed in the first volume of the Air India Inquiry Report (2010a) in relation to the Canadian government's responsibility to the families. Importantly, the Air India Inquiry Report critiques the government's response to the families by stating that, "The Government denied any obligation to compensate the families of the victims and treated the families as adversaries. The defensiveness increased once the families brought an action for compensation" (Air India Inquiry Report, 2010a, p.35). The Report states, "The civil claim was settled by hard bargaining at an early stage, before the Government was obliged to disclose its documents... Even after the civil litigation was settled, the Government resisted disclosure of information about the bombing on the grounds that the police investigation was ongoing" (Air India Inquiry Report, 2010a, p.35). The passage above describes the defensive as well as hostile responses from the Canadian government.

In terms of further compensation the Report suggested that ex-gratia payments should be made to the families. The Report states, "Providing an ex gratia payment will go a long way to alleviating what is now over twenty years of alienation for those Canadian families" (Air India Inquiry Report, 2010a, p.40). In 2011, the Canadian government offered one-time payments of \$24,000 to the qualifying families of passengers and crewmembers of Air India Flight 182.

In Bal Gupta's testimony, he refers to what he thinks was the sum of 1 million dollars distributed amongst families in reference to the settlement in which he suggests that the Canadian government had contributed. He states, "It was very minimal. I don't think it was much more than \$1 million total package to all the 329 families, but some of our families got as little as \$20,000 and they settled right in the beginning and they had to get on with their lives. The Canadian government made very little contribution" (Public Hearings, 2006, p.37). Justice Major and certain family members discussed how much compensation should be given to family members from the Canadian government.

However, debate about compensation and how settlements were handled over the years were wrought with controversy, as noted by Mr. Mahesh Sharma's testimony.

Then when we came back to Canada this whole thing started again, the compensation. Many lawyers came, 'Yeah, you should get so many million dollars' and all those things. Some of the people, including me, we paid some extra fees to the lawyers. I don't know where they disappeared after that. We paid some, not much. Finally, the compensation package came. It was not great. I have no problem with that. Money doesn't make anything alive. But the Canadian government was not seen anywhere to give us counselling. We were asked to sign on a dotted line, to release CP Air, CSIS, RCMP, Government of India, Government of Canada, Air Canada, everybody; and we did. That was not the right thing to do. Our government should have given us some sort of counselling before you do. We have some rights, but it was not there. (Public Hearings, 2006, pp.495-496)

Similarly, Mr. Parkash Bedi argues that there was major concern with how compensation was offered to the family members. He states,

The fight for compensation was a nightmare. During that time, I got a call from a lawyer that was offered some compensation money, which made me very angry. I told him if he had his son or daughter for sale, I would pay him double the amount he was offering to buy them. He never called me back. I felt pressured into signing the agreement. The lawyer travelled to Windsor and told me that if I did not sign it, my case would be thrown out. Under the duress, I signed it but with the condition that my papers should be the last to be submitted and if there is one just other person declining, my signature was void [*sic*]. (Public Hearings, 2006, p.253)

In different capacities, the families of Air India victims mobilized to form several groups, demanded specific services, such as counselling, and approximately 200 families took civil action against the Canadian government, which resulted in a lengthy process that concluded in 1991. Each of these acts of citizenship occurred at different sites and scales (from family meetings to legal forums for litigation), showing the extent of the families' demands and the level of resistance from the Canadian government.

Early Demands for a Public Inquiry

Families mobilized in several ways to ensure their calls for a public inquiry were heard, which the rest of the chapter will describe in detail. Family members contacted government officials at all levels immediately after the bombings up until the Inquiry was called in 2005, making phone calls and sending letters to their constituency representatives to, for example, request information and support. Their requests to Members of Parliament (MPs) for a public inquiry into the botched criminal investigation that resulted from the deletion of RCMP records and mishandling of CSIS files were ongoing. Their pursuit of justice closely paralleled the efforts of Japanese Canadians who sought redress specifically in the ways members of the community demanded the Canadian government to recognise their rights (see discussion of Roy Miki's (2004) research in Chapter Three).

It is significant to note that Air India Flight 182 family members felt compelled to make statements in their testimonies about their ongoing work trying to keep pressure on the government and keep awareness about the Air India bombings in the public spotlight through media coverage. As with the Japanese Canadian redress movement, families became aware that there was a connection between the media and the actions of municipal governments in Canada. On June 25, 1985, two days after the bombings occurred, families of Flight 182 passengers began mobilizing within their local municipal communities, and held a series of memorial services across Canada. These events were covered positively in the media. For example, one reporter described the memorial held in Toronto with a quote from Toronto's mayor at the time, Art Eggleton. The former mayor was quoted as stating,

Mayor Art Eggleton has urged Torontonians of all faiths and races to attend a memorial service tonight to show they share the sorrow that Air-India Flight 182 has brought to the Indian community. The ecumenical service at Nathan Phillips Square, which will bring together representatives of the Hindu, Moslem, Sikh and Christian faiths and representatives of the four levels of government, starts at 7 p.m. In his invitation, Eggleton urged the public to come and "contemplate the

enormity of what has happened and to draw strength from the communal thoughts of our people who share the grief and the sorrow of this hour.” Metro council has declared tomorrow a day of remembrance and prayer for the victims of the crash. (McNenly, 25 June 1985, A9)

Initially after the bombing, there were a series of multi-faith memorials held in major cities across Canada, and some initial condolences to families from government officials at the civic, provincial and federal levels.⁸⁹ The media focused on the involvement of religious groups in these vigils because Sikh-Hindu religious tension (in India) was widely assumed to have led to the bombing (as discussed in the Introduction of this dissertation). But, for example, in an article covering a memorial service held in Toronto in 1988, the reporter highlights leaders from “eight religious faiths, including Sikh, Islamic, Buddhist and Christian, said prayers in sequence on a stage rimmed with flowers and incense” (Nunes, 1988). This is important to note, because the families on Flight 182 also came from different religious and cultural backgrounds, and those involved were not exclusively from either Hindu or Sikh religious groups. The religious diversity cited in the article challenged the “common knowledge” that South Asians were largely a fragmented community. Since 1985, at the local level vigils, memorial services, and yearly remembrance services have taken place every year on June 23 in Vancouver, Ottawa, Montreal and Toronto. For example, the memorial service in Vancouver includes a Sikh prayer delivered by a *granthi* (*gurdwara* priest), usually represented by the Khalsa Diwan Society (Singh and Singh, 2014, p.163). These memorials are also a way to ensure media coverage of the bombings on an annual basis.

Dr. Khandelwal speaks about the importance of making sure their demands were heard, and in his case, acknowledged by the government. His testimony begins by

⁸⁹ Despite the support of select MPs in the steps the families took to pressure the government, these were either refused or did not result in action by the federal government.

showing an image of his two daughters, Chandra and Manju, who were on Flight 182. He describes how he, his wife and his kids were born in India, but migrated to Canada in 1968 for him to pursue a doctorate degree. Khandelwal had come to Canada for his education, and in conversation with the immigration officer processing his paperwork, suggested that he migrate to Canada. At that moment, Dr. Khandelwal and the immigration officer checked his points to see if he qualified, and Dr. Khandelwal applied for his citizenship. In his story Dr. Khandelwal recalls the immigration officer saying to him, “we need professional people like you” (Public Hearings, 2006, p.647). He then, in a sense, shatters this story about immigrating to Canada and his initial feelings of acceptance with questions about whether his poor treatment by the Canadian government was linked to his cultural background and South Asian heritage. In an extended conversation with Commission Counsel Mr. Mickelson, Dr. Khandelwal states the following:

MR. MICKELSON: Thank you, Dr. Khandelwal. We heard a moment ago from Ms. Madon on her role on the West Coast of Canada. You were also one of the more outspoken family members over the years, particularly at the beginning, calling for an inquiry. Can you just explain what prompted you to become publicly involved into getting involved in the effort to call for an inquiry?

DR. KHANDELWAL: Actually, as soon as the media reported that there was security lapses, including the checking of the unaccompanied baggages, the failure of X-ray machines at the Toronto Airport, suspension of surveillance of the suspected terrorists just one day before this tragedy, and erasure of tapes, the problems between CSIS and RCMP, I think that was the time we started demanding an inquiry.

I should add here that Dr. Yogesh Paliwal who spearheaded this—the efforts to call an inquiry and he was—since he was in Ottawa where all the action occurs, he was leading the charge. Dr. Bal Gupta in Toronto helped him and then we people from western Canada...

In this case, like sometimes you say that delayed justice is denied justice, in this case we have been really denied the justice...

Well, over the years, actually fewer and fewer families took an interest because everybody gave up that nothing would happen anyway, so why struggle. We also started to think that nobody wants to do anything because we are Canadians of Indian origin. We thought at that time, and I think it may be true today too, that it is not taken as a Canadian problem and nobody cares about the lives of Canadians of Indian origin. (Public Hearings, 2006, pp.654-655, 657)

The extended passage from Dr. Khandelwal shows how families across Canada worked together to demand a public inquiry in 1985, escalating in 1988, around the time the families organized a demonstration on Parliament Hill (as discussed below). In the last paragraph in the above passage, Dr. Khandelwal refers to his concerns that nobody cared about the lives of Canadians of Indian origin, and whether they should continue mobilizing for a public inquiry especially if their struggles would not be acknowledged. His position was that if their demands were not acknowledged, whether by other families or the Canadian public, then the efforts were of no use.

In a second passage, this time from Mr. Sundaram Ramakasavan, he details one of the major steps families took to organize a vigil on Parliament Hill in Ottawa in 1988. Sundaram Ramakasavan states the following in his testimony at the Inquiry as a way to detail the actions families took to keep attention on the Air India incident and to continue having memorial services for the lives lost on Flight 182:

By the third anniversary in 1988, my conscience prodded me to try to assist the victims' families in organizing or simply attending the annual memorial at Dow's Lake in Ottawa. I managed to contact Dr. Yogesh Paliwal who had lost his son in the tragedy and was the primary organizer for the victim families in the Ottawa region.

I spoke to Dr. Paliwal over the phone about my desire to help in the Air India memorial activities. Our conversations struck a chord and after several minutes of friendly chat I got him interested in organizing a public demonstration at Parliament Hill in Ottawa calling for a public inquiry... I would soon learn that the victim families were in a desperate state and on the verge of giving up their call for justice.

The parliamentarians who had promised to raise the issues at the right places had backed off. The RCMP would not talk to any of the victim

families, singly or as a group. Finally, they were running out of ideas to continue the struggle in the face of stonewalling by the authorities.

Dr. Paliwal, his trusted Lieutenant Parson and I met at my house, worked out the logistics for a demonstration...

I volunteered to speak at the demonstration, but was very afraid of terrorist groups attacking me for speaking against them, so I privately arranged with one of my friends to bring in a getaway car to whisk my wife and me away from the parliament grounds soon after the event.

On the day of the demonstration I was woken up by a phone call early in the morning and was stunned to hear Mr. Parson at the other end weeping. Mr. Parson told me that Dr. Paliwal had passed away in the wee hours of the day from a massive heart attack. Here was the last man standing from the victim families ready to fight for justice for the victims and he was no more. (Public Hearings, 2006, pp.115-116)

The passage above draws attention to how families contacted each other to organize a demonstration, mobilizing individuals in different cities across Canada to help. In particular, Sundaram Ramakasavan testified about reaching out to another family member, and learning that “the victims’ families were in a desperate state and on the verge of giving up their call for justice” (p.115). He draws the Commission’s attention to yet another loss to the families, when Dr. Paliwal, an extremely active family member, suddenly passed away the morning of the demonstration. Sundaram Ramakasavan calls out parliamentarians and members of RCMP for falsely promising families support, referring to the callous actions as “stonewalling by the authorities.” He makes a strong statement about being afraid of being attacked, and the extensive steps he took to arrange a way for him and his family to leave the demonstration safely. This statement makes reference to his fear about further violence being committed against him and his family and also to the level of distrust he had for authorities and his lack of confidence in their ability to adequately protect him. Each action he described can be understood as an act of citizenship, and specifically acts that made sure their demands were heard. In his testimony he outlines the steps he and other families took to carry out their demonstration, as well as the steps he personally took to ensure his own safety. This

passage is yet another example of the actions families took in order to get the attention of the Canadian government in order to pressure them into setting up a public inquiry, even while families were in a “desperate state” and “on the verge of giving up their call for justice” (Public Hearings, 2006, p.115).

Media reports also covered the demonstration on Parliament Hill in Ottawa, which took place on the third anniversary date of the Air India bombings (Public Hearings, 2006, p.43).⁹⁰ To supplement Sundaram Ramakasavan’s testimony, in an article written in the *Toronto Star* (1988) on the third year anniversary the reporter writes, “More than 100 people gathered on Parliament Hill yesterday to press for a public inquiry into the Air-India crash that killed 329 people three years ago. And Liberal leader John Turner led calls in the House of Commons yesterday for a royal commission to look into the disaster” (“Debate rages”, 1988). Importantly, the article references the families’ demands and the need for a public inquiry, as well as John Turner’s calls for an inquiry in the House of Commons. The article begins to address some of the issues a public inquiry should investigate, such as “Whether this mass murder was indeed preventable... Why the crucial evidence (tapes) relating to the preventability of the crime was destroyed [and]... Why the air travel security at our airports was and continues to be in shambles” (“Debate rages”, 1988). It was through information provided by the media that families learned about the gaps and missteps in the investigation of the bombing by the RCMP and CSIS. Haranhalli Radhakrishna states that, “only through the media we begin to learn that there were serious breaches and failures in the Canadian security systems, intelligence and investigative branches that allowed this mass murder to take place” (Public Hearings, 2006, p.870). He notes that police services, including the RCMP, were not providing information about the criminal investigation to the families

⁹⁰ Some reports state “hundreds” others suggest “more than a hundred”. “More than 100 people gathered on Parliament Hill yesterday to press for a public inquiry into the Air-India crash that killed 329 people three years ago” (“Debate rages”, 1988).

directly, rather they had to hear about the failures of the investigation in the news. Newspaper articles written in June 1988 also highlight topics related to redress, such as compensation, and other legal issues surrounding the Air India case in relation to the criminal investigation.

Within days after the demonstration on Parliament Hill, another article in the *Toronto Star* notes the families' demands and the fact that they were still looking for some type of government action (Flanagan, 1988). A third article published in the *Globe and Mail* on June 27, 1988, quotes family members saying that a public inquiry would bring out "...the weaknesses of the security system and what they can do to protect passengers in future" (Nunes, 1988). More general statements in news reports refer to the demands of families. The reports quote the families, stating "'We're asking the government to open an inquiry and catch the culprits,' said Satyakumar Berry, who lost his only son in the crash" (Flanagan, 1988). As I have pointed out, the way the news media frames information is varied, at times framing South Asians stereotypically and at other times supporting their cause by reporting on their activities and demands for justice. The following section examines the positive and negative relationships some family members developed with journalists over the years to show that the role of the media in social movements goes beyond just how the media represents issues and groups of people.

Media Representatives and Air India Victims' Families

As Air India victims' families mobilized to demand a public inquiry, they regularly contacted journalists and government officials, seeking their support. A number of families' testimonies describe the relationship they had with members of the media. While at times, these relationships were discussed positively, at other times, the media hindered families in their demands for a public inquiry.

There is a power imbalance between the media and those it produces news stories about. This is evident in how families chose to interact with the media and from

their assessment of how the media at one moment supported them, and at other moments, failed to cover issues they felt were critical for their cause over the years. In other words, it was the media that determined when and how to report what it considered newsworthy. This is especially evident regarding their demands for a public inquiry and their request to reporters to support these demands. As an example of the relationship between the media and family members, Perviz Madon states,

Well, it was a fight all the time and that's what the counsellor kind of pointed out that it's not easy being out in the media constantly and lobbying and fighting and the inquiry was one of the things we lobbied for. We never had any arrests, any trials, any, you know, so we had to constantly—the reason I talk to the media on an ongoing basis is because I did not want not only Canadians but the world to forget what had happened. I did not want these innocent 331 people to have died in vain. (Public Hearings, 2006, p.607)

Perviz Madon further discusses her relationship with the media in the following exchange with legal counsel at the Inquiry. The dialogue was as follows:

MS. P. MADON: We couldn't afford it. It costs a lot of money to advertise, as you know. So I probably approached the media requesting them to help us out with this press release.

MR. MICKELSON: Sorry, was this press release to call for an inquiry

MS. P. MADON: Yes, probably.

MR. MICKELSON: Okay.

MS. P. MADON: It's always been out there. And I felt that I have always been there for the media and this is one time when I needed the media that they won't cooperate with me. It's not about me. It's for the victims' families. And I was probably upset about that and then when she happened to call me I just told her I have no more comments to make to her because she wasn't there when I really wanted her, you know, to do something for me. I understand it's not her paper, she doesn't own it. I know it has to go through the process, but I just felt that if she had done something or put me in touch with somebody, or done something, you know... (Public Hearings, 2006, p.618)

Perviz Madon's testimony shows how certain family members had developed a relationship with the media over the years, but noted how they could not be counted on at key moments when it was important to keep attention on the Air India incident. When it came time to mobilize and make demands for a public inquiry, journalists were not available. However, they came forward when the Air India incident was re-sensationalized because of the Canadian government's announcement of the Air India Inquiry.

Once the Air India Inquiry began, a number of the families became frustrated with how the media reported the incident. Mr. Satrajpal Rai's (Fred Rai) testimony compares his first encounter with the media in 1985 to his experience in at the Air India Inquiry in 2006. While speaking at the Commission, he shares his observation of the media's response to the Air India Inquiry. He states how when the Inquiry first began, there were many reporters present, but notes how they left the Inquiry shortly, either during or after the morning session, as if they had little interest in what the families had to say. He states that the behaviour of journalists at the Inquiry parallels their behaviour in 1985 when the media hounded families when they needed a quote about the bombings, and disappeared after getting the sound bite they required. Fred Rai states,

Well, it's funny now that earlier on in the morning there was a lot more media here, but all of a sudden they disappeared. I wish that had happened on that date because in a matter of two hours, I had every radio station, newspaper, television news station knocking, calling relentlessly, hour after hour after hour, people knocking on the door, asking for interviews. I didn't know what was going on. My mother and father—my father being the lead of our family, the head of the family, invited a couple in and basically we were just used. We were used to give comments to the novelty of the day, the story of the day to sell newspapers, to get your front page ads. Nobody asked us how we feel or what happened. It was just to fill a line or two in of what they believed they needed or wanted, and that's what happened throughout the day and days on end and weeks on end. (Public Hearings, 2006, pp.100-101)

In another testimony, Mrs. Rama Bhardwaj draws attention to concerns expressed in the media about the Inquiry's financial cost, rather than about the Inquiry's purpose and

objectives. She states, “I am offended that the media wants to talk about how much this inquiry is costing. I am a Canadian taxpayer. I deserve to have the same important questions answered. Why are the Gomery and Arar Inquiries allowed while the Air India Inquiry gets so much criticism? The victims’ families are still suffering...” (Public Hearings, 2006, p.161). The quote addresses how some families felt that discussions around cost devalued the need for the Inquiry, and more importantly, associated a cost with their loss.

Perviz Madon, Fred Rai, and Rama Bhardwaj’s statements are examples of the relationship between the media and the families. Perviz Madon’s statement shows her frustration with journalists who were not willing to help mobilize for a public inquiry, while Fred Rai indicates their disinterest in the bombings and the surviving families, and Rama Bhardwaj’s statement shows their insensitivity to the families by reporting on the cost of the Inquiry rather than the suffering of victims’ families. At the same time, each statement is a testament of their struggle to keep the bombings in the news in order to bring attention to their demands for an inquiry. In addition, each act of testifying can be seen as an act of citizenship, where the testifier confronts the media and criticizes them for failing to frame the incident as a question of national concern and justice.

To show the complexity of the relationship with the media, it is important to note that some families have been grateful for the supportive relationships they had with reporters who were diligent and worked to ensure ongoing communication with family members. For example, in Mr. Krishna Bhat’s statement at the Inquiry he acknowledged the support of specific reporters. He states, “*I also want to give thanks to Kim Bolan. She put her life on the line and went to Punjab as an investigative reporter. Such people give us a lot of hope. She was very brave not to let it go*” (Public Hearings, 2006, p.534, italics in the original). In the inquiry other family members also take the opportunity to show their appreciation of specific journalists’ support. As Mr. Parkash Bedi states, “... Even reporters like Kim Bolan and her colleagues were threatened but they still kept on working for the truth. I would like to thank them for their courage. I hope the Commissioner has the same courage” (Public Hearings, 2006, p.259). Ms. Jayashree

Thampi states, “When the world had forgotten us, reporters like Kim Bolan and Terry Mileski [sic] worked hard to keep the case alive in the minds of the Canadian public and in the conscience of the Canadian politicians” (Public Hearings, 2006, p.173). In a longer passage from Ms. Anita Gupta’s testimony, whose sister was killed in the bombing, she reflects on how regular news reportage was one of the only ways for the Air India incident to remain a prominent topic in public discourse. She discusses how her perspective about their role has changed over time. She states,

I had started my testimony by saying that there was much that was really my parents’ story to tell here. I drove to my house in London this past weekend to select pictures for today and ended up finding an album in which my mom had placed condolence cards and letters, both personal ones and ones from officials, poems written by my sister’s friends, all the details of every scholarship award they had set up in my sister’s name, all the scholarships and memorials that others had started in my sister’s name, and also some press clippings. I should say there were lots. We have always had so much support from our friends, our extended family, our community.

The press clippings made me stop and think about how so much has changed in my views about things over the years. Today, I feel a deep sense of gratitude towards members of the press for keeping the story alive year after year, even when it was considered old news. I frankly don’t know where we would be without the press, but I didn’t always feel that way.

Growing up, I remember thinking of the press as vultures, creatures who swooped down on our family every June 23rd and welcomed into our home by my father so my parents could speak of the loss of their daughter and my father could express his frustrations, anger and bewilderment at the lack of prosecution, as well as government response to the bombings.

I remember running to my friend’s house on many occasions so that I could avoid the reporters’ visits and remember feeling embarrassed that my father wanted to speak to them, making our private loss public. I think some years my mom didn’t allow my father to speak to reporters because of how upset it made me. I feel terrible about that now. I wonder what he would have thought had he known that I would unknowingly repeat his

sentiments time and again, publicly, almost 20 years later after the verdict was announced. (Public Hearings, 2006, pp.524-525)

Anita Gupta's testimony provides insight into her complex relationship to the media, showing how in the beginning, she viewed reporters as vultures, demanding that her family share their grief and views on the failure to prosecute the perpetrators. She shows how her view of the media changed over time, and that she is now grateful for their reporting because they were the only ones who kept the story alive over the years. Other testimonies also identify key journalists who have followed the case working closely with the families over the years. These families variously name journalists such as Kim Bolan, Terry Milewski and Tara Singh Hayer (who was later murdered for his investigation into the bombing), Salim Jiwa and others. These journalists were noted for dedicating significant amounts of time to reporting the bombings, uncovering details about the criminal investigation, why it happened, and the motivations behind the bombings.

The commitment journalists in Vancouver had to reporting the Air India bombings is reflected in the books written by journalists Kim Bolan (2005) and Salim Jiwa (1986). Salim Jiwa (1986) was a senior investigative reporter with the *Vancouver Province* in 1985 and released the first comprehensive book on the bombing, which included a timeline of key events and people involved in all aspects of the bombing, investigation and aftermath until 1986. The book notes that it took approximately a full year before Canadian authorities would admit that it was a bomb that took down the aircraft (p.172). The ordeals faced by Kim Bolan and Tara Singh Hayer also demonstrate the journalists' commitment to investigating the case. For example, Kim Bolan's (2005) book, *Loss of Faith: How the Air India Bombers Got Away with Murder*, describes her experience as an investigative reporter following the case and how she uncovered information about the bombings during interviews with key parties and informants. Bolan also criticizes the lack of services provided by the government, including the lack of an inadequate witness protection program, and she also describes the inability of Canadian investigators to enter the Sikh community due to the lack of community connections, trust, and language

barriers. Bolan (2005) discusses the numerous threats she received due to her investigation into Sikh extremists' involvement in the Air India bombing. The cover of her book is a copy of one of the letters making threats against her.

Tara Singh Hayer, often described as the 332nd victim of the Air India attack, was the editor of a South Asian community newspaper called the *Indo-Canadian Times*, which is a Punjabi language newspaper in circulation in the Lower Mainland since 1978. He became a key witness in the case because of his paper's coverage of the bombings, and his attempts to speak about the growth of Sikh extremism in the Lower Mainland. He was first attacked outside of this newspaper office in 1988, which left him paralyzed and wheelchair-bound. Then, in 1998, he was found murdered in his garage. Tara Singh's son, David Hayer (Dave) and daughter-in-law Isabelle Hayer gave testimony at the Air India Inquiry and spoke about their father's (and father-in-law's) experience. They made statements about how poorly the Air India bombings were handled by the Canadian government, their experience with witness protection, and the criminal investigation in relation to the murder of Tara Singh Hayer.⁹¹ Dave and Isabelle Hayer argued that the RCMP failed to see the "bigger picture" of what was happening in the South Asian community at the time. In his testimony, Dave Hayer references a bombing attempt in 1986, threats to the family during this period, and concerns about their safety.

⁹¹ For example, the final Air India Inquiry Report (2010a) states that there were significant errors with witness protection during the investigation. One example of this is with Tara Singh Hayer and another example is linked to the witness, "Ms. D" (p.29). The Air India Inquiry Report makes reference to these two cases as examples of problems with witness protection plans during the investigations, where "[in] the case of "Ms. D" and Tara Singh Hayer, RCMP sloppiness led to disastrous results. For Ms. D, it meant premature entry into a witness protection program that cut her off from her family and that, from her perspective, ruined her life. For Hayer, the result was a failure on the part of the RCMP to provide adequate or effective protection. In 1998, he was murdered in his own garage" (Air India Final Report, 2010a, p.29). Main topics in the Commission's investigation drew upon concerns about terrorist financing, aviation security, terrorism persecution, and defining the jurisdiction for different policing agencies.

In the video footage of the Public Hearings, Commission Counsel Anil Kapoor asks Dave Hayer about the political climate in the Sikh community in Vancouver at the time of the bombing in 1985. He asked what the environment was like within the community and Dave Hayer responds by stating,

[M]ost people were afraid, speaking out against Khalistan was a problem, you would be called names on radio stations, called outside of Sikh temples, they were taken over, beatings outside, they being those who support Khalistan by means of violence. Caused issues for the South Asian community at large. Homes and families were threatened [and] tactics were used. Some had their own media and radio stations were used. (Public Hearings [video], 2007)

Isabelle Hayer, partner of Dave Hayer, worked closely with her father-in-law in the newspaper office and stated in her testimony, “I received a phone call with threats—know the extent of kids and families, threats to the families. Nobody in the community [was] standing against the threats except dad...” (Public Hearings [video], 2007). She stated that it seemed to many people that the “RCMP and other authorities didn’t take Air India seriously... after 1985 the bombing was felt in the community, and the perception in the community was that it is an ethnic community and it was disconnected” (Public Hearings [video], 2007). Dave and Isabelle Hayer’s testimony at the Air India Inquiry reveals the ongoing demands they made to the RCMP to take the threat to their family seriously. The Air India Inquiry Report (2010a) states that,

When Tara Singh Hayer was brutally murdered in his garage in November 1998, the equipment was not functional. Only ‘snow’ was recorded on the videocassette and no footage could be recovered. Prior to appearing as witnesses before this Inquiry, Hayer’s son and daughter-in-law were unaware that the video surveillance system had failed. When in the past the family had asked the police if they could view the surveillance tapes, they had been told that this was not possible due to the ‘ongoing investigation.’ The murder of Hayer occurred ten years ago. The individuals responsible have still not been identified and brought to justice. (Air India Inquiry Report, 2010a, p.127)

Victims’ families recognised the danger journalists faced in reporting on the case. In his

testimony during the Inquiry, Susheel Gupta acknowledges the loss of Tara Singh Hayer by saying, “My heart goes out to the family of Mr. Tara Singh Hayer. My heart goes out to witnesses who are now in hiding for the rest of their lives. I thank you and I am so sorry that we as a country failed you. I am really sorry and I keep you in my thoughts as fellow victims” (Public Hearings, 2006, p.519). Susheel Gupta’s statement speaks to the systemic failures of the Canadian government and policing agencies and how these resulted in another victim related to the Air India incident.

Lobbying Members of Government Officials for a Public Inquiry

Members of Parliament (MPs) and MLAs also had a variety of different responses to the families’ demands for a public inquiry. Responses at the federal level varied as some MPs started challenging the government about aspects of the criminal investigation into the Air India bombings in the House of Commons beginning in 1985 and continued until the Inquiry was called in 2005. Hansard records show that these government officials used the floor of the House of Commons to show their support for the demands for an inquiry. In an example from 1987, one news report written by Kim Bolan states that the Solicitor General’s Office should be responsible for providing information to the victims’ families. The report states that,

Solicitor-General James Kelleher should tell the families of those who died aboard an Air-India jet two years ago why no one has been arrested in the case, Burnaby MP Svend Robinson said Monday. “The investigation has been dragging on too long,” Robinson, the New Democratic Party’s justice critic, said in an interview from Ottawa. “Obviously it’s a complex investigation. But the families of the victims of the disaster deserve an answer. Why is the government taking so long to arrest someone?” Robinson said he intends to take up the matter with Kelleher to try to get some answers for the relatives of the 329 killed, some of whom lived in Robinson’s riding. (Bolan, 1987)

In the news report, one particular MP, Svend Robinson, is quoted supporting families' demand for information and questions why it has taken the Canadian government so long to make an arrest. His statement does not indicate his specific support for a public inquiry, however, in the following passage from Sundaram Ramakasavan testimony, he lists Robinson as one of the MPs supportive of the families calls for justice by demanding specific information about the criminal investigation.

In another extended passage from Sundaram Ramakasavan's testimony, he describes his and other family members' interactions with Members of Parliament in their efforts to lobby the government for a public inquiry. He states the following:

We started our lobbying of parliamentarians and it was relatively an easy task because our group was primarily an Ottawa-based group. We lobbied the MPs irrespective of their party affiliation.

In 1994, it took us awhile to get an appointment with the Ottawa region MP Ian Murray because his staff told us that the MP gives priority to Canadians and Canadian causes. It took persistence and education of the staff about the Air India tragedy to get an appointment with the MP.

There were outstanding parliamentarians, like Nunziata, Robinson, Redway, Tobin and several others who had raised questions in the parliament repeatedly. One of our greatest champions was Nunziata who not only called for a public inquiry but also introduced a private member's bill in 1985.

However, this repeated questioning in [Parliament] made no dent on the stonewalling tactics of the government of the day, be it Conservative or Liberal.

Our big disappointment was with MP Thacker, who was leading the justice committee. We had a meeting with him and he promised to take up the issue in his committee, but he simply stopped communicating. Calling his office repeatedly made no difference.

In one of the following years we decided to lobby the Nepean Member of Parliament Gaffney. She was a compassionate person who suggested that we present a petition to parliament. We decided to get the petition signed by many ordinary Canadians rather than just the Indian community members. (Public Hearings, 2006, pp.120-121)

In his testimony, this family member boldly spoke about their ongoing efforts to contact government officials to support their demands for a public inquiry. The responses described in this quote contrast the responses by other government officials who did not support the call for an inquiry. Sundaram Ramakesavan details the response from MP Ian Murray's (Liberal) office whose staff stated that, the MP gives priority to Canadians and Canadian causes, implying the Air India bombing was not a Canadian incident. In addition to lobbying governments and actively demanding a public inquiry, another act of citizenship is evident in the way the families persistently contacted their MPs and educated them about the bombings and the effect on Canadian families. Furthermore, Sundaram Ramakesavan states how none of their tactics in their struggle for justice impacted the governments over the years, demonstrating ongoing scales of action for over twenty years until the Inquiry was finally called in 2005, with the media being one scale and the government's legislative body being another.

Family members stated that the RCMP and CSIS did not provide clear information about the progress of the criminal investigation and they felt the investigation was excessively protracted because it was not a priority for any of these agencies. For example, in July 1991, the *Ottawa Citizen* recorded a statement made by an Air India victim's family member, Sundaram Ramakesavan, who stated, "[T]he group wants a Royal Commission of Inquiry to make recommendations for improved airport security, in order to prevent another act of terrorism from ever taking place" (Modro, 1991). Throughout the late 1980s and 1990s, family members attempted to setup meetings with government officials and the RCMP. For example, an article from June 24, 1988, indicates the first time a public inquiry was mentioned in the House of Commons. The article states,

Liberal leader John Turner and New Democrat MP Svend Robinson demanded Thursday that the federal government order an independent inquiry into the crash of Air-India Flight 182 three years ago. "It's unbelievable that three years should have passed and Canada has refused the possibility of any inquiry," Robinson said in an interview on the anniversary of the crash, which claimed 329 lives. ("Separate inquiry on Air-India crash urged", 1988)

Maya Seshia (2012) has researched the instances when the South Asian community was addressed in Parliament in relation to the bombings. For example, in 1999, John Nunziata (York-South–Weston, Independent) stood on the floor to ask the government for a public inquiry again (Seshia, 2012, p.223). Maya Seshia (2013) also notes that the distancing from the bombings by the Canadian government was so extensive that government officials initially referred to the Air India incident as a “crash,” avoiding the word “terrorism” in their official statements (p.223). The Inquiry disclosed that initially, the Canadian Government chose not to refer to the incident as a bombing because of the potential implications and responsibilities the government would have if the explosions were deemed an act of terrorism (Air India Inquiry Report, 2010a). This is despite forensic evidence from the Indian government’s Kirpal Inquiry (1986) that showed the aircraft crashed because of an explosive device. This shows the Canadian government consciously ignored the magnitude of the bombings, including an unwillingness to acknowledge the evidence produced by other governments in their investigations.

Activism on the part of the families continued. Each year the number of articles and amount of media attention about their request for an official commission of inquiry increased. Groups like the Air India Victims’ Families Association (AIVFA) began to take the position that a public inquiry was necessary in order to determine what happened at the time of the bombing, why the criminal investigation failed to convict any suspects, and wanted information detailing the RCMP and CSIS mismanagement of the evidence. In a statement to the media, Bal Gupta, as a representative of the group, stated that, “Ottawa tells them a public hearing might interfere with the police investigation” (1990, A3). As another example, former Solicitor General James Kelleher was reported to state to members of the media that, “a public inquiry would hinder investigations by the Royal Canadian Mounted Police and the Canadian Security Intelligence Service” (“Air-India victims’ families urge inquiry from Ottawa”, 1988). These accounts show that demands for a public inquiry were circulating in Parliament and the media, and that federal leaders were aware of the demand made by families. Discussions about Indian politics, the

bombings, and the South Asian community in Canada were also briefly discussed in parliamentary debates and although more frequent demands were made by families for a public inquiry, no action by the government took place until 2005.

In his testimony at the Air India Inquiry Bal Gupta notes, “For the first time, in June of 1993, Honourable Herb Gray, then Solicitor General, called some family members for a meeting in his office in Ottawa... RCMP officials were present. Mr. Gray did not promise an inquiry. The RCMP were instructed by Honourable Gray, Herb Gray, to meet the families periodically and apprise them of the investigation” (Public Hearings, 2006, pp.43-44). Bal Gupta continues by stating, “Through these meetings we came to know very clearly that the criminal investigation was a dead end. In 1995, when it was restarted by a new group of RCMP investigators, this finally led to the conviction of one person on relatively lesser charges and acquittal of two other accused persons” (Public Hearings, 2006, p.44). The resources allocated to the RCMP for the investigation were minimal. As noted by families, and by journalists following the case, the investigation was reduced to the responsibility of a few officers, with one or two being responsible for Sikh terrorism (Air India Inquiry Report, 2010a, p.85).

In 1996, Harbance Dhaliwal (Vancouver South, Liberal) stated to the Speaker of the House, “The Air-India explosion more than 11 years ago was the worst civil aviation disaster in Canada’s history. Can the minister tell the House when Canadians can expect the long overdue inquiry into the Air-India tragedy?” (Dhaliwal, 1996, p.5888). Yet, not all Members were in support of an inquiry. Other MPs suggested that either enough had already been done for the families or, as mentioned above, that an inquiry could not take place while the criminal investigation was still open. For example, in response to Dhaliwal, in 1996 Herb Gray (Windsor West, Liberal) states the following,

The government has not forgotten the victims or their families. For the first time a solicitor general, namely myself, met with the families. I directed senior RCMP officers to keep them regularly informed of the progress of the investigation. As you will recall, Mr. Speaker, a \$1 million reward has been offered. This has generated hundreds of leads which are being actively pursued.

It is not considered appropriate to have a commission of inquiry while there is an active investigation. However, the commissioner has confirmed to me that if there is an impasse in the investigation I will be informed. I want to assure my [H]on. friend that if there is such an impasse I will immediately discuss this matter further with the Prime Minister. (Gray, 1996, p.5888)

The actions taking place in 1995 were also referenced in Sundaram Ramakesavan's testimony. He provides a detailed account of his attempts to rally government officials and the impact that hearing about the bombing of the Pan Am Flight 103 (also referred to as the Lockerbie incident) had on his efforts to continue fighting for a public inquiry for the Air India bombings. He states,

Early in 1995, I decided to write to each and every Member of Parliament. I gathered all the letters of support we had received over the years, copies of the inquiry into the Pan Am tragedy, Pan Am Lockerbie tragedy, list of failings from a seminal CBC documentary and a list of victims and send it to every member of parliament along with a personalized letter. I mailed 150-odd letters on a particularly cold day in winter in different mailboxes in town [sic].

There was a flood of responses from the members of parliament. Responses from Reform Party members remained cold. Even after 10 years and no active criminal investigation they would refuse to support a public inquiry. Despite the fact that there were French Canadian victims and many victims from the Montreal area there was only muted support from the Parti Québécois.

Despite the massive supportive responses from MPs there was no direct communication from the government of the day. However, there was an announcement that the solicitor general had authorized the RCMP to reopen the Air India case and a million dollar reward was announced.

After refusing to open a public inquiry for so many years because of an ongoing criminal investigation it was strange that the solicitor general and the RCMP were talking about reopening the case. It was an outrage amongst the victims' families and they protested by not talking to the press. I was the only person willing to talk to the press. I recall my answering machine being full and spending a good part of the day returning the calls from the journalists. (Public Hearings, 2006, pp.126-127)

In this passage, Sundaram Ramakesavan references both the extensive steps he took to contact government officials about running an inquiry, as well as a media boycott organized by families to protest the unwillingness for the government to hold an inquiry and instead, to reopen the Air India case—the boycott was yet another tactic and act of citizenship families took in their pursuit of justice. There is very little reference to the media boycott with Sundaram Ramakesavan’s testimony containing the only details about it in the volumes of raw material provided from the families’ testimonies.

As indicated above, several government officials stated that an inquiry could not take place while there was an ongoing criminal investigation. As the literature review on public inquiries indicates, this point is made in the mandate of inquiries: an inquiry’s purpose is to investigate an issue of public concern once an investigation has been completed. Other examples of when MPs considered the need for a public inquiry occurred in 2003 and 2005. In 2003, in an exchange between Kevin Sorenson (Crowfoot, Canadian Alliance) and Hon. Wayne Easter (Solicitor General of Canada, Liberal) in the House of Commons, both MPs debate why a public inquiry had not yet been called. Sorenson states,

Mr. Speaker, of the 331 people killed on Air India flight 182, 280 were Canadians, 80 of whom were children, yet both the previous administration and the government refused to initiate a commission of inquiry. Recent allegations only serve to remind us that Canadians and the rest of the world deserve to know exactly what transpired on or before the June 23, 1985 disaster.

Will the Solicitor General immediately initiate that commission of inquiry?
(Sorenson, 2003, p.1540)

Easter responds by stating,

Mr. Speaker, I would remind the hon. member that the most important inquiry in the whole Air India bombing is taking place right now, where the people who are responsible for that bombing will be brought to justice. That is what we should keep our eyes on. (Easter, 2003, p.1540)

Sorenson further responds to Easter,

Mr. Speaker, in 1993 the leader of the official opposition, now our current Prime Minister, promised that the Liberals would 'continue to press the government to create a royal commission [*sic*] to look into the Air India disaster'. After 10 years Canadians are still waiting for this unfulfilled promise. (Sorenson, 2003, p.1540)

Easter responds to Sorenson by saying that even if the government wanted to have a public inquiry, they would be unable to, considering the ongoing investigation and that the criminal trials were currently taking place in court (Easter, 2003, p.1540).

Regardless of whether or not an inquiry could have been called at that time, Sorenson indicated that there was enough reason for the government to examine the failures in the criminal investigation. While MPs like Sorenson had supportive responses to the requests by family members to run an inquiry, MPs responses varied and some even responded in an antagonistic manner further indicating the barriers families had to face in their pursuit of justice. The above section provides evidence of family members' persistent and ongoing actions and argues that their acts can be viewed as acts of citizenship. Their demands provide clear indication of what rights they wanted and what their expectations were from the Canadian government.

The Families' Responses to the Criminal Trials: From 1991 to 2005

This section discusses two issues raised about the criminal trials: the first is the lack of information made available about the trials and what families expected from the trials. The second issue involves the families' reactions to the verdicts, and the reasons why the judge was not able to convict the suspects. This section also traces the steps taken in Parliament to finally call for a public inquiry in 2005. I describe the change in perception about the Air India bombing by the Canadian government in this period. In 1985 officials either ignored families' demands, or they acted with hostility. Family

members were told by officials that this was not a Canadian issue and for two decades, families responded by asserting that they were citizens—and mobilized the families to address different concerns, using different tactics such as boycotts, letter campaigns, petitions, rallies, demonstrations, vigils, and set up meetings with officials. In 2005, the tone of the Canadian government changed, with officials, especially the Prime Minister, showing overwhelming support for the families and the need for a public inquiry.

It is important to return to the events of 1991, to the time of Reyat's conviction. News reports made it clear that the criminal trials revealed inconsistencies in the RCMP and CSIS investigation, demonstrating the need for a public inquiry into the security failures at the time of the bombing. Family members' reactions to the verdicts renewed further demands for a public inquiry. In Mr. Krishna Bhat's testimony he states,

Between 1987 and 1995, I hoped that the authorities were pursuing a [criminal] case but I did not know what was going on. I did not know if they would be able to charge someone. I thought our only hope of conviction was Reyat who had bought a Sanyo recorder at a particular store in BC as a gift to the son of a certain friend and did not even know who that friend was.

During that trial, I hoped the truth would come out. I followed the 1991 trials in the news. I still wonder whether Reyat can tell us something, something very important. Even now, that's my only hope.

Eventually, the RCMP called to tell me [Mr. Bhat] that they were laying charges and that they were arresting two persons. However, the investigation was a series of incidences of total negligence, not just one or two coincidences. This was a public disaster. We called for an inquiry for years and nothing was done. Even Mr. Chretien, when in opposition, screamed with full throat for a public inquiry. After coming to power, however, Mr. Chretien conveniently evaded all pleas for a public inquiry. (Public Hearings, 2006, p.533, italics in the original)

Krishna Bhat states that he followed the trials in the news and his statement presents details he recalled from the criminal trials of *R. v. Reyat* (1991) and *R. v. Malik and Bagri* (2005). He refers to details about the criminal investigation that came out during the trials as well as the verdict for Malik and Bagri in 2005, including his recollection of when

the erasure of key pieces of evidence became public knowledge. As another example, Ms. Mansi Kinsworthy also recalls the 2005 verdict. She states,

I attended the trial on the week of the verdict. When I heard the verdict, I felt my world shatter again. It was like someone had squeezed the life out of me. I could not breathe. I felt anger and was outraged at the Canadian justice system. I could not believe that it was so easy for terrorists to commit mass murder and get away with it. We were hoping to get some closure at the verdict but were let down. (Public Hearings, 2006, pp.440-441, italics in the original)

Her statement connects the act of hearing the verdicts with her anger toward the Canadian justice system. She references attending the trials and being “let down” yet again by Canadian officials. Similarly, Dr. Khandelwal describes the courtroom on the day of the verdict in 2005. He says that there were “about seventy family members on the day of the verdict in that courtroom” and when Judge Josephson said that he did not believe one of the witnesses, “we knew at that time—at least I knew in my own mind—that these people would not be found guilty. So when he said first verdict, not guilty, we knew the second person’s case was not as strong as the first person’s, so we knew that the second person will not be found” (Public Hearings, 2006, p.661).

Mandip Grewal’s testimony identifies another aspect of their experience as racialised Canadians, which a number of families also discussed (see Chapter Five). Mandip Grewal brings up an incident at the courthouse when he went to hear the verdict for Malik and Bagri. This incident is an example of how a number of members of the public have responded to the Air India bombings and to the families, further discriminating against them. He states,

When I reflect back to the day of the verdict, one experience comes to mind that resonates with the purpose of Stage 1. As the families were entering the courtroom to hear the verdict, an old man yelled at all of the family members that were present. He told us to go back home, that we were bringing our problems to Canada.

This was very hard to hear on such an emotional and anxiety filled day. To me this is paradigmatic of the way in which this tragedy has been

perceived by many in Canada, including government officials; that this was not a Canadian tragedy; that the issues dealt with people involved in a conflict far away. What troubles me the most is the harsh difference in the lack of support I received from my country compared to the immense compassion, sincerity, respect and generosity of the Irish people. (Public Hearings, 2006, p.846, italics in the original)

Mandip Grewal's statement refers to both the difficulty of hearing the "not guilty" verdicts for two of the accused in 2005, but also the racist experience he had in the courthouse. Mr. Grewal uses this incident to describe how he feels the Canadian government and the public view the bombings and them as victims' families. In his statement he also stresses the importance of the Phase I, *The Families Remember* report, which reflects the "human element" of the tragedy. His statement indicates that part of the reason for demanding an Inquiry: there were families who wanted an examination of issues of erasure and discrimination, as well as wanting a platform to speak about their experiences.

Another example of the impact of the verdict can be read in Ms. Mukta Laforte's testimony. Mukta Laforte connects her feelings of "crushed optimism" regarding the acquittals to the failure of the justice system in Canada and the response by former Prime Minister Paul Martin. She states,

Throughout the years the evidence was being collected, the trial was taking place and so on, for two whole decades. Optimism was again crushed when the Canadian justice system failed after the hard work of so many persons in collecting evidence to find closure. There had not been closure.

Perhaps a memorial would help, I had thought. Paul Martin, then Prime Minister, as well as the three leaders of the opposing parties, Stephen Harper, Gilles Duceppe and Jack Layton were present at the memorial. When I heard Mr. Martin speak in such a concerned way I was surprised, since the government had shown minimal to no acknowledgement that this was even a tragedy of their own citizens. (Public Hearings, 2006, p.730, italics in the original)

Likewise, in his testimony, Bal Gupta, in referring to Paul Martin's government, states, "Even before the trial verdict came out on March 16, 2005 and also after the trial verdict, families had always asked for an inquiry into Air India 182 bombing. The inquiry was refused by the government of the day, families had a difficult uphill struggle following the trial verdict in March 2005" (Public Hearings, 2006, p.44). Similarly, in a *Globe and Mail* article, Susheel quotes Gupta and John Chatlani who underline the importance of a public inquiry. Susheel Gupta states, "What we want to see next is a public inquiry. There's no doubt about it, two bombs got aboard two planes, and 329 plus the two baggage handlers, 331 people were murdered—all innocently" ("Air India families share anger", 2005). John Chatlani is quoted in the news, stating, "I almost feel as though the Canadian justice system has made a mockery of all of us. Someone needs to be held accountable and a public inquiry is the only way" ("Air India families share anger", 2005). Their demands included identifying what they believe an inquiry would accomplish, such as publicly listing the failures of the RCMP and CSIS and why these failures occurred, and recommendations in relation to how best to support families in the case of a terrorist attack and to aviation security (see Chapter Five). Some demands were specific to the Air India incident, while others generally spoke about what a public inquiry should achieve. While the families came from diverse backgrounds, most draw attention to their scepticism about the process. Ms. Esther Venketeswaran, who lost her father on Flight 182, makes an impact statement about the media coverage of the bombings and also comments on the role of the media in defying the need of the Air India Inquiry in the 20 year period following the bombing. After hearing the final acquittal verdicts, she states,

Twenty-one (21) years of reading or viewing a piece about Air India in the media every year since the tragedy occurred, the impact [of] reading that has made to me psychologically and emotionally whenever I see or hear it, anger, rage, reliving the tragedy all over again with some of the same difficult emotions returning with full force as in the case of the not guilty verdict; sense of powerlessness; sense of fear that I may be tracked down and attacked to settle the score; hopelessness; despair; deep sorrow; lack of comfort; constant media pursuit whenever any milestones have been reached in this Air India saga; being approached relentlessly for comment, speculation... all the while being made to feel non-human

but a spectacle to the public and government; having to repeat and repeat my story to different people, some of which are members of government, in a rant of emotion while absolutely nothing is done for me. (Public Hearings, 2006, pp.925-926)

She powerfully describes how the trials and twenty years of media coverage impacted the families. She states how the process has made her feel non-human and describes the impact of repeating her story to different people and government officials over and over again, people who did nothing to help or support her. In her testimony, Esther Venketeswaran states that she hopes that the Air India Inquiry would not be a futile exercise, similar to the criminal investigation and trials. She states,

The trial in Vancouver I feel was done in an effort to placate the families. I felt all hope was lost in terms of going after compensation through civil court with the not guilty verdict.

I hope this inquiry is not another fruitless exercise in repackaging some of the same old information we have learned over the years and is now all readily available on public record, or part of an appeasement process that is wasting valuable taxpayer dollars in a misguided effort to serve social justice. (Public Hearings, 2006, pp.925-926)

Families actively followed the trials either by watching it on the news or by attending the lengthy criminal trials. Their reactions to the verdicts pushed them even more to demand an inquiry, despite experiencing resistance from the Canadian government and even hostility from members of the public. Some families took action despite the refusal of officials to adequately investigate the Air India incident and address the issues around their treatment as citizens.

The Lessons to be Learned Report and Calling for a Public Inquiry

Federal government officials displayed a range of responses either supporting families' demands for a public inquiry or saying that an inquiry into the bombings was not necessary. Here, there was an element of politics at play, which informed the government's decision about whether or not to call an inquiry. Party politics, current

affairs, and the political climate all play a role in how officials responded to the demands made by families and their willingness to begin an inquiry.

Table 4.1 List of Canadian Prime Ministers and Parties since 1985

Prime Minister	Time	Party
Harper, Stephen	2006-present	Conservative
Martin, Paul	2003-2006	Liberal
Chretien, Jean	1993-2003	Liberal
Campbell, Kim	1993-1993	Progressive Conservative
Mulroney, Brian	1984-1993	Progressive Conservative
Turner, John	1984-1984	Liberal
Trudeau, Pierre	1968-1979/1980-1984	Liberal
Clark, Joe	1979-1980	Progressive Conservative

Challenging Paul Martin’s Liberal Government, MP Deepak Obhrai (Calgary East, Conservative) stated that it was time for the government to call a public inquiry. Obhrai states, “Since the B.C. Supreme Court verdict on March 16, I, along with my leader in the Conservative caucus, have been demanding that the government hold a public inquiry. The families have waited in anguish for 20 years and have watched the investigation drag on and on” (Obhrai, 2005, p.1415). During question period, Stephen Harper (Conservative Leader of the Opposition at the time) states, “Mr. Speaker, last night the House voted to hold a public inquiry into the Air-India tragedy. In fact, members representing every party in this House voted for that motion. The Prime Minister has the moral responsibility to respect the will of the House and the wishes of the families” (Harper, 2005, p.1415). Prime Minister Paul Martin (Liberal) responded to Harper and stated that the Deputy Prime Minister had met with families of Air India victims that week to determine which questions should be answered in a public inquiry into the bombings. Martin was referring to the sit-down meeting family members had with Herb Gray (Martin, 2005, p.1415).

Harper’s Conservative government, under which the Air India Inquiry was called, has been a government that has made special efforts to politically target the South Asian

Canadian community and appeal to this community for support. As was discussed in Chapter Three, in Canada over the last decade, especially under Stephen Harper's Conservative government, there has been a "culture of redress" where the government offers redress in the form of apologies, inquiries, and other forms of recognition to marginalized groups for their mistreatment. Scholars have critiqued the Harper government's actions, stating that while redress, recognition and official mechanisms for communities to speak about their experiences of injustice are necessary, the motive of the Harper government is invested in furthering his government's objectives. As discussed in Chapter Three, critical race scholars speak about how citizenship and multiculturalism in Canada rely on difference (see Bannerji, 2000). While recognition of rights is so very necessary for social equality, Harper's Conservative government's motive for addressing the demands may not be for actual reconciliation. As discussed in Chapter Three, redress can work to further institutionalize the objectives of the government, such as having the "discourse of reconciliation" framed as the "product of a united national vision" (Wakeham, 2013, p.211). This is a way to undermine the actual demands to change structural racism and other forms of inequity.

In 2005, under Paul Martin's Liberal government, officials began the process to call a federal commission of inquiry into the Air India bombings. The first step in calling a public inquiry was to have a preliminary investigation conducted to determine what type of inquiry would be held and what topics would it cover. The preliminary investigation helps determine the mandate and the terms of reference for the inquiry. In March 2005, the Honourable Bob Rae (interim leader of the Liberal Party of Canada at the time) was mandated, at the request of Anne McLellan (Deputy Prime Minister of the Liberal Party), "to provide independent advice to the Minister of Public Safety and Emergency Preparedness on whether there remain outstanding questions of public interest with respect to the bombing of Air India Flight 182 that can still be answered" (Rae, 2005). To produce this report, Bob Rae interviewed family members of Air India victims, RCMP officers and others involved in the Air India incident to determine what type of official steps the Canadian government should take and what focus a public inquiry should have

if it was determined necessary. Anita Gupta, who lost her sister Mita Gupta on the flight, explains in her testimony her position regarding Anne McLellan's, Paul Martin's and Stephen Harper's eventual response to the bombings and the families prior to appointing Bob Rae to conduct the preliminary inquiry report:

The verdict and the way the case had been handled combined with Anne McLellan's callous comments about her need to be convinced that there were any unanswered questions remaining opened something up in me that I couldn't ignore. I joined other families in their already long struggle to lobby for a public inquiry. In that process, despite numerous frustrations and setbacks, I can honestly say that I met with open and caring politicians of all stripes and from all parties. For me, Prime Minister Martin's willingness to meet with families for the first time and his speech in Ireland on June 23rd allowed me to reclaim a part of my Canadianess that I had previously given up, perhaps without knowing that I did so. And I am very grateful to Prime Minister Harper for his swift action in calling this inquiry [sic]. (Public Hearings, 2006, p.513)

The preliminary inquiry report conducted by Bob Rae (2005) titled, *Lessons to be Learned*, makes clear that Canadian authorities were not prepared to handle a terrorist aviation disaster. Rae (2005) draws attention to the impact the bombings had on the families, stating that "Family members were overwhelmed with grief, angry that this had been allowed to happen, furious that not enough was being done to answer their questions. That grief and anger has not gone away with the passage of time" (p.1). Importantly, in his report, Rae (2005) directly points out that while many families state that the bombings were never perceived as a Canadian issue, that in fact, the bombing of Air India Flight 182 was "the result of a conspiracy conceived, planned, and executed in Canada. Most of its victims were Canadians. This is a Canadian catastrophe, whose dimension and meaning must be understood by all Canadians" (Rae, 2005, p.2). What is evident is a shift in how the incident is discussed regarding the responsibility that the

Canadian government feels towards the families. This is significant for the Air India Inquiry because it was the first official forum where Air India victims' families were able to publicly address their concerns about the bombings and how the incident was handled by the Canadian government.⁹²

Bob Rae's (2005) report highlighted the failures of the Canadian government regarding security, aviation safety, and terrorism in Canada. Importantly, his report draws attention to the impact the Air India bombing had on Canadian citizens, suggesting that a public inquiry was necessary as a way "to respect those who died at the hands of terror is to make sure that we learn from this experience and shed a light on error with a view to improve security and provide better protection to the public" (Rae, 2005, p.27). In the *Lessons to be Learned* report, Rae noted that one of the concerns of family members was that "Canada's politicians have not been sufficiently sensitive to the risks of festering solitudes within communities breaking out into violence [and families have] pointed to the evidence of a culture of fear within communities that has stopped people telling the truth about what happened" (Rae, 2005). Rae (2005) identifies the families as "people who have made Canada their home," asking "Why it took 9/11 to galvanize opinion, to introduce the *Anti-Terrorism Act*, [and] to list certain terrorist groups" (p.4). The phrasing that Rae and the families use is important to note, because it challenges how the Air India bombings are typically framed in ways that ignore the Canadian citizenship of the families, while simultaneously using the bombings to justify strict security measures and anti-terrorism policies, and calls for more power for policing agencies.

⁹² The full title of Bob Rae's (2005) report is, *Lessons to be Learned: The report of the Honourable Bob Rae, Independent Advisor to the Minister of Public Safety and Emergency Preparedness on Outstanding Questions with Respect to the Bombing of Air India Flight 182.*

Announcement of the Air India Commission of Inquiry

On May 1, 2006, Prime Minister Stephen Harper made an official announcement to launch the *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*. The Air India Inquiry was commissioned twenty-one years after the bombing of Air India Flight 182 occurred. The aim of the Inquiry was to investigate systemic issues and problems related to aviation security, potential threats posed by terrorists, and to assess how Canadian agencies such as the RCMP and CSIS handled the investigation. While the Terms of Reference for the Air India Inquiry state that the purpose of the Inquiry is to examine “the circumstances surrounding the bombing” when officially announcing it in the House of Commons, the Prime Minister addressed another concern, one significantly different from the list of “systemic issues” established in the inquiry’s terms of reference (Air India Inquiry Report, 2010a).⁹³ In his speech announcing the Inquiry, Harper drew attention to the issue of jurisdiction and location, stating that the Air India bombings were a Canadian issue, and that “the vast majority of those who perished on Flight 182 were citizens of our country. They were Canadians” (Harper, 2006, n.p). After 21 years, the Prime Minister acknowledged that, “While Canadians have not forgotten [the bombing of Flight 182], they tend unfortunately to think the circumstances were connected to the political situation in India” (Harper, 2006, n.p).

Prime Minister Harper’s statement is significant for three reasons. First, it is significant because it indicates that the scope for the Air India Inquiry goes beyond investigating structural concerns and gaps in the investigation conducted by government agencies, and with the RCMP investigation. Second, Harper states that the Air India

⁹³ Like any legal document, the Terms of Reference for the Air India Inquiry list a set of points (‘a’ to ‘t’) and sub-points (ai, aii, aiii, etc.) to determine what were the circumstances surrounding the bombings. The terms of reference are addressed in Chapter Two to help describe the objectives of the Air India Inquiry and what the Commission was directed to investigate.

Inquiry addresses concerns related to questions of citizenship and identity, and “ownership” of the Air India bombings as a Canadian issue. Third, Harper’s statement is significant because of how reluctant the Canadian government had been to have a public inquiry. For example, in the final Air India Inquiry Report, it states,

When the RCMP investigation hit a ‘dead end’ in the early-to-mid 1990s, consideration was given to shutting down the investigation. There were concerns in Government that, once the investigation was at an end, a public inquiry would have to be struck. The RCMP decided to give the investigation one last best attempt. For the next 10 years, the need to protect the ongoing investigation and then, after that, the integrity of the trial process, were cited as reasons to refuse an inquiry. In the aftermath of the 2005 acquittals, there were renewed calls for a public inquiry. Despite growing public pressure, there were still arguments made, including by Ministers of the Crown, that nothing could be learned from a public inquiry and that the trial had canvassed all the issues.

In fact, nothing could have been further from the truth. (Air India Inquiry Report, 2010a, p.35)

This passage shows that governments (both Liberal and Conservative) were not only reluctant to have a public inquiry, but adamant that one was unnecessary. It shows the extent to which the bombings had been erased from public history in Canada and fears that once the criminal investigation was closed, that further demands for an inquiry would surface. Furthermore, it shows that there was public pressure—from victims’ families—for an inquiry. The Phase II report states,

This Inquiry was called in response to the families’ decades-long quest for meaningful answers, as undeniable deficiencies in the response of some government agencies have trickled out in reviews and prosecutions over the years. The evidence heard in the Inquiry left no doubt that many government witnesses unequivocally felt the response of certain government agencies was problematic or deficient. (Air India Inquiry Report, 2010a, p.36)

In contrast to Rae’s original 2005 report, when the Air India Inquiry was called to commission in 2006, the purpose of the Air India Inquiry according to Prime Minister

Harper was to examine concerns in the area of aviation security, national security, and terrorism even though he stated that it also was to provide the families with closure. Specifically, in the House of Commons, Harper stated that the goal of the Inquiry as a post-trial investigation was to “bring closure to the families of the victims, while providing answers to key questions that remain unsolved and could help prevent future terrorist acts against Canadian citizens” (Harper, 2006, n.p). The objective of the Inquiry, Harper claimed, was not about retribution, nor was it about “replaying the criminal trials that took place surrounding this case in Vancouver from 2003 to 2005” (Harper, 2006, n.p).

As outlined in the Terms of Reference for the Air India Inquiry, the primary purpose of the Inquiry was to understand which government agency was responsible for investigating problems with the criminal investigation, such as the policing of extremist organizations, jurisdictional conflicts between security and policing agencies in Canada (RCMP, CSIS); the relationship between security intelligence and judicial evidence; and, to establish a legal framework for prosecuting groups that finance terrorist groups in and outside of Canada (see Chapter Two or Appendix B).⁹⁴ As discussed in Chapter Two, both the Terms of Reference and Rules and Regulations of the Air India Inquiry specify the regulations and terms that the hearings and legal submissions must follow, establishing both the parameters of the Air India Inquiry and what the Commissioner is authorized to investigate. Even though the demands for a public inquiry were achieved in 2006, it is important to recall the scepticism of family members. As Chapter Three of this dissertation shows, government recognition of demands made by marginalized group is often co-opted to fulfil government objectives. There is a history of a “culture of redress” in Canada, especially initiated by the Harper government, to superficially address group demands through memorials, official apologies, heritage funding, and so

⁹⁴ Prime Minister Stephen Harper, “Prime Minister Harper announces inquiry into Air India bombing,” Office of the Prime Minister of Canada, 2006. <http://www.pm.gc.ca/eng/media.asp?id=1145>.

forth (James, 2014, p.1-2). Regarding the call for an inquiry into the Air India incident, an area for further research would be a critical examination into how the Canadian government has implemented the recommendations from the Air India Inquiry Reports to support and acknowledge the families' demands versus its own anti-terrorism mandate (for a brief outline of two outcomes from the Air India Inquiry, see Chapter Five of this dissertation).

Conclusion

This chapter examined the context of as well as the demands for a public inquiry by chronologically mapping events from when families heard about the bombings to when the commission began. It highlighted the families' complex relationships with the media and with representatives of the government—the media because they frame public discourse and the government because it has the power to determine which issues are of utmost importance for the country. The families' testimonies are analysed to help provide an understanding of the range of experiences and the impact the terrorist attack had on them, including the fact that the bombings and their impact had not been widely discussed in Canada. The purpose of using the testimonies as the main source of information was to retell the Air India incident from the perspectives of the families. This is important for several reasons: first, it addresses their concern of *erasure* of the incident from Canadian history, and does so in a way that also challenges the security discourse that frames the Air India incident. Second, writing about the Air India incident from the families' perspectives contextualizes the bombings in a Canadian setting. Third, tracing the steps families took over the years allows for an analysis of the agency and actions of the families, which is important since the perspectives and contributions of marginalized communities and/or groups to the pursuit of justice typically do not get told. Fourth, by tracing their demands for the inquiry, this chapter shows the level of apathy and disregard by the Canadian government toward the families and the bombings. Fifth,

their acts show citizenship is a process that is in formation in a range of different sites and scales, from private homes to Parliament Hill.

Chapter 5.

The Public Hearings and Acts of Citizenship

The previous chapter provides a detailed account of the steps families took at several sites (such as family homes, Air India Airlines offices, locations in Cork, Parliament Hill, memorial sites, and meeting rooms) and examined their activities as acts of citizenship (their activities included meetings with government officials, organizing rallies, demanding information from the RCMP, making claims about rights to the media and MPs, communicating with the media, attending criminal trials of those accused of the bombings, going through civil litigation, contacting Members of Parliament, and developing memorial sites). The analysis in Chapter Four focused on the unwillingness of the Canadian government to act, and in this context, it highlighted key junctures where families acted to assert their identities and rights as Canadian citizens over a twenty-year period.

Considering the formulation of citizenship developed in Chapters Three and Four, the objective of this chapter is to examine the families' acts of citizenship during the Inquiry, highlighting how their testimonies move beyond the conventional use of the term, even though they discursively use legal, model minority, economic and multicultural definitions of citizenship to justify their demands. To accomplish this objective, the chapter is divided into three parts. Part one details the opening of the public hearings as the site where they testified, focusing on the families' testimonies. Part two examines the families' use of terms like citizen, citizenship, and Canadian to justify their demands and criticizes their use of normative definitions of citizenship. For this part of the chapter, first I outline a list of demands made by the families that

identifies what they argued should have been made available to them at the time of the bombings and during the criminal investigations, followed by four subsections that critically assess families' normative views of citizenship and being Canadian, including statements about their legal status, their social positions and economic contributions to the country, their recommendations in relation to security measures, and how they are part of the multicultural fabric of the nation. The purpose of this section is to show how their claims for acknowledgement and recognition are embedded within normative discourses of citizenship used to justify an assimilated belonging to Canada (see McAllister, 1999; Miki, 2004). Part three of this chapter argues that the families' testimonies are more complex, and that their claims of citizenship actually do not fit within the parameters provided by dominant discourses of citizenship—in fact, the normative parameters of citizenship erase the severity of their demands, ignoring that rights move beyond legal rights and how their individual social positions require different types of support. It focuses on their claims of racism and how the Commission denied racism. Their testimonies offer significant insight into other components of their identity, including descriptions of their loss, the mechanisms they developed to cope with the tragedy, and even in their descriptions of their families.

In addition to conceptualizing their actions as acts of citizenship (as I did in Chapter Four), I argue that the impact of the struggles for justice affected the families, changing their identities. This is exemplified in how they describe their families and their losses, their identities in relation to their communities, and their statements about discrimination, all of which depict their struggles for justice. To more deeply apply an “acts of citizenship” framework, in this chapter I examine the act of testifying as an act of citizenship (Isin, 2009, 2012). This requires identifying the layers of information in their testimonies as intrinsic to their claims of citizenship as well as their struggles for information, services and justice. This approach moves beyond identifying their list of demands and the recommendations they gave to the Commission, and focuses on the discursive actions they took to demand a public inquiry.

The Opening Statement at the Air India Inquiry

The Air India Inquiry was held in Ottawa, Canada and families who wanted to speak at the Inquiry were flown to the city to participate in the hearings. Those who gave testimony included family members, a selection of rescue workers from Ireland, RCMP officials, select interveners, legal representatives of the families, academic experts, and families who were directly impacted by the incident, such as Dave and Isabelle Hayer (see Introduction). Many family members of Air India victims did not participate in the Inquiry and chose not to speak during its proceedings.⁹⁵

Co-Counsellors Michel Dorval and Mark J. Freiman opened the Air India Inquiry with a statement of facts about the Air India bombings. In the Introduction, I indicated how several pages of the statement of facts were dedicated to detailing how the passenger bags containing explosives were checked in at the Vancouver International Airport in Canada and connected the motive for the bombings to political incidents occurring in India during the 1980s. Within this narrative in the opening statement, which details the facts leading up to the bombings, the Co-Counsellors also provide a description of the human element of the Air India tragedy. The description began with Commission Counsellor Mark Freiman referencing the first Canadian media report about Air India Flight 182, which came from a *CBC* source reporting from London, England (the statement does not indicate whether this news report was originally telecasted from the *BBC*). As Chapter Four analyses, many family members first heard about the bombings through the media. Freiman states the following:

⁹⁵ Exact numbers of which family members did not participate are not clear. The reason is because family representatives of Air India Flight 182 victims were not limited to immediate family and included extended families such as uncles, aunts, cousins and grandparents. Determinative numbers for those who did not participate are not available. This statistic is also because the Commission documents do not state an exact number of Canadian families onboard Flight 182 (see Introduction).

Mr. Commissioner, on the morning of June 23rd, 1985, Canadians awoke to shocking news about Air India Flight 182 bound for New Delhi from Toronto via Montreal. By later that same day, this is what they saw on the television news:

“Moderator: All day long the bodies arrived in Cork. This Irish city has, for now, been turned temporarily into a morgue and the helicopters of the Royal Navy continue to return with their grim cargo. Rescuers have left nothing behind. One policeman carried a child’s doll picked up in the sea, wrapped in an orange jacket, anything it is hoped that will somehow answer the question of what happened aboard Air India Flight 182, 120 miles out to sea off the Irish coast. Air traffic officials in Shannon say the Air India flight disappeared off their radar screens early this morning. Forty-five minutes later, an emergency call was heard. Aircraft from British bases in Scotland, Wales and England responded, along with every lifeboat on the south coast of Ireland and every ship in the area. When the wreckage was spotted, so too were the many victims of the tragedy.” (Public Hearings, 2006, pp.1-2)

Mark Freiman continues by stating that the Commission will open with a focus on the personal dimension of the tragedy, hearing from families about the impact the bombing had on their lives. Freiman states:

[W]e will begin our hearings by focusing on the personal dimensions of this Canadian catastrophe... They will tell us in their own words their own personal stories and those of their relatives who perished. We will hear from them about the impact on their own lives of the bombing and they will share with us their perspective on the topics that form the mandate of this Inquiry. (Public Hearings, 2006, p.4)

Freiman introduces the two aspects of the Inquiry, the institutional dimension and the personal dimension of giving an account of the impact of the bombing. In describing the personal dimension of the public inquiry, he states the following:

[Families] will share with us their perspective on the topics that form the mandate of this Inquiry... The testimony we will be hearing is voluntary. We will accordingly dispense with the oath and there will be no cross-examination. Mr. Commissioner, I expect that the testimony you will hear at this stage of your Inquiry will help all of us gathered in this hearing room as well as the broader Canadian public, who will see, hear or read

about these proceedings, to understand the human dimensions of this terrible event. I expect the testimony will be emotional and I expect the testimony will be difficult, difficult for those giving it and difficult for those hearing it. It takes a great deal of courage to speak in a public forum about matters that reach into the innermost parts of one's being. (Public Hearings, 2006, pp.4-5)

After this opening statement, the Commission Counsellors detail the bomb plot and what happened leading up to the bombings on June 23, 1985 (see Introduction). This section of the Inquiry demonstrates the flexibility of the process: in this case the Inquiry includes a personal dimension and describes emotionally what to expect when the families shared their experiences, memories, and recommendations in addition to the fact that they would not be cross-examined. As noted in Chapter Two, a precedent for this type of public participation in inquiries was established in the Berger Inquiry, even though how families participated in the Air India Inquiry and how their testimonies were used in the final Report differed significantly (see Chapter Two). Despite the adherence to the mandate, Counsel was keen to recognise the personal, human element behind the bombings, acknowledging that families would share stories of loved ones, highlighting the courage it takes to share this type of experience publicly.

Importantly, as outlined in the opening statement, the Inquiry was established to make the Air India bombings part of Canadian history and to create public awareness about the bombings so the country would remember this act as an act of terrorism impacting Canadian citizens. *The Families Remember* report in particular was meant to address the bombings as a Canadian tragedy, and the families' testimonies were used as a means to acknowledge them and the impact of the bombings (see Introduction, Chapter Two and sections of Chapter Five). Freiman states,

For the past 21 years, the people from whom we are about to hear have been pressing determinedly for the public forum of an inquiry to examine the bombing and what followed it. For 21 years they have been asking to be heard. It is fitting that we commence the inquiry by affording them that opportunity. (Public Hearings, 2006, p.5)

This section draws attention back on the families and directly addresses the impact the bombings had on them. Importantly, the Commission highlights victims' families' requests to be heard and the site of the Inquiry is where they are given this opportunity. It is where they have the chance to publicly speak about the impact the bombings had on them. This section of the Inquiry shows the parameters of what families could discuss in their testimonies, such as providing information to support the mandate and the Terms of Reference of the Inquiry. This section also shows how the counsellors acknowledged what was entailed in the act of testifying, specifically what they (and others in attendance as well as readers) would witness (including their grief and details of losing loved ones).

The demand to be heard (and acknowledged) supports the argument that the act of testifying can be understood as an act of citizenship. As Engin Isin (2012) states, an act of citizenship "is not about classifying... actions in the abstract but about investigating the grounds on which they involve claims or demands and their consequences" (p.127). In other words, the Air India Inquiry is the ground from which families make their demands for justice through the act of testifying. Isin (2012) also states, "Through various rituals, practices, routines, protocols, institutions, declarations, proclamations and statements, each narrative has become the form through which subjects come into being..." (p.108). By applying this quote to the Inquiry, I identify the various rituals and protocols of public inquiries, the rules and regulations that guide an inquiry's investigation, such as the mandate and terms of reference, and the opening statements made by the Counsellors to establish the purpose of an inquiry. I argue that these institutional narratives make up "the form through which subjects come into being" (Isin 2013, p. 108) and make up the heterogeneous field of political identification. In other words, families' testimonies are stated in the institutional forum of the public inquiry, which provides limits and parameters around what they say in this official setting. Despite the limits and parameters of the official setting, their testimonies still reveal their agency and deeply rooted political subjectivities and their determination to confront the

Canadian government for its lack of support and provide evidence that they were discriminated against.

A List of Demands

In their testimonies, Air India victims' families identify the demands they made to the Canadian government over the last 21 years, with the major one being the demand for a public inquiry. The families' demands were not always uniform. Sometimes the families' demands differed, reflecting their individual needs, experiences and analyses. Likewise, their views as to whether or not their demands would be met by the Commission at the conclusion of the investigation also differed. For example, as Chapter Four of this dissertation discussed, one of their major demands was for a public inquiry; however, even after the Inquiry was called, some families questioned whether the Commission would in fact address their demands, while others remained hopeful that their demands would be met. Leading up to the Inquiry and during the Inquiry, in many cases family members' demands remained the same. This section highlights five demands that remained the same. Because they were discussed in detail in Chapter Four, in what follows below I provide a list (several pages) of these demands and families' expectations.

As mentioned above, at the Inquiry, some family members spoke about the significance of the process, while others questioned whether or not the Inquiry would be effective. Despite demanding an inquiry for over twenty years, at the time of the Inquiry some families remained unconvinced that it would address their concerns. First, some testimonies were positive, such as that of Ms. Jagada Venkteswaran, in which she states that the Inquiry is a good step forward (Public Hearings, 2006, p.237). Others were sceptical of the Inquiry process and what it could achieve. Even though a number of the families of Air India victims helped design the Terms of Reference for the Inquiry and participated in the Inquiry process, for some victims' families there was still hesitation

about participating due to their questions about whether or not the Inquiry would be effective. For example, Ms. Lorna Kelly's testimony begins by stating the following:

My name is Lorna Urmilla Kelly. My mother, Barsa Kelly, was murdered on board Air India Flight 182 on June 23rd, 1985. This is my testimony to the Commission of the Inquiry into the Investigation of the Bombing of Air India Flight 182. I appreciate the opportunity to present this testimony. However, with respect, my participation in this inquiry process is reluctant. The Terms of Reference of this Commission which was created thankfully with substantial input by the families of the Air India victims is admirable. Despite this, based on my past experience with Canadian government agencies and the Canadian legal system, as it relates to the Air India Flight 182 terrorist bombing, I have little faith in a positive outcome.
(Public Hearings, 2006, p.426, italics in the original)

Lorna Kelly's statement emphasises the neglect and unwillingness of the government and the Canadian legal system to address her concerns over the previous two decades. The time it took for a public inquiry to be called made families uncertain if the process would achieve the outcome they hoped for. It created distrust and a lack of belief regarding the government's accountability. She specifically states that she has little faith in a positive outcome, suggesting that some of the families' demands have yet to be met. Bal Gupta, representing the AIVFA, also expresses this scepticism during the Inquiry stating,

Your Honour, many skeptics among the victims' families, and I can't blame them, as well as other Canadians at large, have told me pointedly at various times, of numerous failures of the government in dealing with Air India 182 bombing over the last 21 years. They openly state that nothing useful will come out of this Inquiry. As the Commissioner of the Inquiry, Your Honour has a challenge to prove these skeptics wrong.
(Public Hearings, 2006, pp.50-51)

The testimonies above provide examples of why the Air India Inquiry is important. It gave an opportunity to be heard, even while the families also communicated their distrust in and scepticism about the Inquiry in light of their past experiences with promises as well as resistance from the Canadian government. It also reflects that the

Commission had an opportunity here to show families that the government protects all of its citizens and ensures that the systems of governance are just and fair to all. Bal Gupta is asking the Commission to act. He is asking the Commission to ensure something useful will come out of the process.

Importantly, some family members spoke about the symbolic practice of public inquiries in Canada and a Commission's procedural ability to investigate issues related to systematic failures outside of the criminal system. In Lata Pada's testimony, she states that the Air India Inquiry "is about accountability, a public acknowledgement of the past wrongs that have plagued the Air India bombing" (Public Hearings, 2006, p.74). Lata Pada states,

Twenty-one (21) years is a lifetime, an eternity for the families who waited with trust and faith in the justice system. Our pain was aggravated by the sheer apathy that we encountered in our attempts to meet with the government in the years following the tragedy. (Public Hearings, 2006, p.74)

Lata Pada notes the failures of the justice system with regard to the acquittals of two suspects, Ripudaman Singh Malik and Ajaib Singh Bagri, in 2005. She also notes that families were met with apathy from the Canadian government, as it did not recognise the magnitude of the bombings and the impact of the tragedy. In her statement, she expresses how the Air India Inquiry is one way to ensure accountability and get the government to acknowledge the incident, suggesting that the Inquiry itself is a form of recognition (Public Hearings, 2006, p.74). Like Bal Gupta, Lata Pada is demanding accountability from the government, which she believes can be achieved through the public inquiry process. Similarly, Satrajpal (Fred) Rai states that the Air India Inquiry gave him the chance to speak publicly about the bombings. He acknowledges the importance of the opportunity to be heard by the Canadian government, as their voices had been either silenced or neglected for two decades prior to the Inquiry. Fred Rai tells the Inquiry about his experience during the preliminary interview with Bob Rae, and how participating in that process gave him the ability to act, and take on a role in the Inquiry

with other families. For Fred Rai, testifying at the Inquiry is his act of citizenship. He states,

The only difference that it's made is my actual participation. For the last several years my life was spiralling out of control due to now what I realize was a lot of guilt that I placed upon myself with my sister's passing, not being able to speak to anybody about it, the offers of therapists, social workers, that being all fake, non-existent. I finally decided to take the world back into control or what I could and I went to go see Bob Rae and I spoke to him and he actually advised me of this role or possibly participating. And since that timeframe, my involvement in this Commission and with the families has escalated. I finally feel liberated. I wanted to feel human again. Because for 21 years or 20 years I did not feel human and there is a part of me that I'm not going to be human because I'm not viewed in the same way or I'm not looked in the same way as the average Canadian. (Public Hearings, 2006, p.108)

Fred Rai's testimony speaks of the impact of losing a family member, the trauma experienced by families, the lack of services available to them and/or how they did not support his needs. He speaks directly about the government's lack of response and how this neglect made him feel as though he was even not human, nor perceived as an "average Canadian." In this context, he decided to act, "to take back control" of his life and points out how powerful it was to speak to Bob Rae and to testify. The act of speaking/testifying gave him the power to attempt to reclaim his humanness in the face of the denial of it. Other than the official Inquiry, there was no other way for him to share his experience. His willingness to make demands and to testify after his experience of dehumanization from the Canadian government is an act of citizenship in that it not only shows his struggle for justice, but also his ability to confront the institutions that denied him his humanity.

In addition to the demand for and reflection on the significance of holding an Inquiry, a second demand was for more information as little was provided during the limited correspondence they had with government officials and police agencies. As discussed in Chapter Four, the types of information families demanded changed over time; initially, families wanted information about the bombing and their family members,

and over the years, their demands were for specific information pertaining to the failures in the criminal investigation. The Canadian government failed to respond to any of the families' demand for information (see Chapter Four). In their testimonies, they often discussed the lack of information provided by the government in terms of erasure and isolation. Erasure includes keeping the severity of the bombing incident from public attention and knowledge, and not considering it a serious crime. They also discussed how the government's neglect of the families resulted in a number of families feeling isolated and alone because those in power failed to support them and ignored their demands. In this context, family members' testimonies can be considered actions that directly challenge the erasure of the bombings as in some cases, their statements provide the only public records available about the impact the act of terrorism had on families, and the way the Canadian government neglected them from 1985 to 2005. For example, Mr. Eric Beauchesne's and Mr. Haranhalli Radhakrishna's testimonies discuss this in relation to a government's responsibility to its citizens. Eric Beauchesne, who lost his father Gaston in the bombings, speaks of his father as someone who "regarded the world as just a marvellous beautiful place and [that] he embraced other cultures" (Public Hearings, 2006, p.630). Eric Beauchesne speaks about the absence of the Air India bombings in the public memory of Canada and asserts why the incident needs to be understood as an important issue for the Canadian government:

I don't think the Canadian Government felt any responsibility for helping us in any way, shape or form. We received no contact at all. There was nobody to help us to offer any sort of support, either emotional or logistical. There was no offer to send anybody to Ireland. There was nobody there to call us to offer any kind of counselling at all. I felt they were completely ignorant of any aspect of the impact that this had on the family members... I feel that a lot of this stems from the fact that this was in many ways what I would term to be an invisible tragedy as far as the government was concerned and probably much of Canada. (Public Hearings, 2006, pp.633-634)

Eric Beauchesne refers to the bombings as being invisible and also states that they were not a concern for Canada, which is a view shared by most family members who discuss

their experience in Cork. He felt invisible because of the lack of contact and communication from the Canadian government who did not provide “emotional or logistical” support. As another example, Haranhalli Radhakrishna’s testimony raises concerns over the erasure of the Air India incident from the public memory and connects this erasure to the minimal role the Canadian government took in relation to the bombings. He says,

Not only we were faced with this tragedy of loss of lives but we had to struggle for bringing it to the conscience of the public and also to the government. We never received any assistance from the Canadian government, other than in obtaining the death certificate and other formalities. In spite of the fact that this was the largest mass murder in the recent times of Canadian history, there was no victim services offered to us. We did not receive any type of counselling to cope with this immense tragedy in our lives. In my case, I did not even receive any assistance from the government in my effort to bring one or two of my nearest family members from India to Canada and immigration to help me in rebuilding family. (Public Hearings, 2006, p.869)

In Chapter Four, I discussed the absence of the Canadian government in terms of the failure to provide information, which forced the families to independently seek information and services. As an act of citizenship, their political struggle included getting the Canadian government to acknowledge its failure and to take responsibility for the families. In the Inquiry itself, their statements about invisibility and erasure relate to the Canadian public, and the struggle for families to keep public attention on the incident. In his testimony, Haranhalli Radhakrishna provides recommendations for ways the government could have supported him and other families affected by the bombings, including immigration support to help rebuild his family, suggesting it was not only emotional devastation families experienced but also material and social devastation. Zerina Pai also questioned why there was not more public awareness about the bombings (Public Hearings, 2006, p.186), while Rob Alexander and Smita Bailey argued that the government needed to be more accountable to the families (Public Hearings, 2006, pp.507, 725). As discussed in Chapter Four, Lata Pada stated that there was a

level of apathy from the Canadian government and even their attempts to meet with government officials in the years following the tragedy were unsuccessful.

The third demand made during the Inquiry involved the tangible services that could have been offered to family members, including victim services, counselling, immigration support to bring family members to Canada from India, and compensation. Some of these services are also listed in the testimonies above and/or are detailed in Chapter Four. Another example involves Mrs. Rama Bhardwaj's testimony where she refers to her ill treatment in relation to services that were not offered to her or other families. She states,

It was our grief. There was no sympathy, no support, financial or moral. We were left to face this horrible crime alone. We never received any communication or support from the government or from Air India. And why should we? We were Canadian citizens. The Government of Canada seemed to think this was an Indian tragedy. Mr. Mulroney sent his condolences to Mr. Gandhi. Mr. Mulroney himself is an Irish immigrant. He should know and understand that this country is made up of immigrants. (Public Hearings, 2006, p.157, italics in the original)

Rama Bhardwaj, similar to Haranhalli Radhakrishna, refers to the grief they felt being isolated: seen just as members of victims' families and the South Asian community, rather than as Canadians so the loss was not felt by the larger society. She adds to Radhakrishna's list of ways that the Canadian government could have supported the families, including communication from the government, moral support, and compensation. In reference to compensation, financial concerns were often discussed in relation to the civil suit and insurance payments from Air India Airlines (see Chapter Four). At the time of the Inquiry, some families continued to demand financial support as this form of support had not been met leading up to the Inquiry. After the completion of the Air India Inquiry the Commissioner stated that the families should be granted ex-gratia payments and in 2011 families received payments in the sum of \$24,000 each (see Chapter Four and a later section in Chapter Five).

The fourth demand made during the Inquiry was for specific information about the criminal investigation and steps the Canadian government should have taken to prevent future acts of terrorism. This was most evident in their recommendations to the Commission, which will be examined in more detail below in this chapter. For example, Mr. Aleem Quraishi and Mr. Murphy Subramaniam questioned why they did not receive specific information about how the bombs got onto the aircraft, the failures in the criminal investigation, such as the lack of evidence, and why the legal proceedings took an unprecedented length of time (Public Hearings, 2006, pp.672, 417-418). More specifically, in Rob Alexander's testimony he states,

I do not like to live in the past but the outstanding questions are too big to leave unanswered for us as victims' families and as the Canadian public. I want to understand what happened in the RCMP/CSIS dealings. I want to know why there was no contact made by the Canadian government when more than 75 per cent of the victims were Canadian taxpayers. We had to fend for ourselves in every respect. (Public Hearings, 2006, p.506)

Rob Alexander states that he does not want to live in the past but there are still outstanding questions the government needs to answer and failures for which it remains accountable. The families were also interested in hearing the government's plans for preventing future acts of terrorism. Mr. Aleem Quraishi also spoke about security, stating

The inquiry should be focused to improve the effectiveness and the efficiency of the RCMP, CSIS, SIRC and Transport Canada, and the self-centered parliamentarians who ignored or deceived us over the last 20 years. Terrorist fundraising needs to be looked into, that legislations have to be in place to allow authorities to crack down in such areas and prevent it from happening. (Public Hearings, 2006, p.673)

Aleem Quraishi argues that there is a need to improve the efficiency of policing agencies and critiques MPs for their arrogant attitudes and for deceiving the families. I argue that if testifying is understood as an act of citizenship, then his statement directly confronts the Canadian government for its inhumane treatment of the families and argues that

their citizenship claims can be met only through systemic reform of the RCMP, CSIS, SIRC (Security Intelligence Review Committee) and Transport Canada. In another example, Mr. Murphy Subramaniam drew attention to ways the governments and courts could prevent incidents like the Air India bombings from happening again. He states,

How can we change the current judiciary system to ensure that in cases of this magnitude, that they are heard and decided by a Bench of at least three judges? How can we recognise all those associations that are involved in criminal activities from collecting funds for the criminal activities and preventing them from being recognised as charitable organizations for tax purposes? (Public Hearings, 2006, p.418)

His demand for information about the criminal investigation and his precise recommendations to change how criminal trials related to terrorism should be tried point to institutional failures at multiple levels, including the court system. For example, Murphy Subramaniam asked for criminal trials related to terrorism cases to be assessed by a bench of three judges. He reflects on the verdict from 2005 trial of Malik and Bagri, where, as noted in the Introduction of this dissertation, there was insufficient evidence to, without a reasonable doubt, convict the suspects (R. v. Malik and Bagri, para 5). The recommendations that families had for the government will be detailed in a later section in this chapter.

This section used statements from the testimonies that focused on the families' demands from the beginning of the Inquiry onwards—even if some of their demands had not changed and were carried forward from 1985 to 2006, twenty years after the bombings. This is crucial to note because it indicates that the families' demands still had not been met. Importantly, this shows why theories of citizenship need to examine the actions of individuals, and why just focusing on the claims or demands and the success or failure of the demands is limited. If I focused on the claims, I would have presented facts about the families' demands for information and the public inquiry. By focusing instead on their actions, I prioritize the steps they had to go through to demand information, including their ongoing activism, and their mobilization. This approach brings attention to the political struggle and agency of individuals and groups,

highlighting how the families confronted the Canadian government for treating them unjustly.

Justifying Demands: Discourses of Citizenship

Examining the families' demands through the act of testifying in a national inquiry, followed by examining how they justify their demands requires critical analysis. As described in the Introduction and in Chapter Three of this dissertation, families justified their individual and collective demands by using terms such as "citizen", "citizenship" and Canadian. For them, as Canadians, they believed they deserved to have their basic needs and demands met—this was logical to them and they questioned why these demands were not easily accessible to them. As I note in Chapter Three, in their testimonies their varied uses of the term citizen and Canadian were used in the vernacular sense, but also in ways that either reinforced institutionalized definitions of multicultural citizenship (Kymlicka, 1997) or critiqued it. Importantly, families' testimonies used the terms "citizenship" and "Canadian" in ways that moved beyond the theoretical definitions, which, as Chapter Three of this dissertation showed, limits the definition of citizenship (institutionally and theoretically) in four ways: as legal status discourses, economic discourses of the successful immigrant, cultural discourses where culture is based on static categories (language, religion, culture, and so forth), and finally, it discursively limits the definition of the demands/claims themselves, rather than looking at the actions/act of making a demand or claiming rights. To trace their understandings of their own citizenship, the following sections focus on their reference to legal, economic, and multicultural elements of citizenship, followed by a section on their descriptions of their own identities, which move beyond the parameters of these four conceptions of citizenship.

Legal Citizenship

Some of the families justified their demands using references to their legal citizenship status, which they legitimated by referring to their passports and birthrights, and also by informal (typically nationalistic) ways of identifying as Canadian. Their testimonies list their love for winter sports, being bilingual, their socioeconomic contributions to society, and/or embracing Canada as a multicultural, diverse country. All said, though, citizenship, in its most basic articulation, is linked to one's legal status within a country and so to *be* Canadian requires legal citizenship status or permanent residency, which means holding a Canadian passport, and having the right to reside in the country indefinitely. The acts of citizenship framework challenges this definition, stating that those without legal status can also make demands for their rights, notably basic human rights typically protected by the state, which grants an individual citizenship, regardless of their legal status (demands can be made to their own state, other states, international bodies, and so forth) (Isin and Turner, 2002, p.4). In this context, it is significant that in testimony after testimony by the Canadian families they referenced the year their families immigrated to Canada, how long they had lived as citizens in this country, when they received citizenship, and/or that they were born in Canada as if they needed to prove their legal status; and in doing so, justified why they should have been treated humanely by the Canadian government.

As an example of how legal citizenship is woven into the families' testimonies, Renee Saklikar notes that the Air India public hearings took place in the same year as her 40th anniversary as a Canadian. She also makes reference to when her family obtained legal status in Canada, stating that her "parents became citizens in 1967" (Public Hearings, 2006, p.701). As a small sample from the testimonies, Esmie Alexander, Shipra Rana, Mukta Laforte, Usha Sharma, Vijay Kachru, and Laxmansinh Jayantkumar Abda all make reference to either their own or their families' Canadian citizenship (Public Hearings, 2006, pp. 419, 687, 732, 738, 763, 991). For example, Laxmansinh Jayantkumar Abda states,

Four of the victims were Canadian citizens with Indian origin. They had great thoughts about both the countries and therefore they chose Canada to be their second home. Simplicity was their way of life and the belief in God was tremendous. (Public Hearings, 2006, p.991)

Further references to Canadian citizenship based on birth or naturalization were frequently discussed in family members' testimonies in direct relation to their demands. For example, Lata Pada notes, "Imagine making Canada your home for over four decades only to realize that you're not regarded as truly Canadian. Imagine your own Prime Minister offering a message of condolence to the then Prime Minister of India for the loss of its citizens. The flight had over 80 per cent Canadian passport holders" (Public Hearings, 2006, p.69). In this quote, Lata Pada links her citizenship status with the Canadian government's neglect to the families, her experience of not being treated as truly Canadian, and the Canadian government's dismissal of the incident as the Indian government's concern.

In another example, Fred Rai refers to his citizenship status when he describes his dual British and Canadian identities. His statement includes phrasing that shows deep sense of "upset and disgust" at his treatment, especially given his ties to the British Empire. He says,

No, never. Actually, I'm very, very upset and disgusted, to be honest with you. I thought at the least somebody would call, send a letter. It's almost like we never existed. I'm a Canadian citizen. I'm probably closer to the Queen. My friends joke and say, "You were born in England. You own a British passport or have one" but yet again I'm not a—I'm almost like I'm not a human being. That's the way I felt all these years. (Public Hearings, 2006, p.103)

Fred Rai uses his own situation as a hypothetical case stating, "You were born in England. You own a British passport or have one" with the phrase "but yet again I'm not a—I'm almost like I'm not a human being." This is significant not only because of his identity claims of being Canadian, but also the connection he makes as a colonial subject to the British Empire. As Chapter Three demonstrates, the South Asian

community has long mobilized for legal citizenship rights in Canada, for example consider their struggles for rights in 1914 with the Komagata Maru incident and their mobilization for citizenship and the right to vote in 1947 (South Asians were disenfranchised in 1907). While the conditions under which their political struggles took place are different, mobilizing for rights by racialised immigrant communities is very much embedded in their sense of belonging to Canada, including their expectations of what rights come with this legal status.

The concern is that membership, especially for racialised subjects, is precarious because this legal status is intimately connected to national identity. In her article about the history of the passport in Canada, Radhika Mongia (1999) traces its function as a regulatory tool that institutionalized racism and reinforced an ideological nationality.⁹⁶ Mongia (1999) argues that, “The passport emerges here as a state document that purports to assign a national identity rather than a racial identity—a mechanism that would conceal race and the racist motivations for controlling mobility...” (pp.553-554). Mongia (1999) is drawing attention to how legal citizenship conceals race under the guise of nationalism. Borrowing from Mongia, I argue that legal citizenship status conceals both race *and* nationalism. This can be seen in the above examples. For certain family members, such as Lata Pada and Fred Rai, their testimonies reveal how the legal status of the passport and citizenship does not guarantee they will be treated as Canadian (Pada), or even as human (Rai).

The purpose of this section was to examine critically how a number of the family members used their legal citizenship status to justify their demands and their rights as Canadians. The testimonies reveal that despite this status, they were discriminated against. The section also aims to show the theoretical limits of viewing citizenship as

⁹⁶ The examples Mongia (1999) uses are from a Canadian context in the early 1900s. She focuses on the passport and restrictive immigration policies such as the Chinese head-tax and the “continuous journey” regulation used to restrict the immigration of certain groups.

legal status (Isin, 2009, 2012). To borrow from Henderson and Wakeham (2013), who draw on Matt James' research to argue, "... redress movements often coalesce around a 'project of citizenship inclusion'" (p.19). Articulating one's inclusion through citizenship affirmed through, for example, passports and adopting social norms, erases the struggles for justice groups have made in their demands for recognition. As described in Fred Rai's testimony, their citizenship status led the families to believe that they would not experience racialised treatment. I argue that the connection families made between their legal status and the expectation that their rights would be respected reveals racialization and systemic discrimination rather than concealing it.

Proving Citizenship: Contributing Members of Society

In their testimonies, Air India victims' families frequently referenced being contributing, productive members of society. This is another way to demand citizenship—to prove you are a contributing member of society. This can be seen in testimonies that almost always begin with families' qualifications about their careers and education, and how they "give back" to society. At least half of the testimonies describe themselves and their families as productive, contributing members of society. Their descriptions include what they do professionally, and what their lost loved one did, or planned to do in the cases of young adults or children. They also listed the charities and/or memorial funds they supported—from building hospitals and schools in India, to volunteering in their local communities. Certain families, who appear to be less economically privileged, also reference how they sought employment so as not to be a burden on the Canadian social services system. Others drew attention to their financial struggles and despite these challenges, never asked the Canadian government for compensation. This section will provide examples from the testimonies to show the various ways that families believed they were contributing members of society and how this understanding of citizenship, one associated with the integrated and self-sustaining immigrant, is used to justify their demands for services and justice.

For example, Esmie Alexander writes the following in her submission to the

Commission:

I immigrated to Canada with my husband in 1971. I am a Canadian Citizen. I have three children; Robbie, the eldest, is 36; Tania is 33, and Jamie is 31. My father and mother were already living in Canada when we came here, so my husband could complete his post-graduate medical degree. He did his residency in cardiac surgery. He did part of his training in Edmonton at the University of Alberta and then in his second year he came to McMaster University in Hamilton to do general surgery... We all made our decisions regarding the children together. We sent them to the best school in the Hamilton area and were very proud of what they accomplished. We worked very hard as a couple. (Public Hearings, 2006, pp.419-420, italics in the original)

In the above testimony, the terms that identify what she sees as integrated and contributing members of Canadian society include a postgraduate level of education, a professional career, families where both parents raise their children together, being proud of the schools their children were enrolled in and being proud of what they accomplished. Similarly, Lorna Kelly's description of her mother, Barsa Kelly, identifies similar characteristics:

[S]he came to Toronto to begin her PhD studies in Geography at the University of Toronto. It was there that she met and married a classmate and recent English immigrant, Kenneth Kelly, in 1961... At the time of her death she was completing fieldwork on her PhD. Her thesis centred around rural women and development in West Bengal, India. Her research would have given voice to the women that she studied. (Public Hearings, 2006, pp.427-428, italics in the original)

Her testimony references her mother marrying an English immigrant, and details her mother's Ph.D. research on social equality. Both Esmie Alexander's and Lorna Kelly's testimonies highlight that the reason for migration was to pursue further education. In another testimony, Mahesh Sharma spoke of his daughter saying, "Uma Sharma. She was a very, very bright student. She was only 20 years of age when she did her Master of Science. Not only did she get the honours class, but she stood first in Order of Merit and got a gold medal in Zoology, and then she did her PhD [*sic*]. A very humble person;

brought up the kids very well” (Public Hearings, 2006, p.488). In testimony after testimony families describe the academic and professional achievements of their loved ones, including their future aspirations and the loss of their future potential. Some of the families, in addition, identify the quantifiable markers of citizenship and referred to how their contributions to society should have resulted in fair treatment and being an accepted member of society. For example, Chandra Vaidyanathan, who lost her brother on the flight, begins her testimony with a description of coming to Canada in 1975 to pursue medicine. She makes reference to bringing her brother to Canada so he could also pursue his education, and that he graduated from Carleton University with an engineering degree (Public Hearings, 2006, pp.580, 582). She concludes this section of her testimony with a description of her brother and a statement about her expectations from the Commission to “track down and bring justice to the perpetrators for this hideous crime against humanity” (p.585). Descriptions of their education, profession, volunteer work and other forms of community service are frequently referenced as a way to identify themselves as deserving members of society and thus justify their rights using their contributions to society and because they ‘followed the rules’ and adapted to the expectations of Canadian society. Through these statements they question why they did not receive any assistance or support from the Canadian government, given their worthiness as citizens.

As another example, Usha Sharma provides details on needing financial assistance to go to India to settle some of her families’ affairs after the bombings (she does not give a date in her testimony). She states,

The second time when I was going to India to receive the jewellery of my mother which I identified at Ireland, someone told me in my interest that Alberta government is giving some travel assistance in this situation. If you will write to your MLA, he will help you.

I wrote letter to him and do you know what was the answer? It was, ‘There is no assistance for anything. If you want money, go to welfare.’ What a wonderful answer for MLA Peter Elzinga. What a humiliation. I

was working and he was saying, 'Go to welfare'. Unfortunately, I could not find the letter to show you, sir.

After that, I never asked and said anything to anyone. I borrowed money and left for India. Sometimes people are very cruel. Life is going on. Air India issue's going on. What we are getting out of it except more pain? (Public Hearings, 2006, p.746)

Usha Sharma connects writing her MLA to ask about her difficult situation with his humiliating response. She states that she was working and did not need welfare services but had written the MLA because she had been told that there was provincial support for Air India victims' families. After his response, she decided to take on the financial burden alone, borrow money and never asked for any assistance from the government again.

In her research on Stephen Harper's apology to families of Air India Flight 182 victims, Cassel Busse (2013) critiques Harper's use of model minority discourses as a way to represent the struggle, perseverance, and economic success of the Canadian South Asian community. But in their testimonies, families also reinforce the model minority discourse by describing themselves as productive, active, achieving and contributing citizens, who are committed to civic engagement. Descriptions of their careers, education, successful integration, financial stability, and hobbies reflect an identity that families associate with being "quintessentially" Canadian. As a critique of this discourse, McAllister's (1999) research on Japanese Canadian redress argues that for the Japanese Canadian community,

To produce a historical account that the government would accept, the NAJC needed to gather information from community members which could be turned into "data," which would be recognised as "evidence" for the violation of human rights. In doing so, Japanese Canadians shaped their experiences into terms defined by the government. (n.p.)

Speaking about one's experience of racism or discrimination also introduces the problem of writing oneself into the nation and the national imaginary, while defaulting to the term Canadian leads to problems of "assimilation." In relation to McAllister's (1999)

argument, in Roy Miki's (2004) research on the Japanese Canadian redress movement, he states that while,

One way to resist outright racialization was to default to "Canadian," a term that declared membership in a citizenry—hence a surrogate "family"—and an identity that projected an aura of sameness. The elusive phenomenon known as 'assimilation' never ceased to provoke an uneasy tension between my personal awareness and the marking of my body. (Miki, 2004, p.14)

Roy Miki's (2004) work on Japanese Canadian redress draws attention to the very problem of how the term "Canadian" operates as a term that declares a specific type of membership, including assimilating into a construction of Canadian that is deeply implicated in the marginalization and racialization of communities. Rita Dhamoon (2013) argues that these inclusion discourses mask power relations that further reinforce "particular kinds of normalized and Othered subjects as well as hegemonic conceptions of the nation" (p.9). Similarly, Janine Brodie's (2002) previous work also shows a socioeconomic component to the meaning of Canadian. She states, "Although appeals to national identity have been an important mechanism adhering the citizen to the state, they are not always sufficient. In particular, nationalism has proved unable to contain the social divisions and political instability generated by economic inequalities and systemic discrimination" (p.380).⁹⁷ Yet, in other testimonies, families discuss citizenship in terms of belonging, and how they assume experiences of discrimination would decrease as their economic status and contributions to Canadian society increased.

⁹⁷ In Chapter Three I reference Abu-Laban and Gabriel's (2002) research that critically examines policies of multiculturalism that began to develop in the 1970s. Their study shows that in the 1980s in Canada, "multiculturalism first became linked to business interests. Starting with Liberal minister James Fleming in 1981, the federal Liberals began to try to make multiculturalism attractive to business associations and also to strengthen the entrepreneurial segments of ethnocultural minorities" which continued to be reinforced by both the Mulroney and Chrétien governments respectively (p.110).

Some family members question how the government views their citizenship rights because of their ethnicity and/or ethnic origin. Questions about discrimination are raised in the following testimony, though the claims are softened with statements of being proud—and even loyal—citizens of Canada. Mr. Deepak Khandelwal states,

I lost both of my older sisters, aged 19 and 21, in the bombing of Air India Flight 182. They were both Canadian citizens... From an education point of view, I have an electrical engineering degree from the University of Saskatchewan and an MBA from the Ivey Business School in London, Ontario. I currently am a partner in a leading global management consulting firm. I have also been to Ireland three times and I was at the verdict last year. Currently, I am married, have a two-year old daughter and a six-month old son. We are all proud Canadian citizens. (Public Hearings, 2006, p.80)

Mr. Deepak Khandelwal provides the Commission with an account of losing his two sisters on Flight 182. He states that his sisters would have also been contributing members of society; Chandra was in school training to become a pharmacist and Manju was in her second year of medical school at the time of the bombing. Deepak Khandelwal also lists a series of security recommendations for consideration by the Commission of the Air India Inquiry. His testimony raises questions about Canada's poor aviation security and the lack of a Canadian terrorist action plan. He acknowledges the failures in the investigation by the RCMP and CSIS, suggesting that the inadequate resources dedicated to the investigation, such as not having translators available, were partially part of the problem. He states, "I believe that there were many failures that led to this preventable tragedy before June 23rd, on June 22/23rd, during the investigation and during the trial. There is also a serious issue of how inhumanely and disrespectfully the government has treated the victim families in the past 21 years" (Public Hearings, 2006, p.83). Deepak Khandelwal's asks, "Why did the Canadian government not acknowledge this as a Canadian tragedy for 20 years?" and states that "It is completely unacceptable that at the time of the bombings Prime Minister Mulroney and his government passed on condolences to the Indian government but never to Canadians when the majority of the victims were Canadian citizens, including my sisters" (Public

Hearings, 2006, p.90). He justifies his recommendations by connecting them to his sisters and Canada, being stripped away of the chance to be successful contributing members of Canadian society. It is significant here that he connects his Canadianness to the racism and discrimination he and his family experiences (Public Hearings, 2006, p.90). Deepak Khandelwal states,

This all leads me to a point that I feel quite uncomfortable making, but unfortunately it has to be made. Before I get into the details, I want to make it clear that I am an extremely proud Canadian. I moved to Canada over 34 years ago. I enjoy most things Canadian such as playing hockey and following the Canadian Football League more than the NFL. I decided to do graduate school education in Canada because I wanted to live here longer term. However, that all said, I unfortunately deeply believe that racism was a significant driver in how the families have been treated in the past 21 years. Remember that the majority of victims were Canadian citizens. My sisters were both Canadian citizens. If the victims would have had white coloured skin, how differently would they have been treated? How would the investigation have differed? ... We need to understand what role racism has played in this entire process and especially in regards to the treatment of the families. We, the families, have been treated like dirt for the majority of the last 21 years. This really questions my faith in the Canadian government's commitment to multiculturalism at an institutional level. (Public Hearings, 2006, pp.90-91)

In this passage, Deepak Khandelwal indicates that despite following the model for an accomplished, contributing Canadian, he still experienced racism. But the focus here is not only on the economic and professional contributions of his family members as Canadian immigrants, but also on the rights that were denied to him and his family. While the families criticize the government for its racial discrimination, they also justify their demands for recognition by referring to their professional accomplishments and class position.

The way certain families link socioeconomic class to rights has the potential of marginalizing families that do not share the same type of economic capital. But even these families point out that assimilation and adopting the "Canadian way" does not protect citizens from marginalization and racism, as Deepak Khandelwal's testimony

made clear. Stuart Hall (1993) notes, “It should not be necessary to look, walk, feel, think, speak exactly like a paid-up member of the buttoned-up, stiff-upper-lipped, fully corseted ‘free-born Englishman’ *culturally* to be accorded either the informal courtesy and respect of civilized social intercourse or the rights of entitlement and citizenship” (p.360). Even though their demands for services were the same as other family members, the testimonies used in this section show that families with professional backgrounds justified their demands because of what they identified as their contributions to Canadian society. I will discuss this in relation to discrimination in the later sections of this chapter.

Citizenship and Security

Some families assert their Canadian identities through their recommendations to the Commission. Their recommendations relate to the Terms of Reference and the mandate of the Inquiry, specifically to anti-terrorism, security, and better policing. There are two different types of recommendations indicated in the testimonies; the first type deals with how the Canadian government could best support family members and other victims if a tragedy, such as the Air India bombings, should occur again. This type focuses on their citizenship rights, including their demands for services, information and justice. Chapters Four and Five of this dissertation mainly focused on these demands. The second type includes families’ recommendations relating to anti-terrorism policy and legislation. This section of the chapter examines the recommendations of select family members to see how they linked their citizenship to the need for increased security and anti-terrorism policies. They cite their Canadian citizenship and the failure of the Canadian government to recognise the impact of the bombings on them as the reason for making recommendations for improving security and ensuring the government pursues justice.

Three family members in particular, Susheel Gupta, Bal Gupta and Deepak Khandelwal (among others), linked their recommendations to the terms “Canadian” and

“citizen” and justified the need for increased security measures as part of their rights as citizens. For example, Susheel Gupta states that one of the hardest aspects of the bombing was that it took twenty years before the government acknowledged it was a serious act of terrorism. Susheel Gupta states,

Unfortunately, from the first day of this mass murder, most Canadians failed to recognise it as terrorist activity and failed to respond to the needs of victims’ families. It’s only in the last year, after a trial where Justice Josephson called some of the actions of individual parties “unacceptable negligence” and the immense public outcry from families, the media and the public at large that Canadians have awakened to the case of Air India bombing and the poor treatment of victims’ families. It took the Government of Canada 20 years to officially recognise this as a Canadian tragedy, which former Prime Minister Martin did so on the anniversary date in June of 2005. (Public Hearings, 2006, p.226)

In the rest of his testimony, Susheel Gupta states his concerns about the financing of terrorists in Canada, the formation of terrorist organizations and the relationship of these organizations to political interests (Public Hearings, 2006, p.228). He focuses on the Canadian government’s concerns about individuals who have been granted citizenship from other countries, even though they have been linked to acts of terrorism or terror-like activities (Public Hearings, 2006, p.230). Likewise Susheel Gupta connects terrorism to other countries and not Canada or Canadian citizens. His view is problematic in that he reinforces the idea that terrorism is foreign rather than “home-grown,” and he argues that Canada grants terrorists access to the country. Susheel Gupta’s recommendations fail to recognise how this rhetoric around the foreign terrorist has the potential to further racialise and marginalize groups, or consider who is most impacted by these policies (see Roach, 2006). He states, “I believe to be a Canadian citizen is a privilege whether one is born here or attained status and right now we’re demeaning that privilege by not acting upon some of these individuals” (Public Hearings, 2006, p.230). Similar to Susheel Gupta’s concern, Deepak Khandelwal gives an example of terrorist organizations receiving funding in Canada and refers to there being an awareness of banned and/or known terrorist organizations in Canada and where they are receiving

their funds from. He states, "There are many reports on how banned terrorist organizations in Canada have access to resources from charitable organizations" (Public Hearings, 2006, p.85) and recommends that the Commission consider a system to track how funds are being funnelled. After providing his list of recommendations, Deepak Khandelwal, makes a statement about how he and his family are Canadian citizens and questions why the government did not do more to support the families impacted by the bombing. Both Susheel Gupta and Deepak Khandelwal link their concerns for security to their Canadian citizenship rights. This is similar to quotes by Murphy Subramaniam and Aleem Quraishi who both link the need for a public inquiry to the need for further security policies in Canada (see page 220 of this dissertation).

Some families related their recommendations to the incompetence of investigating agencies in terms of why the surveillance evidence tapes were destroyed and questioned under what authority they were destroyed. Certain families question whether agencies, such as the RCMP and CSIS, are properly equipped to handle threats of terrorism and related investigations. As an example, Deepak Khandelwal speaks about the lack of "non-white, non-English or French-speaking" individuals in organizations like the RCMP and CSIS and if this hampers their ability to effectively gather intelligence (Public Hearings, 2006, p.84). He argues that there were failures from investigating services because they were unable "gather information adequately" to tell the "difference between Sikh men" (Public Hearings, 2006, pp.84-85). This is important because Deepak Khandelwal links the lack of linguistic and cultural diversity within agencies like the RCMP and CSIS to his recommendation about the inadequate intelligence gathering. Other family members asked the Commissioner to investigate why CSIS and the RCMP were not able to prevent the tragedy, despite previous warnings and evidence indicating that there were threats to Air India planes (Public Hearings, 2006, pp.46, 84). Susheel Gupta's testimony drew attention to the miscommunication between CSIS and RCMP agencies and his recommendation to the Commission was that the RCMP and CSIS establish a system to share information between organizations (Public Hearings, 2006, p.230). He links this statement directly to

his identity as a proud Canadian. Susheel Gupta states, “I want to know as a proud Canadian that CSIS and the RCMP are working together. That’s what I’d like to know. I’d like to know if that is the case, effectively working together to protect myself, my family and all Canadians” (Public Hearings, 2006, p. 230). This example shows that his recommendation for the RCMP and CSIS to work together is linked to his desire, as a Canadian, for him, his family and all other Canadians to be protected.

As certain families indicate in their testimonies, the inability to prosecute the suspects for this crime was hindered by time and delays. It took twenty years for the criminal trial, which raised questions about the issue of systemic racism and the incompetence of investigating agencies (Public Hearings, 2006, p.47). Some families question why the police were unable to provide adequate witness protection, and recommended that the Commission provide solutions to improve witness protection. This recommendation is further reinforced by two cases: the murder of journalist Tara Singh Hayer in Vancouver (see Chapter Four), and the inability to properly protect “Ms. D” (Air India Inquiry Report, 2010a, p.29). Furthermore, there are questions about the criminal trials and their outcomes, and some families suggested that a three-panel of judges should be used when dealing with judgments related to terrorism cases. This recommendation was stated in several testimonies, including Mahesh Sharma’s statement (Public Hearings, 2006, p.498). Leading up to the recommendation portion of his testimony, Mahesh Sharma, in reflecting upon the loss of his wife and two daughters, refers to knowing not only what he lost, but also what Canada lost. He states, “I understand what I have lost and what Canada has lost too” indicating that Canada and Canadians need to know that the loss was one for the country as well (Public Hearings, 2006, p.496).

In terms of aviation security, some family members, such as Deepak Khandelwal, wondered why there were “There were so many breakdowns in the process from bags

being checked in for someone not having a confirmed seat, to broken baggage screening equipment, to poorly trained staff not knowing how to use the tools of their job” (Public Hearings, 2006, p.85).⁹⁸ Bal Gupta notes that the suitcases were unaccompanied by a traveller and that the airport security screening was down (Public Hearings, 2006, p.46). Bal Gupta makes a final request to bring the issues back to the “human element” of the Air India tragedy when he asks the Commissioner to consider recommendations “about how to treat victims’ families in terrorism-related cases; as also of the need for an automatic establishment of a Commission of Inquiry into such cases” (Public Hearings, 2006, p.50).⁹⁹ However, before listing his recommendations to the

⁹⁸ Khandelwal provides a series of recommendations from observations he’s seen in various airports, especially in terms of security check-in systems not being used properly. Khandelwal shares that he goes on about 150 flights a year, flying weekly for work and witnesses security lapses frequently. He also states that he has noticed some changes in aviation security since 1985, specifically that bags cannot travel on airplanes unaccompanied by the passenger-owner of that bag. Khandelwal refers to his most recent experience of flying in to Ottawa for the Commission.

⁹⁹ While the Air India Inquiry Report is not included in the analysis, after the family hearings for the Air India Inquiry, through their legal counsel, the Air India Victims’ Families Association (AIVFA) provided a submission to the Inquiry with a list of recommendations. The document identifies several key areas of recommendations, based on the testimonies submitted during the hearings of the inquiry. The report submitted by the AIVFA is divided into several parts. The first section provides an overview of testimonies by family members and uses this material to outline where there was a lack of support from the Canadian government directly after the bombing occurred, followed by there being no efforts over the last twenty-five years to put systems in place to avoid this type of aviation disaster, or other acts of terrorism in Canada. For example, post-bombing, the AIVFA document highlights a list of concerns including the following (note that all concerns are not listed): a) because Canada did not have a “comprehensive terrorist response plan” the government failed to immediately establish and maintain effective informational lines of communication with the families of the victims (AIVFA, 2008, p.59); when arriving in Cork, Ireland, the government also failed to meet and assist all families of the victims (AIVFA, 2008, p.59) and were unprepared to “assist families with all facets of the tragedy, such as transportation of bodies back to Canada and burials/cremation” (AIVFA, 2008, p.59). The recommendations that are suggested from the insufficient response were for the Canadian government to develop, first, a terrorist response policy and procedure document, which includes a system that allows the federal and provincial governments to share information, and second, a series of recommendations that can be implemented in the

Commission, Bal Gupta states, “My expectations from the Inquiry. Your Honour, we have cried—the families have cried enough since 1985. We still do it at home many times and we have had enough sympathy messages from many, many persons and organizations. Tears and sympathy are just not enough” (Public Hearings, 2006, p.45). The purpose of this section was to provide a general overview of the type of recommendations some family members of Air India victims made regarding terrorism and security at the Air India Inquiry and to show that these recommendations were connected to their citizenship rights.

Questioning Multiculturalism: Critiques of Canadian Nationality

This section focuses on the families’ views on multiculturalism as the dominant way of understanding what being Canadian means. The section shows how certain families either support or critique what it means to be part of the multicultural fabric of Canada. Importantly, some families describe how they initially believed in the multicultural model of Canada but over the years as family members of Air India victims struggled to access information, services and justice from the Canadian government,

immediate aftermath of a terrorist incident including, an effective “Communication and Administrative Action Plan” that provides “timely information in both Official languages to the families of the victims of a terrorist attack” online, a 1-800 telephone line and in news releases (AIVFA, 2008, p.62). The AIVFA recommends that, “administrative assistance provided by government to help with such things as obtaining passports and visas on an expedited basis, and facilitating the transportation, home or elsewhere, of bodies of deceased family members” (AIVFA, 2008, p.62). Other recommendations include a deployment team to the site of an incident, counselling services, financial assistance, two-year tax exemption, public acknowledgement of the incident, and a public inquiry (AIVFA, 2008, p.63). The second area of recommendations falls under the aspects of “the intelligence and institutional failures of Canadian government institutions and officials that led to the bombing of Air India Flight 182” (AIVFA, 2008, p.96). These recommendations, including a number of other recommendations, were submitted as part of the AIVFA’s submission to the Commission.

their views changed. I first consider the testimony of Lata Pada who lost her entire immediate family on Air India Flight 182. She begins her testimony by stating,

Over 21 years ago, on June 23rd, 1985, a horrific and unimaginable darkness engulfed me. I lost my husband Vishnu Pada and two daughters, Brinda and Arti, in the Air India bombing. We were living in Sudbury at that time. As many immigrant Canadians do, we had planned an extended vacation with our family in Bangalore, India... Waiting excitedly for Vishnu, Brinda and Arti in Bombay to arrive on the Air India flight from Toronto, a routine phone call to the airline about the expected time of arrival of the flight jolted me with life-shattering news. The flight bringing my family to India had exploded off the coast of Ireland. In that moment of complete devastation, my life changed irrevocably and instantly became a meaningless void. (Public Hearings, 2006, pp.53-54)

Lata Pada tells the Commission about the indescribable loss of losing one's entire family in such a horrific way as she waited for them to join her in Mumbai where she had travelled a week before them (Public Hearings, 2006, p.53). She describes each of her family members and their personalities, beginning with her husband. Lata Pada talked about her husband's immigration to Canada to pursue graduate studies at the University of Toronto in the 1960s and connects this to Canadian multiculturalism (Public Hearings, 2006, p.54). She tells the Commission,

In the 1960s, the spirit of multiculturalism was beginning to be articulated as a national theme, but Canada was still largely Eurocentric. We were the only Indian family in Thompson and I was seen in my saris as something of an exotic novelty. Some were taken back that I spoke English as well as I did. We became very active in our local community and we discovered the magnificent beauty of Canada and its peoples. (Public Hearings, 2006, p.55)

Lata Pada discusses multiculturalism in the 1960s as a national theme emerging in a largely Eurocentric landscape. She continues by describing herself as being one of the only Indians in the area, that her clothing was seen as an "exotic novelty," and that her neighbours were surprised by her ability to speak fluent English. More subtly, she indicates how her family's ethnicity and Indian identities were accepted in Canada as

part of the multicultural fabric of the country. Lata Pada links their reception of her family to her discovery of Canada and its people as “being beautiful,” rather than to their reactions to her being “different.” Her emphasis on her family’s active role in their community suggests they were included rather than excluded. Lata Pada continues her testimony by saying, “Vishnu, my husband, was quintessentially Canadian. He first came to Canada to do graduate studies and worked later in remote locations in northern Manitoba, Quebec and the Yukon. In the true spirit of a geologist, Vishnu had a great love for the outdoors and he taught me the intricacies of skiing, curling and ice fishing” (Public Hearings, 2006, p.55). Lata Pada identifies key Canadian characteristics and qualities and shows how her husband had loved these things, thus proving her families’ integration into Canadian society.

There are a number of other families who reference multiculturalism in the testimonies, including Ms. Diana Beauchesne and Ms. Saroj Guar (Public Hearings, 2006, pp.1108, 940), who separately give critiques of multiculturalism in Canada, and how the policy and the idea of multiculturalism failed them. In addition, testimonies from Shippa Rana and Renee Saklikar also present their respective critiques of multiculturalism. Shippa Rana’s testimony begins with a description of her arrival to Canada. In conversation with Commission Counsel she says the following:

MR. DORVAL: Good morning, Ms. Rana.

MS. RANA: Good morning.

MR. DORVAL: Now, I understand you were originally from India. Would you tell us about immigrating to Canada?

MS. RANA: I’m standing before you as a member of the Air India crew members and the International Families Group. I came from India in 1972. I had been wed in an arranged marriage. My husband was settled here and working in a hardware business. He had come to Canada in 1968. Before that time, I had never been in Canada. (Public Hearings, 2006, p.675)

Shippa Rana lost her sister Shyla Aurora on Flight 182. She tells the Commission about

her parents' family being in India, while she was married and lived with her family in Canada. Her sister, Shyla Aurora, was an Air India employee and worked as a flight cabin crewmember. Shyla Aurora was visiting her sister Shippa Rana in Canada and was on her way back to India on Flight 182. After migrating to Canada, their families remained mobile, often travelled back and forth between the countries, with some family members, like Shippa Rana, being a citizen of Canada since the 1970s while her parents and siblings remained Indian citizens. Shippa Rana's demands for recognition as a citizen and her criticisms of the failures of the Canadian government to do so are linked to her critique of how multiculturalism operates in Canada. She says,

When I came to Canada I came in awe, excited and fell in love with the country. Everyday was filled with colours of this new world. Even though away from home and being married, still mentally alone, I adapted the ways of Canada, its people, I made it my home. My children all born here thus are Canadian citizens. When I was honoured with the Citizenship of Canada, I took an oath to call Canada my country and be loyal to it.

I remember years ago when a new immigrant landed on Canadian soil and had to adapt to the Canadian laws, let's say, fit in and be part of Canada. No one tried to change the laws to suit their own lifestyles or beliefs. We learned "Do in Rome as Romans do" to be the perfect way of living when one left their homeland or place of birth for any reason to live here. (Public Hearings, 2006, p.687)

Importantly in the passage above, she discusses the experiences of immigration, including the need to adapt to local laws, lifestyles and customs in order to fit in and be part of Canada. She explicitly references her willingness to adapt to being Canadian, but then in the next passage, Shippa Rana critiques multiculturalism and how it is not truly a part of Canada's identity. She says,

The unfortunate day came when a system called multiculturalism was established. I, from an East Indian background, say unfortunate day for multiculturalism is the root cause of all disasters, small or large. Multiculturalism here in Canada has taken a wrong turn. Because of this wrong turn we stand here today. Multiculturalism was established to make the people, the Canadians and those who come from all aspects of

life to understand one another and respect each others' values and experience each others' celebrations, festivals, arts and culture. It was not established to divide Canada but to unite Canada. Multiculturalism, a word that can unite the world, here in Canada has divided the people of Canada. Its policies and broken spirits of people causing racial tensions and evil to arise, notwithstanding the fact that too much of anything causes a disaster, it has created so many countries within Canada thus dividing Canada and Canada has lost its own identity. (Public Hearings, 2006, pp.687-688)

Shippa Rana suggests that multiculturalism, which theoretically was supposed to create a framework for understanding and respect of different cultural groups' values and experiences, did not live up to its promise. She argues that multiculturalism has created "so many countries within Canada" that it has ended up dividing the country, resulting in a loss of its own identity. For Shippa Rana, multiculturalism has "taken a wrong turn"; instead of embracing culture it has established deep divisions. The divisions between the cultural groups have been theoretically debated by critical race scholars, such as Himani Bannerji (2000) who argues that while the "state claims to rise above all partisan interests and functions as an arbitrator between different cultural groups. This is the moral high ground, the political instrument with which the state maintains the hegemony of an Anglo-Canada. We might say that it is these oppressed "others" who gave Canada the gift of multiculturalism" (Bannerji, 2000, p.83). Bannerji (2000) continues by stating that, "In any case, armed with the ideological tool of multiculturalism, Canada manages its crisis in legitimation and citizenship" (Bannerji, 2000, p.83). Shippa Rana's statement echoes Bannerji's critique of the promise of multiculturalism (see Chapter Three).

In the next example, Renee Saklikar, who gave testimony at the Air India Inquiry and also read a statement on behalf of her mother, Banu Saklikar, criticizes how multiculturalism fails to function effectively in Canadian institutions. Commission Counsel Mr. Mickelson asks her about the relevance of multiculturalism in the Air India case. Renee Saklikar answers with the following response:

In 1985 and throughout the following decade continuing to the present day, there existed and exists, what I think of as I guess an ethnocentric

attitude in this country, that may have contributed to Canadian government officials not realizing that they had to recruit and hire into the federal public service a diverse workforce of men and women, with sufficient language skills as well as historical and cultural education, to be able to understand targets of surveillance. For example, at the time—in any case, I don't think CSIS and the RCMP at the time of the tragedy had any Punjabi speaking officers engaged in surveillance.

It may be that Canadian government officials need to understand that this diverse workforce need not necessarily be about hiring minorities or people that look like me, but that it ought to be about hiring men and women of sufficient training and education who understand the history, language, culture and subcultures of Canada's varied ethnic groups, and by ethnic I include not just visible minorities but all groups, from Irish to Ukrainian even if those groups are the objects of anti-terrorist surveillance or investigation. (Public Hearings, 2006, p.702)

So this issue that I guess I would define as too little multiculturalism, and if multiculturalism is perhaps a jargon word, just a lack of educated interest, of educated curiosity in Canada's other cultures led to some specific things; the failure to identify and know the risk of an extremist terrorist threat right in our midst... And again, it appears that the CSIS tapes were not translated into English and this might be evidence of a lack of an awareness, a multicultural awareness that I think specifically might have led to poor evidence gathering, and I think for me most importantly, poor case preparation regarding recruitment of credible witnesses, and I think this lack of credible witnesses became crucial to an understanding of what went wrong at the trial. (Public Hearings, 2006, p.703)

Now, conversely, I think this lack of a genuine multicultural perspective, the flip side of this... is almost a pandering to superficial and exaggerated differences regarding dress and food and dance, and this might cause a blindness to warning signs that extremist points of view are being allowed to flourish, and again, that our official multiculturalism might allow for unscrupulous and criminal elements to take advantage of Canada. (Public Hearings, 2006, pp.703-704)

Renee Saklikar criticizes the superficial understanding of multiculturalism, which is practiced by celebrating food and clothing, and argues for the need for a more meaningful form of diversity in the workplace (as an example of effective multiculturalism). Her critique shows failures in Canada's institutions, arguing that they

do not properly integrate multiculturalism into their policies and practices. She argues that multiculturalism needs to mean more than having equal cultural representation in the workforce and instead argues that it is necessary to hire employees with sufficient education and training to understand the histories, languages and cultures of marginalized groups. Superficial applications of multiculturalism produce further erasure, and the inability for institutions to effectively do their jobs. Renee Saklikar links her concerns about multiculturalism and its superficial application to the criminal investigation on the Air India bombings. She argues that the failures of multiculturalism have led to poor evidence gathering and poor case preparation, for instance, regarding the recruitment of credible witnesses. She argues that the lack of credible witnesses became crucial to the understanding of what went wrong at the trial (Public Hearings, 2006, p.704).

Drawing extensively from Shippa Rana and Renee Saklikar who both present their concerns about how multiculturalism operates in Canada, I argue that their testimonies reveal that while the multicultural framework appears to be promising, it is not implemented institutionally to function as policies that support marginalized communities. Their statements indicate that failures related to the criminal investigation, such as inadequate witness protection, erased tapes and the lack of translators are examples of how multiculturalism has not been implemented effectively in the justice system. Furthermore, their statements show that the veneer of multiculturalism further racialises and/or discriminates against marginalized communities and groups. To connect their critiques with acts of citizenship, their statements directly state that the model of multiculturalism in Canada is not working as it was originally promised. For me, their testimonies reinforce the need for a model of citizenship that includes the agency of individuals and groups in their demands for justice. For example, if the families' statements are being analysed as acts of citizenship, their actions make clear that existing models of citizenship, models that are designed to recognise cultural diversity and minority rights, are not effective in their current design.

Complex Identities

Select testimonies reveal the complexities of identity and how family members negotiated their identities outside the multicultural Canadian frameworks presented in the above sections. The act, specifically of identifying as a citizen in terms of social justice, represents the agency and political subjectivity of actors over the rights just prescribed through the designation of being a citizen. The families use the term as an identity that entitles them to a way of life, and idealizes what they view as the Canadian multicultural experience. For example, in some of the testimonies that I discuss in this section, families identify their cross-border connections to countries like India, the United States, and Dubai, while others cite their religious and cultural identifications. Other family members make reference to their economic status and their financial struggles. Some testimonies indicate there is discrimination within the larger South Asian Canadian community, while some actively erase any connection to their ethnicity or to specific communities. Each of these statements provides insight into the struggles individual families faced and how they have chosen to identify within this struggle. The act of testifying also reveals that sites of contestation and struggle also include struggles within community spaces. As one example of a testimony, that actively discusses his community and religious associations, in his testimony Fred Rai states,

Well, I'm in a bit of a unique situation compared to the people that came up before you earlier on. My actual name is Satrajpal Singh Rai and I'm Sikh. I don't follow my faith anymore since this tragedy. I used to. My father has actually gone back to his faith again. He wears a turban and has a beard. He taught me at a very young age that there are people out there that will not accept you for who you are. A lot of it will be appearance and that can be skin colour, it can be your turban, it could be a beard. I feel like I've been dropped by both worlds. My Canadian passport doesn't mean the paper that it's written upon or that it's printed upon.

My own community has never actually come out and offered any condolences. My parents are very active in the Sikh church. It's a communal environment. Anybody, anybody in this room, anybody watching, listening can walk into any Sikh Gurdwara and it doesn't matter

what demographic you come from. It doesn't matter how rich or poor you are. You're welcome. You're provided a free meal. You've got lodging. You don't have to pay anything. But in this case, we haven't—I've been dropped by both worlds. (Public Hearings, 2006, pp.105-106)

Fred Rai's testimony shows his struggle in identifying within his religious community after the Air India bombings. He makes a statement about being Sikh but not following his faith after the tragedy. In excerpts from Fred Rai's testimony used in Chapters Four and Five, he indicated that the Canadian government had not offered him any support. In the above passage, he also references how his community did not offer any condolences to him either and that he was dropped by both worlds. In Chapter Four, I used a passage from Perviz Madon whose testimony briefly suggested that some families, specifically from the Sikh community, did not feel comfortable having a public face representing the Air India incident in the media. Other sites of political struggle that require further analysis—and are seldom mentioned in the testimonies—are about struggles within the South Asian community in relation to the bombings.

There were statements that showed how people have multiple identifications, which show the limitations of categorizing people based on their linguistic, regional and religious associations. For example, in Ann Venketeswarn's testimony she speaks about being a Canadian and meeting her husband T.K. shortly after he arrived to Canada for university. She talks about their inter-racial marriage and describes T.K. as being both Canadian and Indian, and as someone who never lost touch with his roots. She tells the Commission that T.K. had wanted to go back to India to visit his parents. She continues by reading her statement, saying, "T.K. was the eldest of four children. His family in India expected to see this sophisticated western man walk off the plane. However, he had stopped somewhere and changed into a Dothi [*sic*]. They were impressed that he had not forgotten his cultural roots. They had a great time together... T.K. believed in

being Canadian. In the house he could cook Indian and speak Indian but once he stepped out of his door, he was Canadian” (Public Hearings, 2006, pp.895-896).¹⁰⁰ Similarly, Lata Pada speaks about how her “daughters negotiated their Canadian and Indian identities so seamlessly” (Public Hearings, 2006, p.62). In contrast, Susheel Gupta does not identify with his Indian identity; rather he self-identifies as being Canadian. Susheel Gupta states, “I was born in India in 1972 but came to Canada when I was only six months old. As such, Canada has really always been my home. It is with great pride that I call myself a Canadian citizen. I grew up much like any other child living in Canada. I played hockey, was a Cub Scout and had a paper route” (Public Hearings, 2006, p.202). He continues by saying, “I have never identified myself as being Indo-Canadian or South Asian or Canadian of East Indian decent. Sadly, many of our government officials and members of the public have placed much emphasis on these latter distinctions, ignoring the fact that above else I’m a proud Canadian citizen” (Public Hearings, 2006, p.203). Ann Venketeswarn and Susheel Gupta’s testimonies reveal further complexity with how individuals choose to identify. While Ann Venketeswarn points to her intercultural marriage, and how her husband negotiated his cultural and religious identities, Susheel Gupta explains how he does not identify with his South Asian background, and references almost stereotypical activities such as playing hockey, being a Cub Scout and having a paper route, as fundamental to who he is.

Mr. Rattan Singh Kalsi’s testimony demonstrates how instead of being defined by a static set of cultural categories, his identity is much more complex, he is connected in multiple ways religiously and across faiths, as well as being Canadian. Rattan Kalsi lost his daughter Indira in the bombings. His testimony details a loving relationship between father and daughter, including telling stories about her getting her car stuck in the snow

¹⁰⁰A dhoti is the name for a particular way a person wraps a cloth around his or her waist. Other versions of this are called *lungi*.

and wanting to travel to India. He explains how his daughter had saved money to help pay for her ticket. He begins his testimony by stating his religion. Rattan Kalsi says,

Now, I let you know my religion. I'm a Catholic. I'm a Christian. I'm Jewish. I'm untouchable; you name it. I respect all the religions but I was born to a very moderate family in India. My father, all his life, he was a social worker, to bring the community together. My father was a Sikh. He married a Hindu girl. He was a Punjabi. He married a Hindu girl in Nagpur, central UP, Uttar Pradesh. (Public Hearings, 2006, pp.872-873)

Rattan Kalsi's statement shows a complex form of identification, challenging religious and class/caste divisions. In his second passage below, Rattan Kalsi continues to describe multiculturalism in India and the deeper connections between South Asians across different religions. He saw it as a sign from "the person upstairs" that the Muslim travel agent did not issue him a ticket for his daughter. In fact, he had to wait an hour to get the ticket from a different travel agent. Subtly, Rattan Kalsi is critiquing Canadian multiculturalism, pointing out that it had only recently tried to become a multicultural country, whereas India has had "multiculturalism" for thousands of years. He states,

When the four tickets were issued, the person who was issuing tickets, he was Muslim. India is a multicultural country from thousands of years. Canada is just trying from the Trudeau era to become a multicultural country.

So that man was a Muslim. Because I am a Sikh but I don't really—I do practice Sikhism. I read Guru Granth every day. He came up to me and he said, 'Sir, I can't issue the fifth ticket'. I said, 'Why'. He said, 'By the office management, I am allowed to do my Muslim prayer. So my time has come to do Muslim prayer.' So that was one thing the person upstairs was stopping me not to take Indira with you. He did not issue the ticket but one hour later, I waited. The other person issued Indira's ticket. (Public Hearings, 2006, p.876)

As another example, Parkash Bedi told the Commission about losing his family, and never being able to find his daughter's body. He described this experience as never having closure, and also never being able to complete her last funeral rites. Never

finding her body meant never having closure, which resulted in him believing that his daughter had somehow survived the crash, made her way to the nearest shore, and married a Spanish fisherman. Parkash Bedi even travelled to Spain to put her photos up in small fishing towns in Spain, in case there was even a small chance that anyone had spotted her. He states,

In 1986, I went by myself to Spain to a Spanish town where the commercial fishermen docked and made a poster with her photo offering a reward of \$100,000. I put these posters all over the town and in their newspapers. People think I am crazy but miracles do happen. I still have not performed her last burial rites. I think that this is the reason that I have not changed my phone number and moved from my house since 1985. (Public Hearings, 2006, p.254)

Family members of Air India victims identify in ways that move beyond definitions of multiculturalism that circulate in dominant discourses both institutionally and theoretically. The above examples aim to show their diversity (religious, intercultural, gender, and experience). It also shows that their actions and demands for justice manifest in diverse ways—while some relied on services from the Canadian government and the institutional mechanism in place, others relied on their communities, and others took their need for answers and closure into their own hands and flew to Spain to poster fishing towns in case their loved ones managed to make it back to shore. Each action, as described in their testimonies, reveals what individuals and groups did when left to seek justice and find support on their own, when faced with the denial of injustice by their government.

Race and Discrimination

The testimonies above are complex in that in addition to families' use of the terms citizen, citizenship and Canadian, they are referring directly and indirectly to their experiences of racism and discrimination. Many of the statements above indirectly or

directly make claims about discrimination, but I used their passages to draw attention to other points of analysis. Similarly, the testimonies used below are complex and could easily be used in other sections of this dissertation, however I am using them in a specific way: to draw attention to how families frequently asked whether the Air India bombings were erased from public memory in Canada because of systemic racism and discrimination. To begin, I borrow from Mr. Krishna Bhat's testimony. He states,

A Canadian issue: Right from the beginning I felt that the public, particularly our leaders, assumed it to be purely an East Indian issue, a bunch of East Indians travelling to India by Air India plane that was blown apart in open skies by Indian thugs, so why bother? It was not considered to be a Canadian issue at all. Even Mulroney sent his condolences to Rajiv Ghandi. Perhaps he never thought that it happened in our own backyard. Alas, what a twist of irony. Are we not Canadians? Were not those talented children, including our dear Deepak, the future of Canada?[sic]. (Public Hearings, 2006, p.536, italics in original)

Krishna Bhat's testimony states that he viewed the Canadian government as perceiving the Air India bombings as an Indian issue that impacted a "bunch of East Indians travelling to India." He links this statement to another by stating that the bombings were not considered to be a Canadian issue at all, then questioned why his children were not perceived as Canadians and the future of Canada. Similarly, in another testimony, Dr. Padmini Turlapati, who lost her two sons, Deepak and Sanjay on the flight, shared stories about their personalities and what they liked to do in their spare time. Padmini Turlapati states, "... Friends came and went and we sat without any contact from the government, any social agency or Air India for about four days. The government totally neglected us and, to add insult to the injury, Brian Mulroney sent condolences to Rajiv Ghandi (sic) and the media interviewed six on television and one journalist came home and asked me whether we'd retaliate" (Public Hearings, 2006, pp.192-193). Both Padmini Turlapati and Krishna Bhat reference Minister Mulroney's much discussed response to the bombings when he sent condolences to the Indian government and not to the impacted Canadian families. She continues, by talking about systematic failures at multiple levels.

For 20 years we had asked for a public inquiry which was stalled because of the investigation. I clung to the hope that with the investigation we would finally find out answers as to who did this but the verdict shattered all hope and decimated me back to zero. Not only had no one taken responsibility but at each step the system had failed us ... We want to know how, where and why the system failed us Canadians. Only the truth will set us free and help us heal. I cannot take the guilt of sole responsibility that as a mother I put both my sons on that plane. I cannot look into their eyes and pictures and say anymore, forgive me. I have to be able to say, "Your deaths were not in vain and those who were responsible will be accountable, justice will be served irrespective of colour and creed in Canada." (Public Hearings, 2006, pp.196-197)

Padmini Turlapati's testimony asks questions about security failures, missed information, and the failure to take threats and security warnings from Air India seriously. Padmini Turlapati asks, "How did the government agencies responsible for safety and security of Canadians in Canada ignore the threats they knew against Air India Flight 182 allowing Flight 182 to leave the Canadian soil with so many Canadian lives in danger?" (Public Hearings, 2006, p.199). Specifically, this passage is important because it shows her experiences of discrimination, which can be drawn from her statement when she states she is looking for justice irrespective of colour and creed. Other families' statements also included claims of discrimination, stated directly and indirectly, with some claiming that they were treated like "second-rate citizens" in Canada, and others directly stating that racism was a factor in how they were treated by officials. As an example, Perviz Madon states,

I love this country. This is my home. I am, of course, a proud Indian because everybody knows I'm Indian. I look Indian but I'm also a very proud Canadian. I raised two Canadians. They were born here. My husband, as I said, wished to immigrate because he believed in this country. He admired the country. He admired the values. He basically knew that the future of his family is better off here and it's a bit tarnished. (Public Hearings, 2006, p.605)

Her testimony continues on about her experience of discrimination. Her self-identification as Canadian made her not want to believe that discrimination was a factor

in the government's response or how the criminal investigation was handled. Perviz Madon states, "I felt in the initial stages when all this discrimination stuff was going on and I just refused to believe that just because my husband happened to be a person whose skin colour was not white, it was brown, that people wouldn't do anything. I just refused—I refused to entertain that thought. I didn't talk about it. I just—probably I was in denial" (Public Hearings, 2006, p.605). She states,

I just didn't think that my country would let me down so badly but when I look at it and I see it and I hear it, I feel it. I feel that maybe, you know, as Mr. Rae this morning said, if there were Anglo-Saxon passengers on an Air Canada flight that maybe the outcome would have been different. We would not know because it didn't happen to them. It happened to us and it happened to us and the justice has really failed us terribly. (Public Hearings, 2006, pp.605-606)

Similarly, Fred Rai raises questions of race and discrimination by reading an article aloud at the Air India Inquiry. The article was printed in the *Toronto Star* in 2006 and compares 9/11 families and victims to Air India families and victims. The article shows how the Canadian government recognised and remembered the terrorist attack in New York in 2001 and how Canadian citizens were urged to pay tribute to the victims. He questions whether or not the Canadian government would have responded differently to the Air India bombing if the people on board Flight 182 were mostly white. Fred Rai asks, "Had I been white, would I have gotten a similar tribute, my family, the families of the people that perished? Would we have been contacted by the Canadian government? Most likely, yes. I could probably almost say unequivocally yes" (Public Hearings, 2006, p.106).

Other family members have suggested that part of the responsibility of the public Inquiry was to determine if there were acts of discrimination, specifically by determining whether the failures in the criminal investigation or by the erasure of the tapes by the RCMP and CSIS were a result of systemic racism. In a written statement by Mr. Sundaram Ramakasavan, he hesitates to make direct claims about racism; but asks the Commission to determine whether there was any type of discrimination in the process.

[O]ne serious problem we faced was the repeated attempts by the journalist to attribute a racist angle to the RCMP failures and the government's callousness. Perhaps they were right, but we were adamant about keeping racism out of our struggle because we wanted to battle it out on higher plains of rights and wrongs, justice and injustice. We believed that it was the task of public inquiries such as this to find the causes of failures and callousness and recommend corrective measures, even if it involved racism. (Public Hearings, 2006, p.118)

Closely linked to questions of discrimination are demands of justice in reference to the redress families were seeking. Two other examples state that the Inquiry's role is to help them in their pursuit of justice and that the need for justice is over and above anything else. A sample of the exchange between Mr. Anil Kapoor and Mr. Kalwant Mamak is important to share:

MR. KAPOOR: Good morning, sir.

MR. MAMAK: Good morning.

MR. KAPOOR: You have some text that you've prepared for today?

MR. MAMAK: Yes.

MR. KAPOOR: And you've asked if I can ask you some questions to take you through that. I'm happy to do that for you, sir.

MR. MAMAK: Okay.

MR. KAPOOR: I understand, sir, that you're a member of the Sikh community.

MR. MAMAK: Yes.

MR. KAPOOR: You're from Sarnia.

MR. MAMAK: That's right.

MR. KAPOOR: How long have you lived in Sarnia?

MR. MAMAK: About 37 years.

MR. KAPOOR: Prior to that, sir, where did you live?

MR. MAMAK: Pardon me? (Public Hearings, 2006, p.137)

As this excerpt shows, the points Kalwant Mamak made in his testimony were short so when he did make longer statements it was clear that there was something important he wanted to say. Thus here, the length of his statement about the public inquiry, suggests he felt strongly about the failure of justice. He states, "Justice for the families, justice for everybody that—you know, like, don't treat people—like, we were always treated as second-class citizens," (Public Hearings, 2006, p.151). In a longer passage from Ms. Ramah Paul, her testimony is also about questions of justice. She states,

Good morning.

It's not many, but still I hope everybody can hear my voice. I cannot see you everybody because of my little bit vision, but that's not going to interfere with my voice.

Now, I have made this decision. Nobody has twisted my arms to come here or nobody was bugging me all the time. But I took really time, literally more than a month. I come from a very different background. Without prayer, without having faith in my Christ, I do not make decisions...

When I came to know there is going to be a public inquiry, I said to myself, "Wow, Canada has awakened after 21 years to hear the cry of the family of 329 people, who gave their lives with no reason." Two people in Japan also didn't know why, how, what's the reason.

So in this way, God has allowed me to talk, not about my pain, but they asked me why and who did it. Why did this happen? I didn't have the answer. What did the government do? I didn't have an answer. But you're from Canada, don't you have an answer? I said, "No, because Canadian government was not there when I needed them."

So this is my open statement; that I come here not to ask sympathy from you people. I don't need your pity. I don't need your consideration. I don't need your mercy. I want justice from Canadian government, Canadian security, Canadian RCMP, because according to my faith, I shriveled [*sic*].

They said you have to forgive these people whoever it may be. Forgive them. So I have got no complaint. But I have forgiven them. I have forgiven them, but they said, “You ask for justice.” You ask for justice again and again until you get the justice. (Public Hearings, 2006, pp.784-785)

Ramah Paul’s statement is about a call for justice. She describes how every moment of her life has involved a demand for justice over the last 21 years, whether she is attending church, meeting with her church group or giving speeches about the Air India bombings in several countries. Her testimony includes statements about the Canadian government not being there for her when she needed support in contrast to how others were available to listen to her experience. She states that all those to whom she told her story—including details about how the Canadian government responded to the bombings and the families, and her demands for justice and her experience of discrimination—were surprised by the Canadian government’s negligent response to the victims’ families.

In addition, Susheel Gupta, Bal Gupta, Jayashree Thampi, Lata Pada, Kalwant Mamak and others refer to this second-rate status in their testimonies.¹⁰¹ Questions of second-rate citizenship and discrimination, and demands for justice are connected to a sense of betrayal and what they saw as negligence on the part of the Canadian

¹⁰¹There are many testimonies that refer to similar concerns. Some statements by family members directly addressed their feelings of discrimination. This is articulated in terms of discrimination, feeling like they were treated unfairly because they were not “white Canadians” and by statements of feeling like “second-rate” or “second-tier” citizens. For example, Mrs. Thampi states, “I’d follow the trial very little. The little that I’d hear—that I did hear or read made me feel like I was a second-class citizen and that neither the Canadian public, the investigators or the government themselves were taking this case seriously. The day I heard that the CSIS had destroyed valuable tapes was the last day I followed the investigation” (Public Hearings, 2006, p.169). As another example, Mr. Radhakrishna states, “Even now I do not understand how this could have happened to us in a peace loving and secure country like Canada. Did I make a mistake in making Canada my home? Are we being treated as second-class citizens? These are the haunting questions” (Public Hearings, 2006, p.869).

government. For families, they expected that one's citizenship granted the right to protection, which included the protection of their social well-being and thus the right to services. The concept of rights is important to address because it identifies to which rights a citizen is entitled. The extent to which one identifies as a Canadian and the extent to which one exercises one's rights becomes one way of understanding notions of citizenship based on citizenship acts.

The layers of discrimination are complex and manifested in forms that went beyond what the families identified was the racist treatment by the Canadian government. For example, Ali Sadiq experienced what he viewed as racism in the manner in which the RCMP questioned him about his involvement in the bombings. In his testimony Ali Sadiq explains,

Our father, a family friend, myself and my wife were able to see her off at the airport. A few minutes after our mother boarded the plane our sister and brother finally arrived, too late. The plane was still on the tarmac and we could see a big iron box-type thing on a carrier near the plane. The ominous box close to my mother's plane got my paranoia pumping. After a few more minutes I picked up a white phone connected to the plane and requested the air attendant to send back our mother. The lady refused. After a few minutes I made another more insistent request. It was again refused. My third appeal was also turned down. By then some of our family members were getting upset with me. (Public Hearings, 2006, p.1018, italics in original)

Ali Sadiq explains what had happened in 1985 when dropping his mother off at the airport. He details his attempts to get his mother off of the plane based on a feeling. After describing his story about finding out about the bombings, he told the Commission about how he was questioned and treated by the RCMP as a potential suspect. Ali Sadiq continues his testimony by stating,

Accused for the bombing: I was put in a humiliating and painful situation by the RCMP shortly after the bombing. While I was still grieving for my mother the RCMP started phoning and tailing me. They called my home and my office to schedule an interview with me. The interview was very insulting. They did not hide the fact that they were treating me, someone

who had just lost his mother, as a suspect. They were asking so many questions, "Why were you asking for your mother to come off the plane? Did you buy insurance?" They thought that I was the person who put the bomb on the plane or was paid to do it. There were two officers interrogating me for about 45 minutes or so. Finally, they openly said at the end of the meeting, "No, he cannot be the person." I have never been so humiliated and treated so poorly. (Public Hearings, 2006, p.1021, italics in original)

This experience was not limited to Ali Sadiq in that other family members questioned how members of the RCMP communicated with them after the bombing. In her testimony, Perviz Madon briefly references how initially officials only contacted her to ask her about her husband's luggage and who packed his bags before leaving on the flight. In her exchange with Commission counsel, she states:

MR. MICKELSON: In the first ten years after your husband's death, did anyone in an official capacity with the Canadian government ever contact you?

MS. P. MADON: In the first few years?

MR. MICKELSON: First ten years?

MS. P. MADON: I think the only time they contacted me was when they needed to know who had packed Sam's bag and who had taken him to the airport. I think that was probably the RCMP called me once or twice to just kind of make sure that he wasn't the one carrying the bomb, for God's sake, whatever. (Public Hearings, 2006, p.599)

When asked by Counsellor Mickelson if Canadian officials had contacted her in the first decade after the bombing, Perviz Madon states that the RCMP had contacted her to make sure Sam Madon was not the person carrying the bomb.

Making claims of racism at the public hearings against the Canadian government is a powerful act, especially considering how the families describe their treatment of neglect, the lack of services provided to them, and how select families were questioned as potential suspects. The concern is that despite these complex layers of testimonies, presenting evidence of neglect and discrimination, the Commission fails to adequately

investigate this claim and address the families' demand for justice.

The Commission's Response to Racism

While the purpose of *The Families Remember* report was to respond to the human element of the tragedy and pay tribute to the passengers on Flight 182, as well as address the families' struggles over the years (see Chapter Two), this section asks: how does *The Families Remember* report address the families' claim of racism? The Phase I report acknowledges Canada's failure to respond to the Air India bombing and the impact of both the bombings and the government's unsympathetic response to families. The Commission's response to the families was to acknowledge the human element of the bombings, stating that through the testimonies, the Commission has learned more about the enormity of this mass murder including the suffering of victims' families. The report states,

This preliminary report focuses on the human element arising from the bombing—the accompanying suffering of the victims' families, the heroism of the rescuers and the generosity and warmth of the citizens of Cork, Ireland. The enormity of this mass murder may be grasped by attempting to know more about the victims and their grieving survivors. (Phase I, 2008, p.2)

The opening statement by the Commissioner reflects on the magnitude of the tragedy, and families' dedications to their loved ones. In the Phase I report, the Commission recognised that there was little effort to assist families over the years and there had been little national recognition of the event. It states that entire families were lost while others were emotionally destroyed by the loss of their loved ones.

Although the recovery of a body and the opportunity for proper burial brought a small degree of comfort to some families, sadly even that was denied to the majority, as 198 victims were swallowed by the sea. Entire families were lost, others were emotionally destroyed by the death of their loved ones, fracturing their home lives. The families and friends of the

victims, as well as our society, have hope that this Inquiry will explain not so much what happened, but why it happened and how it can be prevented from happening again. (Phase I, 2008, p.3)

The Phase I report frames the importance of the Air India Inquiry in providing information about why the bombings happened, and how it can be prevented from happening again. The document rightly acknowledges the magnitude of the bombings and the devastating impact it had on families. As described in Chapter Two, the document acts as a memorial, describing each family and the lives lost.

While the Phase I report recognised the enormity of loss and devastation, it fails to address families' claims of discrimination. The Commission's Phase I report does ask the question, "*If Air India Flight 182 had been an Air Canada flight with all fair-skinned Canadians, would the government response have been different?*" (Phase I, 2008, pp.3-4). The Commission responded to its own question by stating, "There is no way to answer that. As a country, we would hope not. At the conclusion of the Inquiry, a better understanding of the events and actions that took place may help us all to decide" (Phase I, 2008, p.4). Confronted with victims' families' ongoing efforts to be heard, stating and restating their experiences of unequal treatment, discrimination, and claims of racism, as evidenced throughout their testimony, the Commissioner's response is to deny any form of systemic racism and discrimination. This demonstrates the Commission's unwillingness to fully investigate families' demands for justice despite the families' evidence of discrimination. Even though *The Families Remember* report was written to address the human element of the Air India bombings, it ignores families' claims for citizenship rights and statements of being discriminated against.

Since the Phase I report stated that the Commission would have to complete the rest of the Inquiry's investigation before determining whether the families were discriminated against, this next section now examines if the Phase II report, *Air India Flight 182: A Canadian Tragedy*, addressed questions of discrimination. As stated in the Phase II Air India Inquiry Report, aspects of discrimination were not considered helpful to the Commission, nor did it deem racism to be an issue that influenced the investigative

process over the years. The final Air India Inquiry Report addresses families' claims about discrimination in the following way,

A suggestion was made during the hearings that the Government's attitude to the bombing and its treatment of the families of the victims was a manifestation of "racism," though not perhaps of a conscious sort.

The Commission finds that the term "racism" is not helpful for purposes of understanding the Government response. "Racism" carries with it so many connotations of bigotry and intolerance that even the most careful definition that purports to focus on effects rather than on intent ends up generating a great deal more heat than light. This was amply illustrated on the hearing date devoted to evidence regarding this issue.

While the Commission does not feel that the term "racism" is helpful, it is also understandable that the callous attitude by the Government of Canada to the families of the victims might lead them to wonder whether a similar response would have been forthcoming had the overwhelming majority of the victims of the bombing been Canadians who were white. The Commission concludes that both the Government and the Canadian public were slow to recognise the bombing of Flight 182 as a Canadian issue. This reaction was no doubt associated with the fact that the supposed motive for the bombing was tied to alleged grievances rooted in India and Indian politics. Nevertheless, the fact that the plot was hatched and executed in Canada and that the majority of victims were Canadian citizens did not seem to have made a sufficient impression to weave this event into our shared national experience. The Commission is hopeful that its work will serve to correct that wrong. (Air India Inquiry Report, 2010a, p.38)

The paragraph above is the only section in the entire Air India Inquiry Report that directly addresses whether racism was a factor with how the Canadian government responded to the bombings and the Canadian families. The Report states that the Commission did not believe racism to be a helpful explanation for why the bombings were not adequately addressed. Even though the attitude of the Government of Canada was deemed callous, the Commission does not believe there was any act of discrimination based on race or ethnicity as a motivating factor for its negligence. Claims of discrimination are minimized in the final Report by failing to recognise those making these statements, and

second by suggesting that it is not helpful to consider their experience as part of the Inquiry and the final Report. As listed in the above quote, the Report then takes the families' experiences of discrimination and rewords their statements as "a suggestion was made" and states that even if issues pertaining to race or ethnicity were at play, it was not perhaps the conscious type. This excerpt from the final Report notes that the term racism carries connotations of bigotry, which are not helpful in their analysis.

The Air India Inquiry Report had an opportunity to include some of the language evidencing discrimination that frames the incident, but Bob Rae and the Commission refused to do this. The Inquiry addressed the negligent treatment of the families in the third paragraph cited above when the Report acknowledges the callous attitude by the Government of Canada, yet rather than examine what was entailed in the callous attitude the Report diverts attention and turns the reader's attention to India as the source of the terrorism. Systemic, covert forms of discrimination are some of the toughest forms of racism to fight, especially because those who are marginalized are often forced to prove their experience was the result of discriminatory actions. Despite the families of Air India victims stating they were discriminated against, the Commission failed to fully investigate their claims. To have one's experience of racism denied, such as the Air India Inquiry Reports did is another form of injustice. The reason for calling the Inquiry was the failures of justice—but the Inquiry failed to investigate racism. As defined in her submission to the Commission, Professor Sherene Razack (2008) defines systemic racism to mean,

Although the term "systemic racism" has now entered the lexicon of everyday speech, there is confusion about its meaning. For most people, systemic racism stands in comparison to individual racism. While individual racism is understood to be a practice arising from the belief that one racial group is superior to another, systemic racism is meant to capture the idea that that policies and practices that appear neutral on the surface can have the effect of disadvantaging certain racial or ethnic groups. (p.1)

Razack points to difference between individual and systemic racism arguing that the latter is meant to capture that policies and practices do not act neutrally, disadvantaging certain racialised or marginalized groups. Razack states that,

Systemic racism commonly refers to collective, unintentional practices whereas individual racism is linked to the behavior of individuals and is often considered intentional. In practice, however, the distinctions between systemic and individual, covert and overt, and intentional and unintentional are messy. In the first instance, systems involve people. Secondly, motivation is notoriously hard to discern, either in individual behavior or when it shapes systems that disadvantage some groups. (Razack, 2008, p.1)

The Commission's passages in the Air India Inquiry Reports that deny racism do not take into account the nature of systemic racism as presented in Razack's definition. They fail to even consider the testimonies by Shippa Rana and Renee Saklikar who question if multiculturalism as a policy has been implemented in key institutions. The following statement made in the Report references the poor and callous treatment of families, indicating that there were a series of problems with the Canadian government's treatment and response to the families directly after the bombing, and leading up to the public Inquiry. The Report acknowledges,

The families of the victims of the bombing were poorly treated by their Government. For the longest period of time the Government seemed dedicated to self justification and denial of fault that led it to cast a blind eye and a deaf ear to the suffering and the needs of the families.

The Government was too preoccupied with its international reputation to appreciate its obligations to the families of the victims. It was so keen on debunking any notion that the bombing was tied to deficiencies in Canadian safety and security that it alienated the very people who deserved support and empathy: the families of the victims. (Air India Inquiry Report, 2010a, p.38)

The passage stresses how government departments looked to take care of themselves rather than the families and references how Canadian agencies were unwilling to admit

failures of security. This passage is followed by a section of the Report that justifies the need for state security measures rather than remedying their callous attitude towards the victims' families.

Government of Canada treated the families of the victims of the terrorist attack on Flight 182 as adversaries. The nadir of this attitude was displayed when the families' requests for financial assistance were met by the Government's callous advice to seek help from the welfare system.

Even after the modest settlement of the civil litigation, a settlement which, ironically, prevented the families from receiving disclosure from Government of the extent of the deficiencies in the pre-bombing period, the Government was slow to recognise any duty towards the victims or their families.¹⁰² (Air India Inquiry Report, 2010a, p.39)

The Commission recognises the failure in the Canadian government's treatment of the families, including the attitude behind the modest settlement (see Chapter Four for families' demands for compensation and the lengthy civil litigation process that certain families went through). I draw attention to the few areas in Phase II where the Commission recognised the treatment of families was wrong. The Commission rightly points out that the settlement was not only modest, but also ironic in that it prevented families from receiving full disclosure, in other words the information they would have needed to fully understand what happened. The way the Commission describes the government's role as slow to recognise their duty to families exemplifies not only the long and drawn out legal processes surrounding the inquiry, be it the criminal investigations, settlement process, and/or launching the public inquiry, but also the extent to which the government prioritized the needs of the families, and their

¹⁰²The Report provides an example of this stating, "A notable exception to this past neglect is to be found in the elaborate and effective mechanisms implemented by the post-1995 RCMP Air India Task Force, which made it possible for them to liaise with, understand and provide support to the families of the victims over the course of the Air India prosecution.

accountability to families as citizens. The next passage notes that an Inquiry is a form of reconciliation, but questions if this is possible if information about the bombings has been withheld from families.

Whatever “truth and reconciliation” may be generated by the present Inquiry, it remains the case that, long after the settlement of the civil litigation, important information continued to be withheld from the families. It took a decade for the RCMP, and two decades for CSIS, to appreciate the need to meet with the families. (Air India Inquiry Report, 2010a, p.39)

As discussed briefly in section two of Chapter Three, acknowledging the wrong done to an individual or a group is required for reconciliation in the context of increasing public awareness about the injustice (James, 2009, p.379). While the Commission rightly recognised several ways the Canadian government denied families justice, including drawing attention to the government’s callous attitude, it still failed to acknowledge or even fully investigate issues of racism.

Conclusion

This chapter is organized thematically around legal, socioeconomic and multicultural models of citizenship to examine how the families understand and use the term in their testimonies. The objective is to use passages from the public hearings to show the families’ different understandings and practices of identity as citizens. The chapter presents how they used the term “citizen” and “Canadian” to justify families’ demands; how as a marginalized group in their demands for recognition, they use citizenship as a way to describe their Canadian identities in the face of being excluded at multiple levels; and, to show how their self-descriptions can reproduce a normative understanding of citizenship and national identity. On the other hand, this chapter shows how their complex identities, their demands for action and how they challenge the Canadian government’s failure to respond to the bombings and their needs provides a

more nuanced view of how rights claims operate at a level of justice, including issues of racism and discrimination. It shows that there is a need to move beyond examining the claims individuals and groups make (i.e. for information and services, such as counselling) towards understanding the actions they take to confront instances when their rights are denied to them. Some felt that if the plane were an Air Canada plane, or full of white Canadians, the response by the Canadian government would have been different. Yet, despite these points about neglect and discrimination, the Air India Inquiry Report (2010a) still denied that the families were subjected to any form of discrimination and refused to investigate their claims.

Chapter 6.

Air India Flight 182: A Canadian Tragedy¹⁰³

How do we know what we know? As this research shows, until the Air India Inquiry, the Canadian public learned about the bombing of Air India Flight 182 mostly through news reports, the limited number of publicly accessible government documents circulating, and one documentary film aired on the *CBC*. The media produced by victims' families, such as poetry books and dance performances, and books written by journalists also provided information about the bombings. I argue that the news media and government documents ideologically framed the bombings as a terrorist attack from a foreign source. Through this frame, the public discourses produced a public record that 1) erased the bombings as a Canadian tragedy, 2) erased the impact the bombings had on the Canadian families most directly affected, 3) racially framed Sikhs and the motives for the bombings within a foreign conflict framework, 4) marginalized the families of the Air India victims by failing to recognize them as Canadian citizens, 5) when the incident was eventually acknowledged by the Canadian government, official documents and statements used language that framed the families of the victims within model minority and nationalist discourses, and 6) denied that systemic racism was a factor in how the Air India incident was handled by Canadian officials. For the first time,

¹⁰³ The title of the concluding chapter for this dissertation is the same title for the Phase II Air India Inquiry Reports (2010a, 2010b, 2010c, 2010d, 2010e). I use this title deliberately to show that the tragedy is about the injustice to the families.

beginning in 2006, over twenty years after the bombing, the Air India Inquiry Reports and the families' testimonies from the Air India Inquiry offered a set of documents that provided a comprehensive overview of what happened in 1985. Even though the Commission had the opportunity to address the concerns of the family members who gave testimony, the Commission still failed to adequately investigate the families' claims of systemic racism and in fact denied any racism was involved. As this research shows, the official document about the Air India bombings produced by the Commission thus fails to adequately represent the victims' families' demands for justice. The Reports heavily reproduced an anti-terrorism and security discourse, with many of the Commission's findings and published material examining ways to prevent future acts of terrorism in Canada, rather than examining how to set up protocols to help assist individuals directly impacted by acts of terrorism. This was one of the reasons this research focused on the families' testimonies rather than just critiquing media and the Inquiry documents.

As stated, the Air India Inquiry Reports fail to fully investigate concerns of discrimination, ignoring the families' claims about racism and failing to adequately include their statements in the public documents. As the families' testimonies prove, the erasure of the Air India bombings from Canadian history, the labelling of the bombings as a foreign (Indian) concern, the lack of services and assistance available to them, and the failures in the criminal investigation by CSIS and the RCMP over a twenty year period all point to discrimination, including clear failures in the application of policies and procedures of law enforcement. This is one of the reasons why the families' testimonies are the central focus of this dissertation—it took over twenty years for family members to be heard, but as I argue, despite giving testimonies, their demands for justice were not heard in the final Report produced from the Inquiry. Chapters Four and Five examined the failure of the Canadian government from the families' perspectives, and analysed their demands for justice, including their claims of discrimination. What is evident from their testimonies is how their statements are not limited to the government's securitization frame but instead contribute to a call for justice and recognition by

racialised Canadians. It is at this juncture where the acts of citizenship framework allows for an analysis of the activity of political subjects. I use the official title of the final Air India Inquiry Report in the title of this conclusion to emphasise that the tragedy for the families is, first, losing their loved ones in a terrorist attack, and second, the Canadian government's denial of justice to them for over twenty years. Throughout this dissertation, I emphasised the impact the bombings had on the families and I used their testimonies from the Inquiry to examine their demands for information, services and justice and how these demands developed over time. In this dissertation I use passages from the families' testimonies to demonstrate, as well as substantiate, each individual family member's account of the neglect they experienced from the Canadian government.

I argue that the failure to acknowledge their concerns and claims about the bombings and their treatment as Canadians who were impacted by the bombings is another form of erasure from public knowledge, especially as the Inquiry was commissioned to produce an official record of the bombings. One of the challenges of researching this project was examining a case that had been erased from Canadian public record. Research on the Air India bombings required specific details that have not been recorded, such as the dates and times of certain events, locations of all the family members and information about those families who did not participate in the Inquiry. In addition, statistics about the case were not as easily available as one might assume in what is now a highly digitized society, and required accessing newspaper reports on microfilm, finding out-of-print copies of novels written by journalists, and locating where the transcripts of the families' testimonies were housed. To conduct my analysis, I supplemented the families' testimonies with testimonies from the Air India rescue workers and Commission Counsellors, media articles from major national newspapers, federal Hansard debates, transcripts from the criminal trials, and the Phase I and Phase II Air India Inquiry Reports. I mostly had to rely on primary research because relatively little academic research has been conducted on the Air India bombings, and in particular on the public hearings let alone research that focuses on analysing statements made by

those most directly impacted. One of the main research tasks was identifying the available documentation, finding and then collecting the relevant records as well as cross-referencing information and statements to ensure that at the most basic level, dates, numbers, events and the views of individuals were accurately reported and at another level, it was possible to map out the families' acts of citizenship both before and during the Inquiry. Once this material was triangulated and mapped out, at another level, it was possible to trace the families' acts of citizenship both before and during the Inquiry. One of the significant contributions this research project makes is providing a detailed and comprehensive understanding of the bombings as situated in Canada by mapping out the primary source and secondary source materials available for analysis. In terms of methodology, this research is an example of how archival research can be conducted, specifically with regard to accessing and finding key government documents, cross-referencing material and triangulating research methods to ensure statistics and facts are presented accurately, and to show how primary source material can be analysed using a critical race framework.

At different times during the design of this study and while I was conducting the research, there were questions about whether I should interview the families. Initially it seemed like a logical step, but I was very hesitant, even though I received ethics clearance from Simon Fraser University's Research Ethics Board. After reading the testimonies and immersing myself in the volumes of the Inquiry I felt strongly that to be responsible I had to acknowledge and "listen" to what the families had said in their testimonies, especially since the Canadian government clearly failed to do so in the Commission's Reports. Another area of consideration for how I approached this study was with regard to what information should and should not be included in the dissertation and how detailed this information should be. Topics like the bombing of Air India Flight 182 continues to be a sensitive issue within the Punjabi and South Asian Canadian community, thus careful attention to how I approached this project was integral to my study. Research on cultural, religious and political issues impacting the South Asian community in the Lower Mainland requires further examination and thus I

hope the ethical decisions I made with regard to how I presented and framed the bombings in this dissertation will offer some guidance to future researchers. Throughout the dissertation, I wrote about the bombings cautiously, paying acute attention to how I wrote about religious extremism and terrorism, as well as the Khalistan movement. I made sure I did not categorize groups (whether it be the accused or Air India victims family members) based on region, religion, or language, and that I did not misrepresent the families of the Air India victims. For example, Chapter Four was designed temporally, following a specific timeline of events that occurred in relation to the families' activism and Chapter Five was designed based on categories of citizenship rather than categorizing the family members according to "ethnic" categories (for example, multicultural categories of "cultural difference," such as religion, national origin, etc. found in liberal versions of multiculturalism in Canada). In addition, I included extensive passages from the family members' testimonies rather than using shorter quotes as a way to ensure that I did not misrepresent them by using only fragments of their statements. Also, I ensured that the different voices of family members and their representatives were given ample room to fully express the range of sentiments, concerns, experiences and demands in their testimonies. Lastly, this research project does not generalize the families' experiences to represent one homogenous view of the bombings, rather the way I used the testimonies purposely presents the families' varying subjectivities.

Many of the families' testimonies not only challenge the anti-terrorism and security discourse that predominantly frames the incident, but also offer detailed statements and accounts of their ongoing calls for justice. Their statements provide insight into the different periods of the families' activities, especially the period before the Inquiry was launched in 2006, which includes the early period when they took their initial steps to ask for support and information. When they began to realize the government was repeatedly ignoring their demands, the next step was to mobilize to demand an inquiry. Throughout, they took steps to contact, inform and make demands of the Canadian government and journalists in major Canadian media outlets. In terms of the

media, the families understood the importance of keeping public attention on the bombings, and trying to ensure their concerns were heard, challenging the view that the bombing was not a “Canadian issue.” The testimonies of family members who stepped forward to be in the public eye expressed the importance of being vigilant about answering questions from the media and, for example, getting information into the press about the failures in the criminal investigation. In their testimonies, the victims’ families justify their demands by using terms such as “citizen” and “Canadian,” which required further examination in terms of how these concepts were used by marginalized individuals and groups in the demands for justice they made to their governments. Their use of the term citizen and their demands for justice, led me to adopt a model of citizenship that conceptualized how the actions of subjects challenge institutions and authorities in power in their demands for justice. These actions taken during moments of political struggle can be understood as acts of citizenship (Isin, 2007, 2009, 2012).

This research project had four overarching objectives: the first objective was to provide a clear counter-narrative to challenge the dominant anti-terrorism and security discourses framing the incident. This framing is dominant partially because some of the only public materials available about the incident are government documents, transcripts from the criminal trials and media reports covering the incident. The second objective was to trace the families’ demands for justice by using their accounts of what happened and which rights were denied to them. My aim was to use as many voices as possible, while still presenting a comprehensive understanding of what happened. The third objective was to examine the families’ use of terms such as “citizen,” “citizenship” and “Canadian” to justify their demands and claims of discrimination. While I privileged the families’ testimonies as the main source of material for this project, my analysis also critically examined how they reproduced dominant discourses of citizenship in their statements. The fourth objective was to challenge existing models of citizenship, arguing for a model that considered the political subjectivity and agency of subjects. I critiqued definitions of model minority discourses and liberal conceptions of multiculturalism using Isin’s (2007) acts of citizenship model as a guide.

Overview of the Chapters

The Introduction of this dissertation had three objectives. The first was to provide sufficient background information about the Air India bombings to outline the problem and scope of the project, without presenting the background information as a given. Part of the analysis for this project was to critically examine how the Air India incident has been dominantly presented in public documents and the Air India Inquiry, and so one of the decisions was to present the material in a way that showed why an analysis of the material was important and why a counter-narrative of the material was also important. Within the limited material available, the dominant narrative about the case focused on religious fundamentalism, anti-terrorism and security, which were often written about without critique. Consciously, in writing the dissertation I struck a balance between referring to “terrorism” and “the bombing of an aircraft,” without using tropes that could further racialise Sikhs and the larger South Asian community as extremists. To do this, I wrote about the background of the case using government documents and the final Air India Inquiry Reports, and critiqued how these documents framed the bombing as a terrorist incident to justify the need for further anti-terrorism and security policies. The second objective was to present the research corpus for the project and the amount of primary material available for this study. The decision to examine the project from the perspectives of the families was deliberate and was one of the main goals for the dissertation. The Inquiry was the first time they had a forum to speak publicly about the bombings to other Canadians. The third objective was to outline the Cultural Studies approach developed by scholars influenced by the Birmingham School, which I used in this project. As a Cultural Studies project, this research project is guided by the aim to examine relationships of power and starts with the agency of people who challenge these relationships of power. Specifically, I decided to use the families’ testimonies as the main corpus of material examined for the project. A Cultural Studies approach was also considered in the methodological design for the project, including decisions to not conduct interviews with victims’ family members. For instance, as mentioned above, I chose not to interview families, first, because their detailed testimonies from the Inquiry

had yet to be analysed (in other words, no Canadian institution had yet “listened to” and acknowledged the demands they had made in their testimonies), and second, because certain family members clearly indicated that they were tired of individuals, particularly journalists and reporters, approaching them for a sound bite of material. Again, theoretically, here I borrowed from Isin’s (2007, 2009, 2012) work on acts of citizenship, a model of citizenship that focused on the agency and political subjectivities of individuals and groups. Overall, my objective for this project was to approach the research project as ethically and thoughtfully as possible. This included having multiple conversations with the members of my supervisory committee about analysing the testimonies, continued sensitivity about how I framed the South Asian Canadian community in this research, and how I engaged with the topic of religious fundamentalism in the dissertation. I also was informed and guided by members of Vancouver’s South Asian community, whom I met during volunteer work in the community and work I conducted for SFU’s Komagata Maru project.

Chapter Two provided a literature review of how commissions of inquiry work in Canada, specifically focusing on how members of the public participate in inquiries and how commissions can use the information they provide in their final reports. This chapter was significant because it showed the strengths and limitations of public inquiries. The Inquiry, as the site where victims’ families’ gave testimony, this chapter provides a review of how this institution operates as an independent body, aimed to investigate issues impacting society. Importantly, while commissions of inquiry are meant to be a “check and balance” for the government, it is also an institution where power circulates and therefore the Commission’s use of the testimonies may not necessarily represent the families’ voices accurately and/or adequately in the final Reports. Furthermore, Chapter Two showed the structure of public inquiries and how they operate based on the terms of reference and mandate of the commission. This is important because the Terms of Reference for the Air India Inquiry may have influenced what the families chose to state in their testimonies. The final section of this Chapter provided background information about the Air India Inquiry. The purpose was to

provide an understanding of what structures and guidelines set the parameters for the families' testimonies. By understanding the parameters of public inquiries in Canada and the Terms of Reference for the Air India Inquiry, this Chapter also allowed me to set limits around the corpus of material being examined for this study. For example, the materials analysed are limited to family members who gave testimony at the Air India Inquiry. Therefore, this project carefully ensures that it is not using the testimonies to represent all South Asian Canadians impacted by the bombings, nor is it representing families who chose not to participate in this official setting. Importantly, by setting parameters around the documents and the site of analysis, I am able to acknowledge families who did not participate in this official forum by critiquing the limitations of how public inquiries operate in Canada. This chapter contributes to the literature in Communication Studies on public inquiries in terms of how the public participates in this process, specifically by drawing on the work of Liora Salter. Salter's research connects public inquiries to the development of Communication Studies and specifically to the School of Communication at Simon Fraser University. This research project paid acute attention to using scholarship that would provide context for the analysis while also contributing to fields of knowledge developed in Canadian academia.

Chapter Three critically examined definitions of citizenship in two ways: first it shows changes in the definition in Canada as it has been used in public policy by governments; and second it gave an overview of theoretical models of citizenship that inform Canadian policy, specifically focusing on how these models define the term "culture" as a way of justifying and protecting the rights of marginalized groups. The conceptual definitions of the term citizenship influence its normative use in everyday Canadian life. Critical race and citizenship scholars argue the limitations with normative definitions of citizenship are because these definitions do not consider the experience of marginalized individuals and groups. Given the influence of Cultural Studies on this research, I sought a Cultural Studies definition of citizenship, which has a dynamic understanding of culture as it relates to identity. I thus turned to Isin's (2007, 2009, 2012) scholarship, which develops a definition of citizenship called "acts of citizenship." This

model borrows from a Cultural Studies approach in that it argues that the actions subjects take during political struggles define their citizenship. Agency, political subjectivity, demands for justice, and challenges of power are essential to this framework. For me, this was the most difficult chapter to write for two reasons. First, my objective was to show how citizenship was influenced by one's everyday experiences and their use of the term as well as the political context in which they are situated along with the governing institutions and policies. These three elements also influence the theoretical models that emerge in scholarship on citizenship studies especially in Canada. The challenge was to effectively show how the concept of citizenship has been influenced, while still maintaining a distinction between its use in policy and theory, and its vernacular use, for example. The second challenge was making sure the case study (i.e. the families' testimonies) guided the citizenship framework, rather than using the case study to prove or disprove a model of citizenship. This required returning back to the theory chapter multiple times to rewrite and layer in Isin's acts of citizenship model as a way to trace the steps families' took leading up to the Air India Inquiry. I trace a genealogy of the term citizen to help set-up the analysis for Chapter Five. By tracing definitions of citizenship, I am able to show how families of the Air India victims invoked their citizenship, and how they use terms, like multiculturalism for example, to define part of their identity. At the same time, I critique how several family members justify their demands for information, services and justice using normative meanings of citizenship. The biggest challenge for this chapter is that the term "citizenship" is embedded in a deep historical, political and philosophical tradition within academia and thus navigating through this large body of material to trace a lineage of the term for my study required drawing a clear connection to my approach to citizenship—one that examined the political agency, demands and actions of subjects within a specific context. My goals were to find a framework that considered the agency of subjects and one that considered the context in which struggles for justice and power relations are embedded. I adopted Isin's (2007) acts of citizenship model, a model of citizenship that includes the role of communities, groups and individuals in its formulation. Lastly, Chapter Three

provides an overview of the “culture of redress” critique in Canada to situate the Air India case study in a particular context in the 1980s. In the 1980s community groups were demanding recognition from the Canadian government to show how marginalized groups have mobilized for redress, and to critique the ways in which the Canadian government has responded to group demands. My analysis shows how the Commission’s response to the families falls within what Henderson and Wakeham define as the “culture of redress” because the outcomes from the Inquiry not only justify the Harper government’s anti-terrorism mandate, but also establish a no-blame/victim centred approach to redress (James, 2014). Rather than providing families with answers to their questions about why justice was denied to them or acknowledging concerns of racism, the Commission reinforced their security mandate and also a particular type of citizenship—one that firmly establishes the assimilation of South Asians into a prescribed and predetermined Canadian nationalism.

Chapter Four of this dissertation provided an alternative narrative for the Air India bombings, shifting the focus from anti-terrorism and security to one that prioritized the actions and demands of victims’ family members. The analysis examined the diversity of individual experiences, while also considering how their testimonies operate collectively. Chapter Four heavily emphasised the issue of absence, drawing attention to several areas where the Canadian government failed to take action to pursue justice for its citizens or support the victims’ families. By showing the absence of the Canadian government in responding to the Air India incident, I was able to trace several actions taken by family members to keep public attention on the incident and to demand services. I argued that it is not enough to examine the demand itself (i.e. the demand for information, services and justice). Rather, the descriptions of their actions and the many steps they took are what constituted their acts of citizenship and provided insight into how their demands changed overtime. Thus, instead of listing the claims (i.e. the demands), the focus was on the actions families took to have their demands actualized. Documenting families’ perspectives was a powerful approach for critical analysis because it allowed me to show how families communicated with the media and

government officials, highlighting their diverse viewpoints about these institutions and their interactions with them. I make my contributions to the literature in Communication Studies and Cultural Studies in this chapter. The first contribution is with regard to how I examined the role of the media as a tool for the families, rather than solely as an institution that negatively frames topics and groups. I documented how family members both critiqued the media for how it presented the Air India bombings, and also how certain journalists seemed disinterested in the topic, only contacting families for sound bites. I demonstrated how certain families relied on the media, and used the media to spread their message and demands for justice to government officials. Some family members of Air India victims acknowledged and commended particular journalists for their reporting, arguing that without these journalists the Air India incident would have been erased from Canadian public memory. The second contribution this dissertation makes to Communication Studies and Cultural Studies is with regard to mapping the actions of marginalized subjects, including how the family members of Air India victims mobilized to demand justice. The chapter used the Air India case study to map the actions they took in several sites and at several scales, as a way of applying the “acts of citizenship” framework (Isin 2009, 2012). Here I brought together the literature from Cultural Studies, Communication Studies and Citizenship Studies, adding to the literature by other scholars who trace the rights and redress demands by other marginalized groups (see Miki, 2004). Importantly, I hope to have made a contribution to Citizenship Studies by the way I mapped the actions of each family who testified in the Inquiry, considered their agency and used their statements to reconstruct their demands over a twenty year time period. My analysis aimed to show their struggles for justice and the ways they mobilized for their rights. The limitation of this study is that there are several sites not included in the chapter that require further analysis and development, including additional details about the outcomes following from each of the families’ actions. Among other things, this would have required significantly expanding the corpus of the study as well as the time frame as well as the research questions.

Chapter Five focused on the site of the Air India Inquiry and used the testimonies to examine how family members identified themselves as Canadians and/or Canadian citizens as a way of justifying their demands for justice and access to basic services. While Chapter Four used sections of the testimonies where the families reflected on their experiences leading up to the bombings, Chapter Five focused on their demands at the Inquiry and what they hoped the Commission would achieve. The themes of the demands are similar—demanding information, services and justice—and by showing the repetition, the objective was to show that these demands had not fully been met at the time of the Inquiry’s public hearings. From the testimonies, I examined the terms families used to identify themselves, highlighting their statements as acts of citizenship. At the same time, this chapter showed how normative discourses of citizenship are used in families’ testimonies to justify their demands and this chapter also critiqued their use of these definitions. Chapter Five demonstrated the need for the acts of citizenship framework because it allows for an examination of the complexity of their statements, including how families reproduce dominant narratives of citizenship while also making strong claims of discrimination, which shows the complexity of their identities.

In Chapter Six, the concluding chapter, the goal was to highlight the steps I took in this research project, while indicating areas of further research. After reviewing the objectives of each chapter as steps in my larger argument, which examines the Air India bombings as a Canadian incident where the government failed to pursue justice for its citizens rather than just an act of terrorism. At a methodological level and an ethical level, I underline the importance of using the families’ testimonies in the analysis of the Air India bombing. While the Inquiry gave them a forum for their demands for justice, the Inquiry failed to listen to their critiques and concerns about the failure of justice they experienced. As I have argued, the first step in examining the Air India bombings using a Cultural Studies framework was to consider families’ testimonies as a way to recognize their agency and voices. This includes the complex ways they identified as Canadians—which includes, very importantly, their acts of citizenship, calling for a more just Canadian society.

Areas for Further Research

A Culture of Redress

While there are several directions that research following from this project could take, there are two in particular that are directly connected to this project's focus on the families' testimonies. The first area involves examining more thoroughly the Air India Inquiry in terms of the culture of redress. Chapter Three examines Canada's culture of redress, discussing how the Canadian government responds to demands for recognition from marginalized groups through the construction of memorial sites, formal apologies, public inquiries, compensation, funds for research, and so forth (Henderson and Wakeham, 2013). I explain how these forms of recognition end up fulfilling the government's objectives, rather than meeting the demands of the group. I argue that the Canadian government's response to the victims' families' demands falls into this culture of redress, which requires further research to fully analyse whether or not their demands were met after the conclusion of the Inquiry. An area of further research could examine the government's response in relation to the Canadian government's security and anti-terrorism objectives. For example, a section in the Phase II Air India Inquiry Report states,

The mandate of this Commission expires with the publication of the Report and its Recommendations. The families of the victims and the Canadian public will want to know whether the Recommendations have been accepted and how they have been implemented. The Government should provide a Report, perhaps through the Office of the Auditor General, on which Recommendations have been implemented and which have been rejected. (Air India Inquiry Report, 2010a, p.40).

Cross-referencing the recommendations from the Air India Inquiry Report with the families' statements would help determine how their statements were incorporated in the Commission's findings and to what extent they were used to support the anti-terrorism mandate of the Canadian government.

Since the release of the Air India Inquiry Report in 2010, two outcomes include the Canadian government's Air India Action Plan (2010), and the formation of the Kanishka Project for research. Both outcomes focus heavily on policies and research on security and anti-terrorism. One of the first public documents that the Canadian government released after the Air India Inquiry concluded was the Air India Action Plan (2010). The objective of this report was to outline future steps the government would take in recognition of the recommendations made by the Air India Inquiry, even though the government is not required to disclose which recommendations they have adopted to either the Commission or to the public. The Air India Action Plan (2010) states that the Canadian government will focus on several areas including the following: streamlining criminal trial processes, modifying the existing witness protection programme, considering ways to strengthen approaches to curb terrorist financing, establishing protocol for intelligence collection and sharing between security agencies, improving aviation security (p.3). The second outcome, the establishment of the Kanishka Project for research in 2010, also furthers the securitization agenda. In the Phase II Report, the Commission states the importance of "funding of an academic institute for the study of terrorism... to commemorate the name of the aircraft that was bombed on June 23, 1985" (Air India Inquiry Report, 2010a, p.40). The Report states that this step would be an "important step toward preventing future terrorist attacks while honouring the memory of those who perished in the bombing" (Air India Inquiry Report, 2010a, p.40). The Report states, that there is a need "to develop the next generation of security professionals in government and to provide a means for existing professionals to enrich their understanding of terrorism and TF [terrorism financing]" (Air India Inquiry Report, 2010c, p.271-272) and that "much work needs to be done if Canada is to match international best practices regarding the relationship between intelligence and evidence, terrorism prosecutions, witness protection, TF and aviation security" (Air India Inquiry Report, 2010c, pp.271-272). For the past four years, the Kanishka Project has funded academic projects that examine terrorism-focused research. The government site states, that the "initiative invests in research on pressing questions for Canada on

terrorism and counter-terrorism” and that the research supported by the project aims to “increase our knowledge of the recruitment methods and tactics of terrorists, which will help produce more effective policies, tools and resources for law enforcement and people on the front lines” (website). Further research on what types of projects get funded and how the government approves funding would support research by Matt James (2014) who examines CHRP funding in relation to Canada’s culture of redress in Canada. The Kanishka Project’s website states that in 2014, there was approximately \$1.5 million dollars awarded in this round of funding.¹⁰⁴ Both of the outcomes from the Air India Inquiry require further analysis to determine the extent to which the Air India Inquiry was used to further the Harper Government’s anti-terrorism and security objectives.

Media Analysis

There is also a need for a critical media analysis on the Air India bombings, one that traces how the incident was reported from the time of the bombings in 1985 until the conclusion of the Air India Inquiry in 2010. An analysis of both mainstream media and ethnic media is required. The steps necessary for this type of media analysis are extensive. For mainstream media, it requires determining key newspapers reporting on the bombings in four cities (Vancouver, Toronto, Montreal and Ottawa), and it requires mapping out significant dates within the twenty-year time period to determine when articles about the bombings would have been written. For example, key dates includes (but are not limited to) 1991, 2003 and 2005, when the criminal trials took place; 1988 when family members organized a vigil on Parliament Hill; 2006 when the Air India Inquiry began; and 2010 when the final Air India Inquiry Report was released to the

¹⁰⁴The Canadian government’s Kanishka Project can be found at <http://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/r-nd-flight-182/knshk/index-eng.aspx>

public (for a timeline of events, please see Appendix A). It then requires an extensive cataloguing process where each newspaper is searched using microfilm to find each time the Air India bombings were reported on. Many newspapers from the 1980s have yet to be digitized, thus going through each daily newspaper to create an archive of the stories is required. Articles that are reprinted, for example in the *Globe and Mail* and the *Toronto Star*, need to be cross-referenced in case they are duplicated in print. Some newspapers have been digitized and so a programme created to search databases could be used. It also requires triangulating the information in the reports with other sources of data about the events, including the Hansards, the Inquiry documents and if possible, family members. A study of ethnic media would require identifying key news sources and then finding copies of the news reports. Some newspapers that were in print in the 1980s are no longer in print now. Research would include, first, determining which publications are in English and which publications are in Punjabi and/or Hindi. Second, it is necessary to see where and if archives for these community newspaper exist and if not, if individuals have personal archives of the newspapers or Air India stories. Third, it would be necessary to go through the physical archives of these publications to see when the Air India bombings were written about. Fourth, it would be necessary to translate the Punjabi/Hindi articles. Interviews with journalists and reporters would help supplement this research.

The analysis would critically examine narratives produced in the media for the way they reinforce power dynamics. In terms of analysing discourse, Teun van Dijk (1993) sees language as a tool of dominance. For him, neglecting language as a process of knowing is a major theoretical shortcoming in critical linguistics and discourse analysis (van Dijk 1993, p.252). He suggests that when one is working with language, text or discourse there is a need “to relate discourse and society, and hence discourse and the reproduction of dominance and inequality” (p.251). For Cultural Studies scholars, discourse and textual analysis has been an important mechanism for critiquing relations of power (see Introduction). Following van Dijk’s (1993) approach, critical discourse analysis helps uncover ideological positions created and distributed in

institutional settings. In reference to the mass media, van Dijk argues that, “discourse contributes to the reproduction of racism through their coverage in the media... If adopted by the media, as is often the case, the negative models of immigrants or minorities... will eventually be persuasively presented to the audience of the mass media” (van Dijk 1993, p.269).

There has been rich scholarship on the South Asian Canadian community in Vancouver, and how this group has historically been both under-represented and misrepresented in mainstream media. Research on the South Asian community shows how they have been negatively and racially framed in the media within a Canadian “white nation” construct (Ward, 2004). This can be traced in Doreen Indra’s (1979, 1981) research, where she states that Anglophone newspapers are an important historical source to give insight into marginalized groups in Canada (p.64). Her work addresses the way newspapers—and I would include other public documents and government correspondence—frame immigrant groups, producing negative stereotypes that support prejudices and discrimination. In particular, the South Asian community in Vancouver, which was predominantly Punjabi (Johnston, 1989), faced severe discrimination as documented in articles in the press. Indra’s (1979) research examines a period between 1905-1979 to show racial profiling and stereotyping in Canadian media. For example, Indra notes that between 1904 and 1914, groups such as the “Chinese, Japanese and South Asians received coverage far out of their proportion to their numbers... Although the press stereotypes of each of these groups [were] distinct, each group was seen as a social and economic threat to white Canadians. They were portrayed as being culturally different, unassimilatable, violent and contentious” (Indra, 1981, p.70). She states, “Without qualification, the press claimed that South Asians were fundamentally different from normal members of society. They were shown to be chaotic carriers of a dangerous and foreign culture who threatened the existence of Vancouver as it was then constituted” (p.168). Her research describes how Punjabis and the larger South Asian community were presented as violent, unable to assimilate and generally inferior to their white, British counterparts. More contemporary studies,

such as Yasmin Jiwani's (2006, 2005) research, shows the more pertinent an issue is the more likely it is to be negatively framed. She argues, "that the society in which we live is deeply anchored in a history of violence and in that respect replicates a pattern of dominance derived from and inscribed within a colonial legacy" (pp.4-5). Studies by Yasmin Abu-Laban (1998), and Sunera Thobani (2000), among others, can be seen through their critiques of discursive power in the media. Understanding how the Air India incident has been framed, as an issue that significantly impacted the Punjabi and South Asian community in Canada, would be an important contribution to the literature on critical race and media representation.

Conclusion

Researching histories, even recent histories of racialized groups like the unjust treatment of the families of victims of Air India bombings by the Canadian government, are challenging in part because of the lack of documentation and the lack of academic research on these topics. This lack speaks more generally to the lack of priority—the lack of concern over the injustices that racialized and other marginalized groups experience in Canada. The families had to prove their status as worthy Canadian citizens in the public realm, using mainstream media as their main means of communication and lobbying the government over a twenty year period, before their government—the Canadian government—decided it would consider their calls for justice. While I have argued that the Inquiry, in the end, co-opted their demands to justify anti-terrorism and security politics and was incorporated in the culture of redress, it does not mean their demands, their acts of citizenship, are thus meaningless. I argue that it is the responsibility of researchers, activists and others to listen and take up their calls for justice, and to build on the insights, the energy and visions for justice of the generations before us.

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Appendix A.

Air India Flight 182: A Timeline of Major Events

- 1984** Suspected terrorist activity in Canada is recorded by CSIS and RCMP.
Air India Airlines writes to Canadian officials (the RCMP) about potential security threats to Air India planes.
Indian High Commissioner warns Canada that planes are being targeted.
Explosives are tested in Duncan by alleged suspects.
- 1985** RCMP memo about an arrest at the Vancouver International Airport before the bombings take place.
Continued memos from the Air India Airlines to the RCMP warning them of suspected Sikh extremist activity, regarding airport security and targeting aircrafts.
RCMP eventually puts extra security on at the Toronto International Pearson Airport (Ontario).
Passenger bags containing explosives are placed on an aircraft at the Vancouver International Airport (British Columbia).
The bags containing explosives are transferred onto Air India Flight 181 in Toronto. The plane flies to Montreal for a final pick-up before leaving for India. Flight 181 is renamed Flight 182.
June 23, 1985. There is a bomb at the Narita Airport in Tokyo, Japan.
Air India Flight 182 explodes over the Atlantic ocean.
Emergency rescue arrives at the crash site in the Atlantic.
Indian Government immediately calls for an inquiry into the crash. The purpose of this inquiry is to determine what caused the accident. It is referred to as the "Kirpal Inquiry".
- 1986** Canadian Aviation Security determines that it was a bomb that brought down Air India Flight 182.

Memorial dedicated to Air India Flight 182 is unveiled near Cork, Ireland.

The Indian government's Kirpal Inquiry publishes its final report on February 26, 1986.

The Kirpal Inquiry determined that the aircraft did not crash due to mechanical failure. The Kirpal Inquiry examined the crash from a forensics point of view by examining the damage on the plane and gathering information from the aircraft's black box to determine how the plane went down.

- 1988** Inderjit Singh Reyat is arrested in England. Reyat is charged with making the bomb that exploded at the Narita Airport.
- 1989** Reyat is extradited to Canada.
- 1990** Reyat's criminal trial begins.
- 1991** Reyat is convicted of two counts of manslaughter for the Narita bombing. He is sentenced to 10 years.
- 1992** Talwinder Singh Parmar, a key suspect in the case, dies in Mumbai in a police battle.
- 1996** RCMP announce that charges will be laid in the Air India case.
- 1998** Murder of Tara Singh Hayer, a potential witness in the Air India trials.
- 2000** Former CSIS agent tells the *Globe and Mail* he destroyed 150 hours of taped conversations with Sikh informants. The tapes were not turned over to the RCMP.
RCMP arrest Ripudaman Singh Malik and Ajaib Singh Bagri in connection with the bombing of Air India Flight 182. The charges include 331 counts of first-degree murder.
- 2001** Malik and Bagri are denied bail.

RCMP arrest Reyat for a second time. Charges include murder, attempted murder, conspiracy in the Air India Bombing, and for the explosion at Narita Airport.

2003 Reyat pleads guilty to one count of manslaughter and a charge of aiding in the construction of the bomb.

Reyat is sentenced to five years in prison.

The criminal trial for Malik and Bagri begins in April.

2005 Malik and Bagri are acquitted of all charges.

Bob Rae conducts his study for whether a public inquiry should take place.

Former Governor General Adrienne Clarkson announced June 23 a national day of mourning in Canada.

Paul Martin attends the memorial service near Cork, Ireland. It is the first appearance by a Canadian Prime Minister at the annual memorial service since the bombings.

2006 Prime Minister Stephen Harper announces the Air India Inquiry

The Air India Inquiry begins by hearing testimony from family members, emergency rescue workers, RCMP, and Bob Rae.

Memorial site in Vancouver is unveiled.

2007 Memorial site in Toronto is unveiled.

2008 Phase I of the Inquiry report is completed titled, *The Families Remember*.

Montreal Memorial is unveiled.

2010 Justice John C. Major concludes the Air India Inquiry with the release of a multivolume final report.

Harper apologizes to family members of Air India victims' for the "institutional failings" that led to the Air India bombing.

Harper releases the Air India Action Plan.

Reyat is charged for perjury.

2011 Reyat is found guilty of perjury.

Canadian government establishes the “Kanishka Project”

Canadian government developed a one-time ex gratia payment to the families of the passengers and crew who died on Air India Flight 182.

Appendix B.

List of Family Participants at the Air India Inquiry

Volume of Transcripts	Page Numbers	Oral Testimony	Read-In	Not Read-In
One	1-135	Dr. Bal Gupta		
		Ms. Lata Pada		
		Mr. Deepak Khandelwal		
		Mr. Satrajpal Rai		
		Mr. Sundaram Ramakasavan		
Two	136-265	Mr. Kalwant Mamak	Ms. Rama Bhardwaj	
		Mr. Parkash Bedi	Ms. Zerina Pai (Relative of Airline Crew)	
		Ms. Jayashree Thampi	Ms. Jagada Venkteswaran	
		Dr. Padmini N. Turlapati		
		Mr. Susheel Gupta		
		Mr. Parkash Bedi		
Three	266-383	Mr. Seanie Murphy (Royal National Lifeboat Institution)	Mr. Mark Tait (Sea King Helicopter)	
		Mr. Daniel Brown (Seaman in the British Merchant Navy)		

		Mr. Mark Stagg (The Maritime and Coastguard Agency)		
		Mr. Thomas Hayes (Superintendent in la Garda Siochana)		
Four	384-444	Mr. Scott Heatherington	Mr. Murphy Subramaniam	
			Ms. Esmie Alexander	
			Ms. Lorna Urmila Kelly	
			Ms. Mansi Kinworthy	
Five	445-539	Mme Monique Montpetit-Castonguay	Mr. Krishna Bhat	
		Mr. Mahesh Chandra Sharma		
		Mr. Rob Alexander		
		Ms. Anita Gupta		
Six	540-665	Honourable Bob Rae (Lessons to be Learned)		Mr. Vipin Bery
		Mr. Promode Sabharwal		
		Ms. Chandra Vaidyanathan		
		Ms. Perviz Madon		
		Ms. Natasha Sam Madon		
		Mr. Eric Beauchesne		
		Dr. and Mrs. Ramji Khandelwal		
Seven	666-783	Mr. Aleem Quraishi	Ms. Mukta Laforte	Mr. Surjit Kalsi
		Ms. Shippa Rana	Mr. Shridhar Sharma	
		Ms. Renee Saklikar	Ms. Banu Saklikar	

		Ms. Smita Bailey	Romesh and Irene Kachroo	
		Ms. Usha Sharma		
		Mrs. Vijay Kachru		
		Ms. Meera Kachroo		
Eight	784-862	Ms. Donna Ramah Paul	Mr. Upendrakumar Narainji Abda	Ms. Nicola Kelly (video)
		Mr. Shailendra Gupta	Mr. Ramachandran Gopalan	Ms. Shobha Dewan (video)
			Mr. Mohammad Irfan Umar Jethwa	Mr. B. Gaurav Gupta
			Mr. Mandip Singh Grewal	
Nine	863-934	Mr. Haranhalli Radhakrishna		Mr. Chandar Sain Malhotra (video)
		Mr. Rattan Singh Kalsi		
		Ms. Ann Venketeswaran		
		Ms. Esther Venketeswaran		
Ten	935-999	Ms. Krishna Sharma (Hindi/translated by Dr. K.G. Gupta)	Ms. Madhu Gaur	
		Ms. Saroj Gaur	Ms. Sheila Singh Hanse	
		Ms. Neelam Kaushik	Ms. Swaran Singh Hanse	
		Ms. Veena Sharma		
		Mr. Anil Singh Hanse		
		Mr. Sanjay Lazar		
		Mr. Laxmansinh Jayantkumar Abda		

Eleven	1000-1043	Mrs. Amarjit Bhinder	Mr. Tahir Sadiq	
		Mr. Ram Gogia	Mrs. Sheroo D. Dumasia	
			Ms. Freny Enayati	
			Ms. Sandhya Nil Singh	
			Mr. Ratheish Yelevarthy	
Twelve	1044-1154	Lawyers	Ms. Diane Beauchesne (audio)	
		Interest Groups		
Thirteen	1155-1278	Cross-Examination of Legal Councils		
Fourteen	1279-1369	Cross-Examination of Legal Councils		
		Expert Witness		

Appendix C.

Air India Inquiry Terms of Reference



CANADA

PRIVY COUNCIL • CONSEIL PRIVÉ

P.C. 2006-293
May 1, 2006

Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, hereby directs that a Commission do issue under Part I of the *Inquiries Act* and under the Great Seal of Canada appointing the Honourable John C. Major, Q.C., as Commissioner to conduct an inquiry into the investigation of the bombing of Air India Flight 182 (the "Inquiry"), which Commission shall direct

(a) the Commissioner to conduct the Inquiry as he considers appropriate with respect to accepting as conclusive or giving weight to the findings of other examinations of the circumstances surrounding the bombing of Air India Flight 182, including

(i) the report of the Honourable Bob Rae entitled *Lessons to Be Learned* of November 23, 2005,

(ii) proceedings before the superior courts of British Columbia,

(iii) the 1991-1992 Security Intelligence Review Committee review of Canadian Security Intelligence Service activities in regard to the destruction of Air India Flight 182,

(iv) the report of the Honourable Mr. Justice B.N. Kirpal of the High Court of Delhi of February 26, 1986,

(v) the Aviation Occurrence Report of the Canadian Aviation Safety Board into the crash involving Air India Flight 182 of January 22, 1986,

(vi) the 1985 report of Blair Seaborn entitled *Security Arrangements Affecting Airports and Airlines in Canada*, and

(vii) the reports prepared by the Independent Advisory Panel assigned by the Minister of Transport to review the provisions of the *Canadian Air Transport Security Authority Act*, the operations of the Canadian Air Transport Security Authority and other matters relating to aviation security;

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(b) the Commissioner to conduct the Inquiry specifically for the purpose of making findings and recommendations with respect to the following, namely,

(i) if there were deficiencies in the assessment by Canadian government officials of the potential threat posed by Sikh terrorism before or after 1985, or in their response to that threat, whether any changes in practice or legislation are required to prevent the recurrence of similar deficiencies in the assessment of terrorist threats in the future,

(ii) if there were problems in the effective cooperation between government departments and agencies, including the Canadian Security Intelligence Service and the Royal Canadian Mounted Police, in the investigation of the bombing of Air India Flight 182, either before or after June 23, 1985, whether any changes in practice or legislation are required to prevent the recurrence of similar problems of cooperation in the investigation of terrorism offences in the future,

(iii) the manner in which the Canadian government should address the challenge, as revealed by the investigation and prosecutions in the Air India matter, of establishing a reliable and workable relationship between security intelligence and evidence that can be used in a criminal trial,

(iv) whether Canada's existing legal framework provides adequate constraints on terrorist financing in, from or through Canada, including constraints on the use or misuse of funds from charitable organizations,

(v) whether existing practices or legislation provide adequate protection for witnesses against intimidation in the course of the investigation or prosecution of terrorism cases,

(vi) whether the unique challenges presented by the prosecution of terrorism cases, as revealed by the prosecutions in the Air India matter, are adequately addressed by existing practices or legislation and, if not, the changes in practice or legislation that are required to address these challenges, including whether there is merit in having terrorism cases heard by a panel of three judges, and

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(vii) whether further changes in practice or legislation are required to address the specific aviation security breaches associated with the Air India Flight 182 bombing, particularly those relating to the screening of passengers and their baggage;

(c) the Commissioner to conduct the Inquiry under the name of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182;

(d) that the Commissioner be authorized to adopt any procedures and methods that he may consider expedient for the proper conduct of the Inquiry, and to sit at any times and in any places in or outside Canada that he may decide;

(e) that the Commissioner be authorized to conduct consultations in relation to the Inquiry as he sees fit;

(f) that the Commissioner be authorized to grant to the families of the victims of the Air India Flight 182 bombing an opportunity for appropriate participation in the Inquiry;

(g) that the Commissioner be authorized to recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting rates of remuneration and reimbursement and the assessment of accounts, to ensure the appropriate participation of the families of the victims of the Air India Flight 182 bombing;

(h) that the Commissioner be authorized to grant to any other person who satisfies him that he or she has a substantial and direct interest in the subject-matter of the Inquiry an opportunity for appropriate participation in the Inquiry;

(i) that the Commissioner be authorized to recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting rates of remuneration and reimbursement and the assessment of accounts, to ensure the appropriate participation of any party granted standing under paragraph (h), to the extent of the party's interest, where in the Commissioner's view the party would not otherwise be able to participate in the Inquiry;

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(j) that the Commissioner be authorized to rent any space and facilities that may be required for the purposes of the Inquiry, in accordance with Treasury Board policies;

(k) the Commissioner to use the automated litigation support program specified by the Attorney General of Canada and to rely, to the greatest extent possible, on documents that have been previously identified for use in Canadian criminal proceedings arising from the bombing of Air India Flight 182, and to consult with records management officials within the Privy Council Office on the use of standards and systems that are specifically designed for the purpose of managing records;

(l) that the Commissioner be authorized to engage the services of any experts and other persons referred to in section 11 of the *Inquiries Act*, at rates of remuneration and reimbursement approved by the Treasury Board;

(m) the Commissioner, in conducting the Inquiry, to take all steps necessary to prevent disclosure of information which, if it were disclosed, could, in the opinion of the Commissioner, be injurious to international relations, national defence or national security and to conduct the proceedings in accordance with the following procedures, namely,

(i) on the request of the Attorney General of Canada, the Commissioner shall receive information *in camera* and in the absence of any party and their counsel if, in the opinion of the Commissioner, the disclosure of that information could be injurious to international relations, national defence or national security,

(ii) the Commissioner may release a part or a summary of the information received *in camera*, if, in the opinion of the Commissioner, its disclosure would not be injurious to international relations, national defence or national security, and shall provide the Attorney General of Canada with an opportunity to make submissions regarding international relations, national defence or national security prior to any release of a part or a summary of information received *in camera*,

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(iii) if the Commissioner concludes that, contrary to the submissions of the Attorney General of Canada referred to in subparagraph (ii), disclosure of a part or a summary of information received *in camera* would not be injurious to international relations, national defence or national security, he shall so notify the Attorney General of Canada, which notice shall constitute notice under section 38.01 of the *Canada Evidence Act*,

(iv) the Commissioner shall provide the Attorney General of Canada with an opportunity to make submissions regarding international relations, national defence or national security with respect to any reports that are intended for release to the public prior to submitting such reports to the Governor in Council, and

(v) if the Commissioner concludes that, contrary to the submissions of the Attorney General of Canada referred to in subparagraph (iv), disclosure of information contained in reports intended for release to the public would not be injurious to international relations, national defence or national security, he shall so notify the Attorney General of Canada, which notice shall constitute notice under section 38.01 of the *Canada Evidence Act*;

(n) that nothing in that Commission shall be construed as limiting the application of the provisions of the *Canada Evidence Act*;

(o) the Commissioner to follow established security procedures, including the requirements of the *Government Security Policy*, with respect to persons engaged pursuant to section 11 of the *Inquiries Act* and the handling of information at all stages of the Inquiry;

(p) the Commissioner to perform his duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization;

(q) the Commissioner to perform his duties in such a way as to ensure that the conduct of the Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding;

(r) the Commissioner to file the papers and records of the Inquiry with the Clerk of the Privy Council as soon as reasonably possible after the conclusion of the Inquiry;

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(s) the Commissioner to submit a report or reports, simultaneously in both official languages, to the Governor in Council; and

(f) the Commissioner to ensure that members of the public can, simultaneously in both official languages, communicate with, and obtain services from it, including transcripts of proceedings if made available to the public.

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CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ