UNDERSTANDING THE NORMALITY OF STATE VIOLENCE: A STUDY OF ASSIMILATION, LEGISLATION AND RIOTS IN INDIA

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DECLARATION

I declare that the thesis entitled "**Understanding the Normality of State Violence: A Study of Assimilation, Legislation and Riots in India**" submitted by me for award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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For any inadequacies that may remain in this work, of course, the responsibility is entirely my own.

CONTENTS

ABBREVIATIONS

ABVP   Akhil Bharatiya Vidyarthi Parishad

AFSPA   Armed Forces Special Powers Act

BJP   Bharatiya Janata Party

BMAC   Babri Masjid Action Committee

CBI   Central Bureau of Investigation

COFEPOSA   Conservation of Foreign Exchange and Prevention of Smuggling

            Activities

CPI   Communist Party of India

DMK   Dravida Munnetra Kazagham

ICCPR   International Covenant on Civil and Political Rights

IHL   International Humanitarian Law

IHRL   International Human Rights Law

INC   Indian National Congress

KCOCA   Karnataka Control of Organised Crime Act

MCOCA   Maharashtra Control of Organised Crime Act

MISA   Maintenance of Internal Security Act

NSA   National Security Act

OBC   Other Backward Class

PAC   Provincial Armed Constabulary

PDA	Preventive Detention Act
PEPSU	Patiala and East Punjab States Union
POTA	Prevention of Terrorism Act
POTO	Prevention of Terrorism Ordinance
POW	Prisoner of War
PUCL	People's Union for Civil Liberties
PUDR	Peoples Union for Democratic Rights
RSS	Rashtriya Swayamsevak Sangh
SC	Scheduled Caste
SGPC	Shiromani Gurdwara Parbandhak Committee
ST	Scheduled Tribe
TAAA	Terrorist Affected Areas (Special Courts) Act
TADA	Terrorist and Disruptive Activities (Prevention) Act
UAPA	Unlawful Activities (Prevention) Act
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UPA	United Progressive Alliance
VHP	Vishva Hindu Parishad

Chapter I

INTRODUCTION

The purpose of the thesis is to understand the persistence and acceptance of state violence in spite of its gruesome character and harmful consequences. Violence may be defined as the intention and action of causing harm, physical and psychological. By state violence is meant direct and indirect acts of physical and psychological abuse, which are perpetrated by the state machinery. From the perspective of critical theory, the consideration of state violence as appropriate, legitimate and inevitable is a matter of normative concern which the present study engages with in greater detail. The study focuses on India as it is considered to be an 'emerging power' in international society and proclaims to adhere to the principle of non-violence. It is considered as an appropriate case study for engaging with the phenomenon of investigation *i.e.* the retention of state violence. The thesis focuses on the manner in which state violence is perpetrated and eventually normalised.

'Violence is socially constructed' because the notion of violence 'varies according to specific socio-cultural and historical conditions' (Haan 2008: 28). The state exercises the authority on the use of physical force or violence within its territory. The violence exercised is given a legitimate character by the state machinery. The notion of violence has been used to sustain sacrosanct order, for the purpose of enforcing justice and righteousness, and to instil fear and anguish in the minds of the individual. Both state and non-state actors use violent means for 'intimidation of an audience to achieve political aims, either revolutionary or conservative' (Jackson 2010: 5). Whereas violence by non-state actors is unequivocally condemned, violence perpetrated by the state seems to have been tolerated in mainstream International Relations. A 'reflexiveness' about the opportunities and limitations of analysis of violence is known if the analysis is informed by ethical commitments and tools of emancipatory critical theory (Moraru 2001).

The notion of 'violence', when placed within the boundary of the state, is legitimised by statecraft. The process of initiating and formalising violence is normalised. According to many political scientists, sovereignty is the central distinguishing feature of modern state. Violence perpetrated, directly or indirectly, by the state is not a new phenomenon. States actively organise violence. Earlier, violence was organised in nature. In the presumably oldest societies, the presence of clans and tribes permitted various forms of war such as ambushes and raids. These arrangements resembled that which existed in ancient city-states of Athens, Sparta and Rome. Every adult male was a soldier and every soldier was a citizen. The states during Middle Ages and Renaissance also had their militias. The military organisation of tribes without rulers and city-states were both similar (Creveld 2007: 46). Chiefdoms, feudal societies and empires were organised for war in the same manner. The advent of modern times brought 'the age of uniforms' (Creveld 2007: 56). The uniforms were a feature which made the task of distinguishing between those who fought and those who did not easier.

Violence was inflicted during the process of amalgamation of the western states in the eighteenth century by 'marauding mercenaries, bandits, private armies, town militias, and armed rebels' (Tilly 2003: 60). The scale of violence is related to the question of how far the state power is expanded. Within the confines of its borders, the state is in charge of 'the authoritative allocation of values for a society' (Easton 1953: 129). The legitimacy of the state is drawn from these functions. The power derived from this legitimacy is drawn to such an extent that the state enjoys a 'monopoly on the legitimate means of violence' (Weber 1946). Institutions and instruments of organised violence are mobilised within and between states, both to use force and constrain its use by others. As a result, every aspect of life comes under the control of the state and 'authority is dictatorial, governmentalised, centralised' and 'integrated' (Lasswell 1941: 455). In theory, the state is constrained to use violence, but in practice it inflicts violence on its citizens at will. Tied to this idea, is the concept of morality. Violence perpetrated by the state is given a moral sanctity. The responsibility and legitimacy to apply force rests with the state. Governments have an array of groups capable of carrying out violent activities whenever

it is convenient. These groups help the state to consolidate territories, populations and monopolise coercion (Tilly 1985). Accordingly, forms of indirect rule by bandits and private armies have been displaced by organised and internal security forces like the police. The police and the military are the instruments through which coercion is applied.

In keeping with Hobbes' description of the state as the great leviathan, domestic peace and defence against external aggression are considered as the main essence of the primary responsibility of the state. The leviathan is entrusted with the responsibility to protect the state and the people against other states and ensuring that people can escape the anarchical state of nature where the human life is 'solitary, poor, brutish, nasty and short' [Hobbes 1968 (1651)]. These functions demand a force which is superior to what others may have at their disposal. The modern state has evolved in a way which has glorified its superior power. It was through this process that the state-system came into existence. States have increasingly monopolised the means of violence. It is this brute force that represents the dark underside of state sovereignty and legitimacy.

The use of violent means by state over the population need not necessarily be always physical violence. Violence can be initiated in several ways: legislations, speeches of state officials and marginalisation of a particular community or a group of people. As and when it is done, the dominant group of people perpetrating the violence presents the ways as 'universal'. The dominating class is represented by political elites. The dominant ideology is both portrayed as absolutely necessary and being arrived at through the process of consenting of the 'population' or 'electorate'. The construction of narratives which is being presented as dominant ideology is subjective in nature. Preconceptions of 'us' and 'them' and 'self' and 'other' go into the making of dominant thoughts and ideologies. Thereafter, these ideologies assume the nature of coercion. The intention of the thoughts and ideas being presented as ideology is to create fear and suspicion about history, culture and politics resulting in varied

interpretation of the same but done in such a way so as the interests of the elite is not disturbed. In effect *status quo* is maintained.

The prevalence of violence, in both covert and overt form, could be attributed to the societal tolerance of the masses and the presence of an intersubjective understanding in the societal structure. Routinisation of violence occurs not only in the brutal display of aggression but also in the construction and naturalisation of specific categories of thought in history and politics. What counts as 'history' remains unexplained and the terms by which we are to understand the categorisation of the population and therefore, its political demands and needs. The normalisation of violence is done in order to protect something 'sacred'; the state is the 'sacred' entity. There has been emphasis on sovereign equality after the Second World War; the issue of violence within the state has come into focus only recently especially after the end of the Cold War.

Violence, as is perceived in India, is not problematised. Threat perception, the way it is in India, has led to the creation of categories like 'us' and 'them' and also the creation of the image of 'national security' constituting mainly internal and territorial security which enjoys high priority over other components of security. Such notions of threat have also led to the genesis of a skewed sense of violence which is used in countering the 'threat' and the 'source' of it. Necessarily, the source is conceived to be the 'other'.

Violence is perpetrated not only by forces acting against the 'state' but also by the machinery of the state. Coercion and violence being generated by the state apparatus, both directly and indirectly, have not been looked at sufficiently. Assimilation, legislation and riots are taken as potential manifestations of state violence though other forms of violence are also observed. Assimilation and legislation constitute the

everyday exercise of power over a particular part of the population whereas riots involve brutal acts of aggression. Assimilation is the process of absorbing a group's language, culture and aspirations thereby making it resemble to that of a majoritarian group. Political domination is evident in most cases. The danger of co-optation is evident as the identity of the minority group is often subsumed. Legislations or laws are enacted by a legislature. Before an item becomes legislation, it is termed as a bill. Anti-terror legislations or laws constitute a potential manifestation of violence. These laws transcend the rule of law and basic provisions of human rights. Riots signify yet another form of manifestation that is made a part of the study. Riots constitute a form of civil disorder characterised by resentment of one group of individuals against another. Religious sentiments, racial discrimination, civil unrest, poverty and unemployment are some of the underlying reasons for riots. In addition to discriminatory laws, speeches of political leaders which incite hatred lay the foundational blocks for the larger category called 'violence'. Such measures do not promote harmony or stability in the society but only create hatred, animosity and cracks in the societal structure.

Coercive powers can be said to be that power, claimed or invoked by or on behalf of the state, the purpose of which is to address a serious threat (usually to persons, property or social order) which, in the view of those who invoke it, cannot be addressed by 'ordinary' law. Whether this working definition covers all instances of emergency powers remains an open question. A situation of emergency erases the legal status of the existence of political enemies as well as citizens and this creates a state of exception. The creation of a 'state of exception' has become one of the tasks of modern state and this creates an ambiguous zone where the line between democracy and absolutism/totalitarianism is obliterated (Agamben 2005). The practice of suspending the rights of the citizens and declaring an area as 'disturbed' is an 'exceptional' situation. However, that is projected as a necessary, normal and a just response. The state's response is often justified on the premise that there is an internal inducement to violence. The inducement arises from

insurgencies, terrorism, local disturbances which makes the state's response politically indispensable.

The concept of coercive powers, in the form of legislations and also in other forms, is inseparable from the study of constitutional practices and legal system of a country. In the case of India, mention must be made of Armed Forces Special Powers Act (AFSPA) which has its roots in the colonial legal framework. The provisions of the Act are antagonistic to the cherished democratic rights which the constitution is committed to preserve. Under the Act, 'the armed forces can make preventive arrests, search premises without warrant, and shoot and kill civilians' in the 'disturbed areas' (McDuie-Ra 2009). Further, protection of fundamental rights by judicial pronouncements is suspended. In addition, the armed forces abuse the laws that already exist by virtue of being entrusted with 'special powers'. The way democratic India made itself comfortable with this law raises questions about the post-colonial constitutional structure of the country. The law provided the legal framework for the armed forces to engage in counter-insurgency operations against the Naga rebels. By the application of this law, the government can consider an area or an entire state as 'disturbed' for an indefinite period.

In an attempt at explaining the normalisation of violence in the prevalent literature, merely reflection will not do. Hidden in the explanation is a normative underpinning in that they require of us that we make judgements of *what ought* to be done. Normative questions regarding the rightfulness of a situation or action cannot be answered by explaining the way things are. Individuals reside within political, social, economic and religious structures. Questioning the ethical standing of these structures becomes necessary in order to elucidate the reasons, which enable these very structures to play an overarching role in the lives of the individuals and demonstrating that non-legal or political factors can loom large under both constitutional and extra-constitutional emergency powers of the regimes concerned.

No significant attempt has been made to understand the normality of state violence. Few works within critical theory, critical security studies and critical terrorism studies grapple with the phenomenon of state violence and contest its uncritical acceptance. However, the dominant strand in the discipline of International Relations tends to reify the state and consider it as the rational and unitary actor. This study is normatively grounded in critical theory and seeks to understand the motivations and intentions of states in terms of the violence they inflict on their subjects. The study seeks to question the very rationale that underlies deliberate acts of state violence.

Critical Security Studies is 'critical' of the traditional approaches to security. The notion of security that is propagated by the mainstream approaches actually causes insecurity. Critical Security Studies questions the foundations upon which the dominant state-centrism and military-centrism is built. Realism believes that sovereign states are the principal actors in the international system with special focus being given to great powers on account of their capabilities. The primary concern of all states is survival. 'States build up military to survive, which may lead to a security dilemma' (Floyd 2007: 332). The fixation with survival makes the states to behave selfishly, leading to maximisation of 'power' and maintain 'order' so as to maintain *status quo*. Rosenberg (1990: 285) argues that 'international politics is to be understood predominantly as the realm of interaction between sovereign authorities'. This state centric vision of security is evident in neo-realism also. The main determinant of state behaviour is international structure. In the neorealist framework, states are motivated by their self-interest only (Waltz 1979). This is what drives them to compete with each other in the race for survival. Violence is entrenched in the global political order. Maintenance of order in the society necessitates use of force to an optimum level. In fact, 'the sovereign state is one of the main causes of insecurity: it is part of the problem rather than the solution' (Wyn Jones 1995: 310).

This study makes an attempt to question the privilege being given to sovereign states in international society. It is this disproportionate privilege that provides them the leeway, scope and opportunity to perpetrate violence and justify the same. In studying the concept

of violence, India presents an interesting study. India is considered as the land of Mohandas Karamchand Gandhi's celebrated concept of *ahimsa* or non-violence (Basebang 2010). Yet violence is evident in various forms including ethnic cleansing against minority communities, xenophobic Hindu nationalist sentiment, police brutalities and structural violence.

Theoretical formulations in International Relations are done from the perspective of state which is not grounded in moral foundations. Such is done in the case of India too. As Linklater (2002) observes 'coercion is an inescapable feature of states-system and it would only be eradicated if humanity could only agree on some basic moral principles'. In pursuing a research endeavour on the examination of the concept of violence, it becomes necessary to focus on certain manifestations of violence especially in India. Accordingly assimilation, legislation and riots are taken as the axes in which violence is perpetrated by the state in India.

Violence through efforts of consolidation is inflicted when there is a planned effort at integrating languages, caste, religion or culture along a particular line. Jawaharlal Nehru had told the Constituent Assembly, 'Language is a unifying factor; it can also be a factor promoting disunity' (Nehru 1949). The imposition of a particular language gave an impetus to several agitations in pre and post-independence periods. 'In Madras, it led to massive protests, violent agitations and fantastic outbursts' (Hazary 1965: 23). Any move to assimilate groups of people, languages, and religions need not have an oppressive character. However, in India such moves have always been forced. Since India's inception as an independent state, plans to make Hindi, which is spoken mainly in North India, as the only official language have been met with severe resistance especially from Tamil Nadu, Maharashtra and West Bengal. 'Proponents of Hindi called for its recognition as the "national" language of the country, but the representatives of the non-Hindi speaking areas insisted that their languages were equally "national"' (Brass 1990: 162). There has been a planned drive at imposing cultural homogeneity generating a

mode of fundamental change resulting in an image of a 'nation'. The tendencies such as these call into question the practice of nation-building which often becomes coercive in character. The extent to which a multi-nation state such as India could impose a pan-national identity is evident. The Gokak Agitation in the 1980s significantly brought to the notice an attempt at *sanskritisation* and assimilation in the educational system in Karnataka. The agitation reinforced the first language status of Kannada in the state (Nair 1994).

The growth of nationalist sentiment among Sikhs in the Punjab and the consequent rise of the Khalistan movement in the 1980s was a testimony to the failure of the consolidating efforts of the Indian state. The failure of the state to address the political and economic problems of the Sikhs led to a growing sense of alienation among Sikhs and facilitated the rise of militancy (Jetly 2008). Along with the political and economic problems, the Sikh quest for a separate identity revolved around two important symbols: language and religion. The retention of Chandigarh as a union territory and the unequal distribution of river waters infused a sense of discrimination among the Sikhs. Both coercive and conciliatory approach was followed by the state in order to resolve the problem. Further, the Congress party under Indira Gandhi played a significant role in undermining the Akali Dal (Kothari and Deshingkar 1985: 623-24). In the 1978-79 elections of the Shiromani Gurudwara Prabahandak Committee (SGPC) — the council in charge of Sikh holy shrines — the Congress government supported the extremists, including Jarnail Singh Bhindranwale's nominees, against the Akali Dal (Tully and Jacob 1985: 57-83). The centralising policies of the government coupled with maintaining a uniform political rule led to the unrest.

Extending the concept of narratives playing an important function in the contextualisation of collective violence, laws legitimising coercion could also be mentioned. Laws aiming to curb violence do not necessarily amount to justice. Kikon (2009) argues by deploying Derrida's (2002) point that 'law is not justice' and 'states legitimise lawlessness by

enacting draconian laws'. The author provides the example of Armed Forces Special Powers Act (AFSPA). The state exercises coercive powers in order to control a situation and in the process reproduces an undemocratic legal framework and forms of lawless regimes.

State terrorism is yet another manifestation of state repression. Questioning the authority of the state to legitimise lawlessness through draconian measures, Richard Jackson states that state terrorism constitutes yet another tool and manifestation of state repression (Jackson 2010). It is acknowledged that states have the legitimate right to use violence. However, the question as to whether this right includes committing the acts of genocide, ethnic cleansing or war crimes is also raised. This work illustrates varieties of actors, aims and forms of contemporary political violence. The process of normalisation sets in when such acts are perpetrated by the state. Western states have even supported violent non-state groups such as 'contras, anti-Castro groups and other groups who received extensive military and political support' (Jackson 2010). 'Studying state terrorism is a critical move' (Jackson 2010: 4).

In view of the increase in terrorist activities, it was felt necessary to make special laws meant to curb terrorism. However, such laws are enacted in violation of fundamental rights of the people. Some of the anti-terror laws that have acted as a curb on fundamental rights are Unlawful Activities (Prevention) Act, 1967, Terrorist and Disruptive Activities (Prevention) Act, 1987, Prevention of Terrorism Act, 2002 and the Maharashtra Control of Organised Crime Act, 1999 (MCOCA). Under MCOCA, there is no guideline arguing in favour of prosecution of police officers found guilty of its misuse. 'Special courts and procedural rules infringe upon judicial independence and the right to a fair trial' (Kalhan 2006: 97).

Riots constitute a form of civil disorder where a group of individuals lash out against another group or against any established authority. However, in India, there have been instances where the role of the state has been found to be that of a silent bystander or alleged to have been a party to the riots which are mostly of communal character. India has never been free of the curse of communalism and the disorder associated with it. Riots have become a distinguishing feature of communalism. There has not been a year after independence which has been free of communal violence, though the number of incidents may have varied. Anti-minority polarisation, a source of communal tensions in many parts of the country, can and ought to be controlled by the state but is not done as there are political incentives at the local and the state level. Winning popular support acted as a motivating factor for the organisers of the Hindutva movement which made them plan the campaign to build a 'temple dedicated to Hindu God Ram' at his alleged birthplace 'in the north Indian town of Ayodhya' (Murphy 2010). Such observations have been made many times. Paul Brass acknowledges the importance of electoral incentives. The event of a riot and the persistence of it are seen critically by him (Brass 2005). The violent events in which minorities are killed are officially classified as riots and not pogroms. In many of these cases, they are killed by people having allegiance to the ruling party or by the police. The creation of the category of 'other' contributes significantly to this. Riots are 'planned by politicians for a clear electoral purpose' (Wilkinson 2004: 1). These are aided by preconceptions of 'us' and 'them', about fears and suspicions, and about history and culture. Riaz Ahmed argues that these preconceptions affect 'the processes of contextualisation and representation of facts'.

The narratives about collective violence were reviewed by taking into context the communal violence in Gujarat (Ahmed 2002). The routinising character comes out very clearly in the process of acknowledging a group or a community as 'other' and therefore, 'deviant'. During the riots following the demolition of Babri Masjid in 1992 and the riots in the state of Gujarat in 2002, the Muslims were considered as 'other' whose existence united Hindus through the fear of the 'common enemy'. The anti-Sikh riot which ravaged the Sikh community in the aftermath of Indira Gandhi's death bore the marks of a

'planned progrom' and not a spontaneous outburst of violence (Van Dyke 1996). The perpetuation of violence clashes with the normative concern of prevention of violence. The state uses the privilege that it enjoys to perpetuate violence. The perpetuation of violence through different agencies becomes an ongoing process.

Statecraft gives its assent only to military security as securing control over this would ensure its survival and continuance. What should be the focus or the main referent point for the discussion on security? Critical theory marks a deviation from these mainstream and traditional approaches to state and security. Critical Theory serves a 'specific practical purpose' which is 'to liberate human beings from the circumstances that enslave them' (Horkheimer 1982: 244). The individual and the emancipation of the individual are given precedence in Critical Theory. Security becomes a hollow concept if it does not ensure individual security (Booth 1991). It serves the purpose of the state to give importance to those issues that ensures its superior position thereby enabling it to maintain a hierarchy in the political system. Questions of internal security, local violence and food security of the masses are not accorded position higher up the ladder of the processes of policy-formulations. Many scholars see this as an attempt to regulate and order the globe on behalf of the hegemonic power. Critical approach to politics challenges the key assumptions of neorealism namely, its privileging of state centrism, its emphasis upon coherence and parsimony, primacy accorded to military power in an anarchic political environment; 'its emphasis upon order and its structural, ahistorical, recurrent, and non-contextual character' (Newman 2010). Security, as a concept, cannot be defined or explained in a singular way. The notion of security has to be contextualised. Why are some issues 'securitised', while others are not? In the post Cold War world, the impact of globalisation and modernisation on politics and International Relations in particular has brought out a change in the way mainstream theories were conceptualised (Sorensen 1998: 83). The end of the Cold War necessitated an attempt to address questions on sovereignty, democracy, and domestic politics. The era saw the rise of the dialectic between positivism and post-positivism. Metanarratives based on positivist and foundational epistemology were questioned by post-positivism. Different approaches of

looking at issues lying hidden beneath the dominant strands of thought are being brought to the fore. Also absent from the mainstream account of security, is a normative/ethical concern. As Frost (1996) mentions, the discipline of International Relations accords a marginal role to ethics. The concerns of International Relations are ethically oriented towards many issues yet ethics as a subject area is ignored. Frost (1996), using a Hegelian 'constitutive approach', shows that the sovereign state system plays an important role in the 'constitution of individuals as rights holders within domestic society'. State systems and individuals are not antagonistic towards each other. States create and give meaning to the idea of citizenship which is bestowed upon individuals.

Neither state terrorism nor non-state terrorism adheres to international law because of the use of violence. First, states deliberately harm the target audience that it ought to protect. Second, terrorist groups kill the innocent people who have a right to live with the aim of creating fear. Thus both are illegal. The deliberate targeting of civilians, either in armed conflict or in peace-time, violates principles enshrined in the International Humanitarian Law (IHL) and International Human Rights Law (IHRL). 'Human rights are those rights which all citizens share under international law, both during peace time and armed conflict' (Blakeley 2012: 7). Certain human rights are never disregarded, such as 'the right to life, prohibition of torture, or cruel, inhuman or degrading treatment or punishment, the prohibition of slavery and servitude and the prohibition of retroactive criminal laws' (UNGA Res. 1948). Intimidating tactics, when used by states against their own populations with the aim of creating fear resembles act of terrorism. Views such as these entail a normative concern. The mainstream literature on International Relations ignores an engagement with normative questions. A strong positivist bias in the discipline of International Relations, which rests on a distinction between fact and value, is one of the reasons for this. In the opinion of Frost (1998), an individual, in his or her daily life, has to deal with ethical questions. However the same concern with ethical issues is not reflected in the discipline of International Relations (Frost 1998: 123). The concern with the dominance of positivist bias is also mentioned by him.

Critical security studies make an attempt at recovering the emancipatory potential of the theoretical discourses that has been dominated by the state-centric and rationalist mainstream theories. Through the method of immanent critique, it questions the political discourses which are predictive in nature and attempts to unravel the possibilities for change present in it. Unearthing the emancipatory potential would also mean contextualising an event and coming up with a narrative of it. Following such an approach is useful in the context of studying a diverse and ambivalent concept like violence.

The following section provides definition, rationale and scope of this thesis:

In International Relations, the kind of morality that is observed and adhered to is essentially skewed. Such a sense of morality which considers sovereignty as sacred enables the states to get away with violence. For state violence to be considered as a matter of concern, the degree of violence has to be of a very high degree. In other words, only acts of very high intensity attract international attention and that too selectively. This study problematises state violence in its dominant forms and manifestations. Along with violence, coercion is also an inescapable feature of the states system. The notion of violence that is considered as a 'normal' condition of societal life is never questioned. What is striking about the presentation of these 'normalised' notions of violence is that it claims to protect something 'sacred'. In the modern world that sacred entity is the state and violence is pursued to defend the same. State violence as a phenomenon is never questioned and goes uncontested. In this study, the motivation and the rationale that underlies violence perpetuated by the sovereign state in International Relations is critiqued and examined.

India is taken as the case study for two significant reasons. First, it is considered to be an 'emerging power' in international society which is a matter of debate. Second, India is characterised as a state that is anchored in the tradition of non-violence. India claims to

have been preaching the principle of abstention from violence and promoting non-violence or *ahimsa*. State violence is a derivative of societal violence along the lines of caste, class, gender, language, religion and region. To make the scope of the study narrower, the focus is confined to state violence. Efforts at assimilation, anti-terror legislations and riots, represent potential manifestations of violence. The theme of the study tends to engage with politics and violence within India. However, the study is ethically engaged with the phenomenon of state violence in International Relations.

The thesis made an attempt to address the following questions through the successive chapters:

1. How is violence conceptualised in International Relations?

2. What explains the rendering of state violence as a norm?

3. Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

4. To what extent has the Indian state used violence in its pursuit of statecraft and nation-building?

At the beginning of the study, the following hypotheses were stated:

1. The privileging of the state implies that the coercive means employed by the state go uncontested which in turn has led to the normalisation of state violence.

2. The Indian state has used violence systematically for the purpose of consolidating and sustaining territorial sovereignty and for the ostensible aim of safeguarding national security.

3. The Indian state has used assimilation and legislation as methods aimed at state consolidation and nation-building and furthermore manipulated the outbreak of riots to reveal its partisan character in terms of a majoritarian bias.

At the end of the study, the hypotheses have been proved and strengthened. Following are the inferences that have been drawn:

1. The privileging of the state implies that the coercive means employed by the state go uncontested which in turn has led to the normalisation of state violence.

2. The Indian state has used violence systematically for the purpose of consolidating and sustaining territorial sovereignty and for the ostensible aim of safeguarding national security.

3. The Indian state has used assimilation and legislation as methods aimed at state consolidation and nation-building and furthermore manipulated the outbreak of riots to reveal its partisan character in terms of a majoritarian bias.

4. The state has employed the process of othering in governing the electorate which has led to the genesis of an exclusionary politics.

Inference (4) have been derived during the course of the study and added accordingly.

The study has used the qualitative method. Case study technique is employed. The case chosen for analysis is India. India is considered as an appropriate case as it claims to adhere to the principle of non-violence. Further, it is characterised as an 'emerging power' in international society. The dependent variable is the normalisation of state violence, which the study seeks to understand through the axes of assimilation, legislation and riots in the post-independent phase. Interviews have been conducted with academics, journalists and personnel from non-governmental organisations with regard to the purpose of the study. Government documents, legislations, parliamentary debates, speeches of leaders and activists and media reports will constitute the primary sources. Secondary sources include books, articles in journals and online sources.

Organisation of the thesis

Chapter two titled Assimilation as violence has looked at the process of homogenisation and consolidation in various parts of India. The attempt at consolidation itself constitutes violence. The process of nation- building encourages coinciding of the varying identities with the boundaries of the state thus bringing uniformity in culture, language, and religion. This results in celebration of the notion of nationhood.

Chapter three titled Legislation as violence has looked into some of the anti-terror laws enacted to counter terrorism. The construction of threat and the notion of national security will be analysed. This chapter will evaluate whether anti-terror laws have been successful in alleviating the fears of threat and harm on human lives or have contributed to the increasing of insecurity.

Chapter four titled Riots as violence has looked at riots which are one of the worst manifestations of violence. Riots are not spontaneous. They are the outcomes of careful planning with underlying political interests and considerations. The chapter will examine the role of the state in abetting such riots.

Chapter five is the conclusion that summarises the main inferences that are drawn from the study.

Chapter II

ASSIMILATION AS VIOLENCE

This chapter focuses on the assimilating tendencies of the state for the purpose of state-building and state consolidation. The process involves assimilation of various ideas, notions and identities. Here, assimilation is considered as a form of violence as it fails to accommodate various ideas, notions and identities. Accommodation is considered to be opposite of and opposed to assimilation. States, with a hegemonic nature and unitary tendencies, are constantly trying to obliterate differences amongst the units constituting it and thus trying to portray an image of a unified nation. The state devises homogenising policies and promotes it as the dominant discourse. Such policies are discernible in the politics at global, national and local level. This has resulted in the genesis of a form of politics surrounding various identities. The politics surrounding the assimilation of identities breeds violence and coercion. Assimilation seeks to submerge differences amongst various groups and communities. Communities differ from each and other in terms of language, religion, customs, habits, education and languages etc. Historically too, the communities differ.

Issues such as identities, rights of several groups and assimilation have been a part of political discourse since a long time. The clash between dominant identities and those that are considered to be at the fringes have been a part of history of all the states of the world. Notions of plurality and heterogeneity are not considered synchronous with the grand project of nation-building. The fragmentation and formation of newer identities are a continuous process and this has gone on for a long time. As mentioned earlier, the determination of an identity or a cluster of identities being dominant and those being considered on the fringes contribute in the project of nation-building and thereafter contributes in the shaping of global politics as well. Ascribing an identity to an individual and to a community is a basic yet an overtly important aspect of a collective life and of the life of an individual as a social being. Identities are susceptible to influences from changes in the surrounding. Thus they are fluid and not static. However, identities also

have a particularistic approach in that it must remain constant over a period of time. Here lies the contradiction inherent in the continuing dialogue that constitutes the formation of identities as they are constructed yet are solidified over time.

Cultures, language, shared history and ethnicity are usually the binding forces behind a common identity. The notion of identity thrives on the factor of relevance. Relevance amongst certain features of several units is the basis of the formation of identity. The relevance comes from a sense of commonality in history and shared traditions. However, like history, it is neither fixed nor final. Identity, which depends upon the factor of relevance, is thus fluid and not absolute. The process of transformation that underlies the formation of identity is a continuous one. Such a process aids in the formation of identity that is considered both inclusive as well as exclusionary. Exclusionary notions create the concept of 'other' which the notion of identity, that is essentially inclusive, refuses to recognise leading to a sense of alienation (Said 1978; Fanon 1980).

Autonomy of identities is continuously being challenged by efforts at assimilation. Earlier, the societies were less complex and stratified. The identities ascribed to communities and to its members were not multifaceted like it is at the current time. They were not constructed and reformulated frequently. The identities did not receive much threat from agencies like society and state. Another reason was that the state was a much simpler organisation then. In modern times, the functions of the state have a wide range. The state in order to maintain an effective control over its territory and its subjects has developed a centralising tendency which in turn threatens the autonomy of many identities.

The state controls all the aspects of socio-cultural fabric of a society of which identities are also a part. The processes of nation-building and consolidation of statecraft coincides with the processes of starting of politics over identities. The modern state system has politicised the way identities are formed and perceived. Politicising it has given the state

a source of leverage to affecting a process of centralisation. The state instead of acting as a reservoir for all the identities started assimilating them. The result of which is that there were efforts at constructing an imagined national identity. Such an identity seeks to coincide with the idea of nation. The efforts at creating a superficial identity have become a global phenomenon.

Such efforts are not new as mentioned above. Germany under Hitler, East European countries during the Cold War period, the countries where the Bloc politics were played out— all these states witnessed the horrors of identity politics revolving around ethnicity. The general aim was to enforce a cultural homogeneity. Homogeneity and diversity ought to exist at the same time. The problem arises when there is the promotion of 'monoculture'. The threat of 'monoculture' is usually seen by many as 'hegemonic'. An assumption of 'monoculture' is being imposed on what is essentially a multicultural society at the local, national and international level (Taylor 1991; Michaels 2011). Along with it, there is a failure to acknowledge the plurality within the societies. Consequently, identities at the local level are feeling threatened and begin to assert themselves.

Identity is a sense of affinity with one's community, religion, customs and history. Yet such a basic aspect of one's belonging to a community has become a source of violence. The advent of globalisation has made the problem more complex. Globalisation signifies that the world is more interconnected today than ever before. The economic freedom is more in the sense that trade barriers have been lowered and liberalisation of the foreign exchange restrictions has taken place. Trade volumes have increased, information and technology have also been revolutionised. National barriers have weakened and this has a profound impact on people's lives. Allegiance to one's culture and tradition were always considered as an important value. However, as the process of globalisation intensified, the thrust on 'global' has increased as opposed to 'local'. People are trying to race ahead of each other in order to reap benefits that the globalised world offers (Machida 2012). Economic sphere is no more isolated. However, the benefits have not reached all.

The cultural, social and political sphere is also motivated by that. Globalisation has introduced a concept of competitiveness. The concept of identity, family, tradition and customs are changing in the face of such competitiveness. The competitiveness is forcing people to become very fast which also means a decrease in patience and tolerance. This has resulted in an evolution of a society that is individualistic in nature. Moreover, the decrease in patience and tolerance is making people more fundamental and insensitive towards other's needs, tradition and historical specifity. A person's identity becomes flexible in the globalised world. In other words, the globalised world commands that the identity of an individual becomes hybrid. One part of the identity is rooted in the local culture and history. The other part is rooted in one's relations to the globalised world. Media, including television and internet, play an important role in the development of these two sides of the identity of individuals.

Hybrid identities breed confusion also. While there is the widespread demand to develop multicultural identities, some find it difficult to adapt to rapid changes. They may feel isolated and not being able to belong to either local culture or culture of the globalised world. The local cultures are heterogeneous in nature. However, globalisation, in order to facilitate a smooth flow of information, trade and commerce, promotes homogeneity. This creates a dichotomy. Politics in a globalised world acknowledges the presence of issues like minority rights, livelihood, migration, environmental concerns, the rights of the indigenous groups and human rights concerns. However, these are treated as 'low politics' (Jackson and Sorensen 2007). Political issues such as defence, foreign policies and economic concerns takes precedence as they are considered part of 'high politics' and mainstream. The dichotomy that is discernible elsewhere is visible here too.

The interaction amongst communities have increased and become complicated leading to the creation of categories of 'other'. The preservation of identity is necessary, yet it is susceptible to changes in the surroundings. The ill-effects of the politics of identity are numerous. As mentioned above, globalisation has increased the interaction amongst the human beings and scope of interdependency as well. Transnational communication,

tourism, media, capital flow and the multitude of security alliances have made globalisation a concept that pervades every aspect of an individual's life. States are the drivers of globalisation along with the multinational corporations. The controlling powers of this entire machinery have become hegemonic to the extent that they are threatening the existence of cultural diversity and promoting the scope of monoculture. Globalisation presents a paradoxical situation. On the one hand, it has brought the inhabitants of the world closer. On the other hand, it has caused greater fragmentation by posing as a threat to the native cultures. Minority populations are also pressured into conforming to the dominant culture.

The hegemonic aspect of nation building has always existed. Conflicts and wars have always favoured the cultural legacies of the victor. Imperialism was also able to thrive by doing exactly this. Greek, Roman, British and French imperialism sought to impose their rules, customs and ways of lives on the colonised subjects. Imperialism and colonialism does not exist anymore. However, the same process is being taken over by globalisation and its hegemonic role. In the post Cold War period, the possibility of clashes between several identities was captured by Samuel P. Huntington in his work titled *The Clash of Civilisations and the Remaking of World Order* (1996). He emphasised that in future the conflicts will be along cultural and religious lines rather than ideological or economic lines. Clashes between civilisational identities will dominate the global politics (Huntington 1996). He pointed out that the fault lines between each civilisation will be the source of conflicts (Huntington 1996). The problem with such a view is that it is a reductionist way of looking at things. People are originally thought to be belonging to various compartments of civilisation. The compartments do not share an amicable relation amongst each other. The rigid classification of the civilisation necessitates that the compartments of the civilisation are somewhat antagonistic to each other. However, it is supposed that one compartment may not be hostile to others and that it may have certain intrinsic goodness. This argument is also hinged on an assumption which could be fallacious. As Amartya Sen commented,

Civilizational partitioning is a pervasively intrusive phenomenon in social analysis, stifling other—richer—ways of seeing people. It lays the foundations for misunderstanding nearly everyone in the world, even before going on to the drumbeats of a civilizational clash (Sen 2006: 42).

Francis Fukuyama's *End of History and the Last Man* (1992) made seemingly similar arguments. Fukuyama claimed that in the post-Soviet world, liberal-capitalist democracies would rule supreme. The liberal-capitalist values would be propagated by the western world. The hegemonic aspect of nation building is highlighted in this endeavour as he suggested that the western notion of identity would shape and influence the formation of the global identity.

Many corners of the world are witnessing a backlash on values that are considered to be influenced by the western countries. The influences of such values are thought to be increasing. On the other hand, there is also an attempt at streamlining the several local cultures into one 'mono-culture' (Taylor 1991). Such an attempt would create problems for the development and empowerment of civil societies. Many groups are facing threats of losing the particularistic aspects of their identities. Indigenous groups in many countries are grappling with threats to their existence which in turn is threatening the survival of their culture, languages and livelihood. Moreover, policies enacted in favour of the neo-liberal policies and market is creating paradoxical situations for the people in many parts of the world. On one hand, prospects for better lives and livelihood are being presented to the people. On the other hand, the same policies are making people alienated from their own surroundings as such measures focus on the construction of homogenised identities to aid economic flow.

National identities are sought to be created on the basis of the process of fragmentation of local identities. The process of creation of the supposed national identity thrives on the power of a group. Marginalisation of the group is also involved. Many a times, the stereotyping and ridiculing a group identity form a part of the process of exploitation and

marginalisation of a particular group. Ethnic identities are sought to be done away with and these could be justly signified as inflicting violence on a group. One's own knowledge of self and community are manipulated and tampered with. A transformation of sense of belonging to a particular group is attempted. The feeling of pan-nationalism is sought to be evoked which often stigmatises group membership and peculiarities of a group identity. Language, customs, beliefs and food habits are often targeted in this process of hegemonisation of national identity. As Baljit Singh commented,

> Without proper consideration, the State of France has passed a law prohibiting all signs of outward manifestation of any religious faith. The reason given for passing such a law is that any human being having allegiance with a particular group without collective or religious interest can not be a good citizen. The purpose of such law is to "Frenchify" the population of France and to impose on it one single culture, one language, one way of thinking, irrespective of various distinct identities of the people (Singh 2006: 211).

Collective identity is important. However, too much stress on collective identity makes one ignore the complex nature of the process of formation of identities. A singular categorisation of a person is not possible. A human being is and can simultaneously belong to several categories like gender, school of thinking and religion, etc. A person can be a multilingual, having a particular religion, however believing in none, working in a firm which has overseas branches and supporting various political schools. Such a person can never be put in a particular category given the people's plural identities. The collection of all these factors makes up a person. The freedom to exercise choice in choosing is important for a human being in order to believe in an emancipated life. Violence is committed when a person is forced to make choices, often belittling her or him thus compromising self-worth. The attempt at the imposition of identity creates a sense of sectarianism. However, peaceful coexistence of several communities having multiple identities also is problematic in a way. A dialogue between various communities, which precludes any type of peaceful coexistence, should not be an attempt at glossing over the differences in categories of identities. The dialogue can be seen as a way to create some overarching system of categorisation and partitioning of identities.

These types of categorisation are fraught with danger as that will typecast human beings as members of one group creating the problem which it sought to avoid and mitigate in the first place. Such categorisation does not lead to harmony. Diversified categories and an understanding of it are much more favourable.

A nation's history is often woven around various ideologies. Ideologies are dependent on different understandings of different individuals. Considerable focus was placed in the tradition of the country and devotion to it, when India was seeking freedom from the colonialist shackles. This meant that an individual could serve the nation and the nationalist struggle by abiding with the traditions of the country. Conventional and mythological role models were invoked as ideals, e.g. Sita, Nalayani and the likes. Debates were not high in numbers in this regard. However, mention must be made of the Self-Respect Movement, a radical anti-caste movement launched by E V Ramasamy Naicker in 1925. Journals such as, *Kudi Arasu, Puratchi, Pagutharivu and Samadharm* spearheaded this movement which helped in the spreading of consciousness (Geetha 1998: 11). The nationalist struggle of India was not fully able to free itself from the hegemonic characterisation that is present in the process of nation building. The essence of Periyar's objection with the various elements of the nationalist struggle is summed up in the following way:

> Periyar's reason and commitment to the agora of the here and now left him with a constituency that was shifting, and which existed as a whole only in terms of that large and complex non-brahmin historic bloc, Periyar attempted to build and re-build. Sometimes this bloc appeared divided and internally inconsistent, as when rich non-brahmins found themselves being criticised for their class biases by young self-respecters committed to socialism. At other times, there ensued arguments between believers and atheists; between those who were convinced of the cultural worth of Saivism and those who felt all religious ideas and institutions were inexorably brahminical. Yet, Periyar's Catholic non-brahminism and his anti-caste mission held this unwieldy bloc together, especially at those strategic and crucial moments, when the larger interests of all non-brahmins were at stake, as during the anti-Hindi agitations and when the Congress ministry - formed after the 1935 elections - tried to impose an

educational system that would allow youngsters to practise the caste vocation of their fathers (Geetha 1998: 11).

As mentioned earlier, sectarianism fuelled by a sense of superiority of one's culture and identity can foster hatred for 'others'. Conflicts around the world have been instigated by actively following the politics of hatred stemming from differences in identities. Kosovo, Bosnia, Sudan, Rwanda and many more countries have fallen victims to crises stemming from identity-driven politics (Daalder and O' Hanlon 1999; Shah 1993; Blanton et al. 2001). Many conflicts of the world have their sources in the categorisation of people based on culture or religion. Singular identities foment a sense of violence and crude nationalistic fervour thus spreading terror. Competing identities need not necessarily influence to unleash a process of assimilation which would necessitate wiping out differences and streamlining populations under categories created for the convenience of few dominant political elites. The tendency is to assume that a person has 'singular affiliation' disregarding the multiple aspects of that person's identity (Sen 2006: 20).

Amartya Sen, in *Identity and Violence* voiced his opinion that,

> It seems to appeal often enough to communitarian thinkers as well as to those theorists of cultural politics who like to divide up the world population into civilizational categories. The intricacies of plural groups and multiple loyalties are obliterated by seeing each person as firmly embedded in exactly one affiliation, replacing the richness of leading an abundant human life with the formulaic narrowness of insisting that any person is 'situated' in just one organic pack (2006: 20).

One identity is often seen in contention with the other one. Very often a person faces a situation which one has to face by giving primacy to one affiliation over the other. The question of relative importance is brought in. Societal analysis gets severely challenged and limited when narrow classification of people is ruthlessly followed. For instance, the Social Democratic Worker's Party of Germany proposed a plan of action, also known as 'Gotha Programme', which divided people into workers and

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non-workers (Sen 2006: 24). Moreover, workers were seen only as 'workers', everything else was to be ignored, including their diversities as a human being. The Social Democratic Party was one of the first torchbearers of the socialist thought which provided alternatives to many of the social ills plaguing the society in the nineteenth century. However, they also committed a grave mistake by narrowing the classification of people. Karl Marx criticised this strict identification of people in his 'Critique of the Gotha Programme' in 1875 (Sen 2006: 24).

Identity and culture are very much related. Both of them operate in the same domain. It is through culture that identity is created. There are various other components as well like religion, language and beliefs. Cultural generalisations are avoidable, but inevitable fallouts of identity formation. Cultural generalisations are most often narrow in implication. Mostly the generalisations take into account limited understandings of ethnic, racial and linguistic characteristics. Such generalisations start operating and dominate the thinking of people as many find it convenient to think in such ways without realising the dangers lurking in it. Whereas, many do it willingly and intentionally as it whips up certain dominant perceptions of a sense of ethnic superiority. Generalisations, like this act as an illusory force having destructive nature, bringing out the ugly side of the process of assimilation of people. The generalised ideas become popular and aids in spreading generalised notions about communities which have no real basis in reality. These culminate in racist jokes, ethnic slurs and cultural prejudices. Casual remarks are made in such a way that defy logic. For example, in West Bengal, a state in India, generalised notions about 'Ghotis' (people originally belonging to west Bengal) and 'Bangal' (people belonging to East Bengal before the Partition of 1947) are abound (Shamshad 2016: 7). Many times such notions become abusive as well. Repeated generalisations aid in production of theories without any concrete facts. Such theories can never have concrete facts as they are based on society and society is never static. However, such generalisations are seldom challenged by anyone.

Blatant acts of violence are easily discernible. War, terror and civil unrest are considered as acts of violence as they are observable. These are the types of 'subjective violence' as they are 'performed by a clearly identifiable agent' (Zizek 2008: 1). He continues, 'Subjective violence is just the most visible portion of a triumvirate that also includes two objective kinds of violence' (Zizek 2008: 1). One of this objective violence is 'symbolic violence' which means 'violence embodied in language and its forms' (Zizek 2008: 1). The other type of violence is 'systemic violence' which means 'the often catastrophic consequences of the smooth functioning of our economic and political systems' (Zizek 2008: 2). According to him, the background of the violence is important and along with it the space between the subjective and the objective violence. Zizek's argument finds resonance in the concept of violence entrenched within the societal structure which was discussed by Johan Galtung (1969) much earlier. As he says, 'structural violence is silent, it does not show – it is essentially static, it is the tranquil waters' (Galtung 1969: 173).

Discourses have an important role to play in the way assimilation works. Languages have constitutive power and that comes out through discourses. The influence of the 'linguistic turn' is recognised by the poststructuralists and post structural theory. Discourses are changing frequently and are not stagnant. Poststructuralism focuses on discourses as their site of analysis. Poststructuralism is different from realist approaches which seeks to describe and explain the happenings and events of the world. Realism fails to take into account that reality is in a state of change all the time. The task of social science is simply not to explain. Such an approach depending on explanation would also mean that the real world exists independent of observation and also of the subjects. Poststructuralism does not want to 'explain' and make 'predictions'. Rather, it seeks to observe and deconstruct the meaning of events. Critical Theory of the Frankfurt school in a certain sense is similar to that of poststructuralism. Critical theory highlighted that empirical knowledge is structured in such a way that it considers reason as universal and contributes in the production of 'truth'. Both these strands of thought stress on historicising and contextualising social science. Interpretation of any event cannot be done in a dispassionate and disinterested manner. There are no absolute truth claims. Reason and

rationality are not a universal phenomenon. According to Critical Theorists, they are sociocultural forms and are grounded in social action.

Critical narratives can also become explanatory and prescriptive. The danger is always there. Considering any theoretical paradigm as the most appropriate way of explaining events and phenomena can be detrimental to the study of social science. There is a risk of it being seen as a grand theory. Branding and categorising theories and theorists into compartments is not feasible and desirable. There are similarities and common strands amongst Critical Theory, Structuralism, Post structuralism and Postmodernism. For e.g. many post structuralist thinkers are also considered as postmodernist thinkers. Like Michel Foucault. He pointed out, 'What are we calling postmodernity? I'm not up to date' (1998: 447). He again mentioned, 'I do not grasp clearly what that might mean, though the word itself is unimportant; we can always use any arbitrary label' (Foucault 1998: 448). Compartmentalisation of discourses is bound to be imprecise.

The issue of linguistic identity in India

Language is one of the components which closely contributes to the formation of identity and thus is related to culture as well. The shaping of individual identity and that of the society is dependent on language. Language and policies related to the implementation of languages shape and influence society. The social institutions are dependent on the usage of languages for its own functioning. Socio-cultural practices play an important role in the formation of languages and vice-versa. As mentioned earlier, repeated generalisations help in the construction of theories and the contents are not often based on concrete facts. Whether valid or not, these give rise to discourses which motivate, manipulate and control the society. The political elite constitutes a section in the society which seeks to control the source of the narrative and discourses in the society. In this way, they want to control the processes of interaction as well. The flow of information is also sought to be controlled and this spells a control on power. The elites, by controlling the flow of

information and discourse-making, control the socio-political-cultural institutions. Language becomes a weapon in the hands of the political elite by which they wield power and influence. Manipulation of the population is also possible because of the languages. Language, thus becomes, an easy target for any type of socio-political experiment since a long time. In modern times as well, policies on languages are often manipulated in various ways in most of the countries of the world. India is no exception. There are several languages spoken in India. India is a multi-lingual country. The languages have their roots in Aryan, Dravidian, Burmese, Tibetan languages, Persian and Arabic etc. (Khare 2002). There are hundreds of native and tribal languages spoken as well.

The country has been under several rulers. Many kingdoms have ruled the country. The country has been under several dynasties at any given point of time. The geographical boundaries of the country also have not been clearly defined. The languages have become diverse, sharing many common characteristics amongst themselves. The entry of the colonisers into the Indian territory had also reasonably influenced the languages and living habits of people in many places. They include the Portuguese, the French and the British predominantly. The colonisers set up businesses on the Indian soil and that sped up the processes of the spreading of their languages as these meant employment opportunities for the local population. The British East India Company not only set up business establishments, but also started consolidating the territories as did the other colonisers (Hargreaves 2005; LeRoy Christian 1945; Mourao 2011). However, it was the British which was successful in spreading its influence over a large portion of the Indian land. It also established the law and order system in India replicating the one that was in place in the Great Britain. The administrative setup introduced in India was also similar to the one in Great Britain. This necessitated a sense of familiarity be forged between the coloniser and the colonised. Many amongst the Indians wanted to get employed by the East India Company. Thus, they had to know the language spoken by them. The move to learn English started among them. 'Also, since the British needed trained Indian civil servants to assist them in the administration of the country, they introduced the western

education system' (Sharma 1992: 2642). The education system was in the process of changes as western science, history and knowledge were being introduced.

The British evangelists were also setting up schools and colleges in several parts of India (Seth 2007). Prominent Universities were also set up by them, namely the Calcutta University, Bombay University and Madras University. The three universities were set up in the year 1857. The curriculum was getting changed, women were getting educated and existence of many social evils was being questioned by people, many of whom were influenced by western education's appeal to logic and reason.

The large scale usage of English as the medium of instruction at various levels of governance made it somewhat popular amongst people. Though it was a foreign language at first, the knowledge of it became a necessary factor in conducting administrative work smoothly. However, with the rise in the nationalist struggle for freedom, Hindi was brought into focus. Few strands of nationalism considered Hindi as having a unifying power as that was the language spoken by the masses. The veracity of this claim was and is still challenged by many. Despite India not having any pan-Indian language, the dominant nationalist stand harped on making Hindi a symbol of unification of the masses. English was the language of the coloniser. The struggle for freedom needed an answer to that, thus Hindi was chosen. Moreover, there was the perception that English as a language was spoken by the elite. It did not have a reach amongst the masses. People at the grass root level felt English as a foreign language more. However, Hindi's status as a language of the masses was also in doubt. There are several hundred languages spoken in India with many of their dialects and sub-dialects also spoken by many. There is no language spoken by the majority of the population in India. Along with Hindi there are speakers of other languages as well, such as Bengali, Urdu, Oriya, Tamil, Assamese, and Telugu etc. Hindi, as spoken, in many parts of India is influenced by Persian and Arabic scripts also. Persian and Arabic scripts have influences on other languages as well. Thus, it can never be said and claimed that there is a single language for all.

In the nineteenth century, reformation of culture and religion started in various parts of India (Jones 1989). There was an interest to look into the past and to get rid of the cultures and religions of dogmatism (Kumar 1997). These involved revivalism of the language and tradition. Vernacular languages were also sought to be revived as language was the medium through which people's interest in their past traditions and cultures could be renewed. Many vernacular languages were sought to be promoted. Hindi was one of them. Though Hindi, in its purest form, was favoured by many to be promoted as a part of the revivalist movement, the language as spoken then was not 'pure'. It was substantially influenced by Urdu. Hindi employed Devanagari script. Urdu employed Persian script. Both were similar in their vocabulary. Mostly people who spoke Hindi were actually speaking a hybridised form of Hindi and Urdu language. People at large were not conscious of this. The divisions in linguistic boundaries were not sharp which could be attributed to the absence of any animosity amidst culture. However, the other view could be that people were ignorant of their own culture and language. The revivalist movement aimed at raising the level of consciousness amongst them and to purge the Hindi language of the Urdu influence. The version of Hindi that was spoken by the people was what could be called Hindustani (Kachru 2008: 81). The colloquial Hindi language was also different from the highly sanitised Sanskrit, which was also spoken in a different form. As Yamuna Kachru commented in the following way in which the colloquial Hindi came to be spoken and got its identity,

> Hindi as a language is said to have emerged from the patois of the market place and army camps during the period of repeated Islamic invasions and establishment of Muslim rule in the north of India between the eighth and tenth centuries AD. The speech of the areas around Delhi, known as khari boli, was adopted by the Afghans, Persians, and Turks as a common language of interaction with the local population. In time, it developed a variety called Urdu (from Turkish ordu 'camp') (Kachru 2008: 82).

As stated earlier, Sanskrit was also spoken differently. Sanskrit, in its literal sense, means 'purified'. Interaction with various other languages gave rise to different varieties of

Sanskrit namely, 'Prakrit' and 'Apabhramsa', the latter meaning 'corrupt' (Nayar 1969: 31). These gradually gave rise to 'Hindi' which was more commonly known as 'Hindustani'. The revivalist movement with the aim to raise the consciousness of people of their glory of languages, tradition and culture sought to make Hindi free from these 'impurities'. The movement was a part of the ongoing nationalist movement which proceeded to rouse a feeling of 'Swadeshi' amongst the masses (McLane 1970). The movement to restore the purest form of Hindi and the support that it alone got from the nationalist movement was enough to make the Urdu-speaking population threatened. The effort at purifying Hindi and to enforce it on the population revealed a homogenising tendency. The movement highlighted an attempt at setting aside the role played by the other languages in the evolution of Hindi. The attempt at reinstating Hindi in its previous glorious form also meant restoring the culture to its pre-Muslim rule and pre-British era phase. The evolutionary process that a culture goes through was to be ignored.

Language is a very important component of culture and identity of a community. The effort to bring Hindi into prominence by sidelining other languages was seen by speakers of other languages suspiciously. Many prominent leaders of the nationalist movement sided with the decision to recognise Hindi as the symbol of pan-Indian nationalism. Leaders like Bal Gangadhar Tilak, C. Rajagopalachari, Mahatma Gandhi, Subhash Chandra Bose were among those who lent voice to the adoption of Hindi as the language of the unification of the country (Nayar 1968; Bose 1985). It is interesting to note that the first three people mentioned were also non-Hindi speakers. This fact could be attributed to the prevailing idea of associating learning of Hindi with nationalism and patriotism. C. Rajagopalachari sought to introduce 'compulsory Hindi in schools in 1938 when he was the Chief Minister' of Tamil Nadu (Kumaradoss 2004: 1655). This same view came to dominate the linguistic policy formulations in post-independent India as well. A clash was in the making between not only Hindi speakers and non-Hindi speakers, but also between supporters of Hindi and 'Hindustani'. Hindustani, the language, was seen by many as a middle-path between Hindi and Urdu. Proponents of this language were not averse to the usage of Urdu as a part of Hindi language. The Indian National Congress too argued in favour of the promotion of Hindustani.

Organisations meant for the promotion of culture and language started supporting Hindustani. Mahatma Gandhi was made the President of the Hindi Sahitya Sammelan. 'As an expression of Indian one-ness Gandhi preached acceptance of Hindi as the national language of the people' (Ranadive 1986: 111). However, it was the supporters of a puritan form of Hindi which made the situation more complex. The puritans were of the opinion that the usage of Urdu was an effort at giving the Muslims a concession. The Sanskritised form of Hindi began to be promoted which clearly sought to divide whatever linguistic cohesion was there between the communities. The purists' attempt at 'purifying' the Hindi language met with resistance from Gandhi who resigned from the post of president of the Sammelan. The clash between Hindi and Hindustani made the Urdu speakers angry despite the fact that Hindustani was a mixture of both Urdu and Hindi.

Post Independent India and Language problem

The confusion and controversy about the status of Hindi and unleashing of its hegemonic power over the population of the country by the political elites were carried over into the post-independent India as well. Hindi enjoyed a dominant position during the nationalist struggle as many leaders considered it as a symbol of unity of the people of the country. However, this was more a convenient thought than a reality. The struggle needed some unifying factors around which people could be united; the issue of language was made one of them. Soon, the hegemonic tendencies of the leaders to impose a particular language on the people were revealed. Such tendencies were insensitive towards the basic rights of the people. Moreover, English had also been established as an important language of the country because of its large scale usage in the administrative setup and legal departments. Choosing any one language as the language linking the various parts of the country was a difficult one. Moreover, getting the communities and the states constituting the country agreeing on one particular language was a strenuous task. English could not have been made the link language as that would be giving

acknowledgement to the language of the very coloniser from which the country gained independence after so much hardship. English, for many, meant 'symbol of slavery' (Nayar 1969: 12).

The version of Hindi language to be adopted and the choosing of a language which would represent the whole of the country became two of the pressing issues before the Constituent Assembly of independent India. Both these issues involved the people of the states constituting the country. The people from the non-Hindi speaking areas were not ready to accept a language that was about to be imposed upon them by a political party favouring a particular language *i.e.* Hindi. Purushottam Das Tandon and Seth Govind Das were some of the prominent leaders of the Indian National Congress who vehemently spoke in favour of Hindi (Dasgupta 1970: 162). Out of 298 members of the Constituent Assembly, 208 were from Congress. The Fundamental Right sub-committees stated in the draft that the official language was to be Hindustani and not Hindi and could be written either in Devanagari script or Persian script (Sharma 2005: 309). However, when the draft constitution was made and circulated, Hindi was mentioned as the language to be used and not Hindustani. Votes were cast. More were in favour of Hindi rather than Hindustani. Devanagari script was also favoured. English was to be used extensively till time comes to make the transition from English to Hindi.

Important in the question of the status of languages, is the Article 343, clause (1) of the Indian Constitution, which states that Hindi in the Devanagari script shall be the official language of the Union. Numerals will not be in Devanagari. They are to be *international form of Indian numerals*. It is Clause (2) of the same article which states that for a period of fifteen years from the commencement of the Constitution, the English language shall continue to be used for all those purposes for which it was being used before that date. Article 351 of the Constitution states that

> it is the duty of the Union to promote the spread of the Hindi language and to develop it
> so that it may serve as the medium of expression for all the elements of the composite
> culture of India and to secure its enrichment by assimilating without interfering with its

genius, the forms, style and expressions used in Hindustani and in other languages of India specified in the Eighth schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

It is clear from this article that the responsibility to protect and promote the Hindi language falls on the Union government. Hindi will be the connecting language of all the languages and that it will assimilate elements of Hindustani and other languages. The Hindi language will do this 'without interfering with' the 'genius' of Sanskrit. The centrality was accorded to Hindi language as opposed to other regional languages. Moreover, a process of *Sanskritisation* was also started. Sanskrit and Sanskritised Hindi had already been promoted for a long time. It was only codified in the form of provisions of the Constitution of independent India. Many communities were seething with anger and frustration because of the attitude of the pro-Hindi lobby. The period preceding the independence of India was marked with a drive to make Hindi the official language of the country. The language was primarily spoken in the northern region of India and was not representative of the entire gamut of languages spoken in the whole of the country. Moreover, the version of Hindi favoured a purified Sanskritised one rather than Hindustani which was a mixture of Hindi and Urdu. The script was to be Devanagari. The developments of these events were alarming for the non-Hindi population who became suspicious of the intentions of the political elites drafting the Constitution as well as governing the country. Whatever status Hindi as a language had amongst the people were also denigrated by the overzealous pro-Hindi lobby. Languages were pitted against each other by the political elites. Linguistic chauvinism dominated the politics of the nascent state. Regional languages were projected as subsidiary to Hindi. This type of claim made the non-Hindi population, especially in the Southern states of India and West Bengal see the pro-Hindi lobby as a threat to the survival of their languages.

Article 344 of the Constitution directs the President to appoint a commission every five years to review the progress of the implementation of Hindi as the official language. In 1955, an Official Language Commission was constituted with B.G. Kher as the chairman.

The commission was supposed to look into the progressive ways Hindi could be promoted. Tied to this, was the responsibility of the commission to look into the restrictions that could be imposed on the use of the English language like replacing it with Hindi in official functions of the government. The courts were to conduct business and hand verdicts in Hindi [Kher 1989 (1956)]. It was also suggested that Public Service Examinations were to be conducted in Hindi. Two members of the Commission— S.K. Chatterjee from West Bengal and P. Subbarayan from Madras dissented against these undemocratic directives (Dasgupta 1970: 162; Ranganathan 1965: 541). The lobby supporting the continuance of English as the language for official purposes was also against the imposition of Hindi on the non-Hindi speakers. The Committee appointed to review the work of the Commission was also sceptical of the extreme nature and the hurried pace with which the switchover from English to Hindi was suggested. The people in the states of West Bengal and Tamil Nadu were mostly against the imposition of Hindi. They argued that compared to Bengali and Tamil, Hindi was a 'recent language' and it lacked 'rich literary traditions' like these two languages (Sridhar 1996: 343).

The promotion of Hindi was associated with patriotism and nationalism. The pro-Hindi lobby and the political elites projected the learning and application of Hindi as a sacred duty of the citizens of the country. The patriotism of the citizen was measured by the degree to which the knowledge of the people in learning Hindi increased. People from certain areas and corners of the country fared better in this test of patriotism as compared to people from other regions. People hailing from North Indian states had a grasp over Hindi, Sanskrit and the associated dialects. There were skirmishes all over the country. People were protesting. The situation became so tense that the Union government had to give an assurance in the form of legislative sanction. The parliament enacted the Official Language Act, 1963 which stated that 'English may continue to be used for all official purposes of the Union and in the Parliament beyond the expiration of the transition period in 1965'. The act used the word 'may' in place of any definitive word. This aroused suspicion of the anti-Hindi lobby. The government did nothing to allay the fears of the people. Rather, it intentionally intensified the suspicion and discontent amongst the people. The Information and Broadcasting Ministry notified that all 'routine circulars'

would be in Hindi after 26 January, 1965 and instructed staff to use Hindi in meetings as much as possible (Dasgupta 1970: 237). All these only led to conflagration of an already tense situation. Anti-Hindi voices grew in opposition. Sentiments of the people were hurt. Anti-Hindi agitations swept the entire South India with the more widespread violence in Tamil Nadu. The irony was that the implementation of one language for the whole country was aimed at strengthening national integration. Instead, it divided the country.

Fear and anxieties of the people were high. The instructions were given for a linguistic changeover. Especially, it was the students who were set to lose the most, if the changes in the language policy were to come into effect. There was a breakdown of law and order. The unrest that preceded and followed the date set for the linguistic changeover on 26 January 1965 was one of the extensive ones in the state of Tamil Nadu. Many political forces opposed to the changeover joined hands in the fight against this blatant political chauvinism. The Dravida Munnetra Kazagham (DMK), the Swatantra Party headed by C. Rajagopalachari, Justice Party and the Communist Party of India (CPI) were the main voices behind the anti-Hindi agitations that raged in Tamil Nadu. However, the CPI was also in support of the 'Three Language Formula' proposed by the central government.

The 'Three Language Formula' sought to introduce Hindi as a compulsory language in the curriculum of the southern Indian states apart from two other languages. The proponents of this 'formula' were the pro-Hindi lobby, which mainly consisted of the lobbyists belonging to the northern Indian states. The pro-Hindi lobby, on the other hand, was adamant in not following this 'formula' themselves. One non-Hindi language was proposed to as one of the three languages. The students in the northern Indian states were presented with the option of studying 'Sanskrit' as one of the three languages, thus defeating the aim of the 'Three Language Formula', according to the proponents of the anti-Hindi lobby. According to them, the language policy was not uniform in application. The policy divided the country along linguistic lines by imposing one language over non-Hindi speaking states. The changeover was to put the students, officials and government servants at a disadvantage because of their limited knowledge of Hindi. Government

officials would have been penalised and the students would not be able to perform well and at par with the students from the northern Indian states, the reason being language and not merit.

According to the 1961 Census, there were 1,652 languages in India and of these there were 14 major regional languages (Hardgrave 1965: 403). The states were reorganised around these major languages in 1956. The DMK demanded that the regional languages should be the official languages of the states and English would be the link language between the state governments and the Centre (Hardgrave 1965: 405). The CPI supported the DMK's demand for adoption of regional languages for administrative and official purposes and continuation of English as a subsidiary language. However, the CPI was also in favour of adoption of Hindi as the link language between the state governments and the Centre.

The situation in Tamil Nadu became so tense that Prime Minister Jawaharlal Nehru gave an assurance in Parliament in 1959 to diffuse the situation. He assured the non-Hindi speaking population by saying that

> ...firsty, as I have said, there must be no imposition.   Secondly, for an indefinite period—I don't know how long—I would have English as an associate additional language which can be used for official purposes... I would have English as an alternate language as long as the people require it and I would leave the decision not to the Hindi-knowing people but to the non-Hindi knowing people (Hardgrave 1965: 404).

The unrest continued without any formal assurance from the government. The Official Languages Act of 1963 stipulated that English may continue to be used as the medium of communication between the Union and the States. The Act, codified Nehru's assurance and managed to check the unrest to some extent. The ambiguous language used in the Act only contributed to the anxiety and anger of the people. As the formal date of the changeover from English to Hindi advanced, tension mounted. On 26 January 1965, Republic Day, Hindi was to become the official language of India. Political parties

opposed to the changeover namely the DMK and the Swatantra Party headed by C. Rajagopalachari launched protests against the imposition of Hindi. The latter convened 'the Madras State Anti-Hindi Conference in Tiruchirappalli on January 17' (Hardgrave, Jr. 1965: 399). The DMK party decided to declare 'January 26 as the day of mourning' (Hardgrave, Jr. 1965: 399). The protestors, which included students also, were threatened with stern action by the administration if they agitated on the Republic Day. The protestors agreeing with the government took out processions on the days preceding the Republic Day. However, on 25 January 1965, one such procession clashed with the workers from the Congress party. The protestors were passing through a route on which there was the Congress Party District Office. A riot broke out and it spread to various parts of Tamil Nadu. The police, in order to control the violence, tried to disperse the crowd in various places which only contributed to the intensification of the agitation.

> In the two months of anti-Hindi demonstrations and rioting which followed in Madras, more than sixty people were shot in police-firings, and unofficial reports placed the number of deaths as high as three hundred. Two young men poured gasoline upon their bodies and immolated themselves. Hindi books were burned, and the Hindi signs in railway stations were defaced or ripped down. All colleges and high schools were closed, and the students' demonstrations gave way to the mob violence of rowdies. Near Coimbatore, two policemen were beaten by a mob and their bodies burned. In Madras City, the police lost control as mobs burned railway cars and looted stores. The brutality of police-firings and lathi-charges only deepened resentment, and, if the rioting threw Tamilnad into a state of shock, it too opened the wounds of deep frustration and expressed a more general discontent (Hardgrave, Jr. 1965: 400).

The government intentionally did not engage in dialogue with the people who were agitating. The political elites deliberately chose not to pay any heed to the rightful demands of the people. The language policy pursued by the government only aided the antipathy that existed then amongst the people in Southern states especially, Tamil Nadu against the North Indian state. The antipathy was not natural, but created and fostered by the political elites. Culturally the two regions are different from each

other in terms of food habit and style of clothing, not just the languages spoken. The differences are compounded by a general feeling in the southern states that the idea of 'the nation is dominated by the north, and that the south has been both neglected and exploited' (Hardgrave, Jr. 1965: 402). The political calculation drove the political parties and the government to devise methods to segregate the country along linguistic lines. It was the same political calculations which made the government to enact the Official Language (Amendment) Act in 1967 which stipulated that knowledge of either Hindi or English was reason enough for securing Central government employment which included Union Public Service employment as well in line with earlier demand raised by the non-Hindi speaking lobby.

The movement for self-respect was initiated and spearheaded by E.V. Ramasamy Naicker. The Dravida Munnetra Kazagham (DMK) led by C.N. Annadurai pursued the momentum of the anti-Hindi agitation. He became the first DMK chief minister in the state of Tamil Nadu. He resisted the imposition of Hindi since 1938. The name of the state was changed from Madras to Tamil Nadu under his leadership. 'If Periyar was the spearhead of radical socialism by linking Tamil identity to sentiments of caste, Annadurai tied his movement to linguistic renaissance and to Tamil culture. He mixed the radical socialism of Periyar with a large dose of liberalism so that the ideology provides meaning to large number of Tamils' (Pinto 1999: 1484).

In 1967, Congress lost majority in many states, including the Hindi-speaking ones. Thus the Congress lost sufficient support needed for the continuation of its anti-Hindi sentiment. Political hegemony is closely associated with the language spoken by the ruling class. The tendency towards popularising Hindi is because of a combination of factors. Some of them are— the adoption of Hindi as a symbol of unification of the masses during the nationalist struggle against colonialism, the composition of the dominant parties the majority of which hailled from north India and considering Urdu and Hindustani as branches of Hindi and thereby including their speakers as speakers of Hindi. Yet, some observations need to be made here. Administrative services are mostly carried out in English. So is the case with judicial services also. The statutes and acts are

laid down in English. Urban middle class and upper middle class mostly do not patronise Hindi. Most private schools conduct their education in English, though the majority of the public schools has continued with the vernacular languages. 'In fact 90 per cent of the research papers written in Hindi speaking areas, most of which in any case are amongst the most underdeveloped in India, are in English. Professional journals are neither published in, nor translated into Hindi' (Deshpande 2000: 1241). These have also revealed a dichotomy between what is promoted by the political elites, the reality of the situation and the history of various communities in the country and thus resulting in stratification.

The Three Language Formula's adoption by the Central Government also created a lot of discontent amongst the non-Hindi speakers (Ram 1978; Pattanayak 1984: Mahmood 1974). As stated earlier, the Hindi speakers, the advocates of the formula, themselves were reluctant to adopt the formula. When it came to choosing a third language, the non-Hindi speakers chose not to pick any South Indian Language, thus defeating the aim of promotion of national integration by the Three Language Formula. The Hindi speakers chose Urdu or Sanskrit with which Hindi had similarities. The Hindi speakers defended their choice by arguing that these languages were cognate languages. The Formula was exclusionary and discriminatory. The Tamil Nadu government formally discarded the Formula and adopted a Two Language Formula consisting of Tamil and English.

Following the linguistic reorganisation of the states in 1956, Karnataka adopted the 'Three Language Formula' for educational curriculum. Sanskrit was taught extensively in schools across Karnataka. The students were more acquainted with Sanskrit than with Kannada. However, administrative works were conducted in Kannada. This created a gap between the languages used for education and the administration. Thus, several political parties, educationists and writers demanded for the first language status of Kannada in school (Nair 2000). The linguistic movement made the government appoint a committee to reconsider the language policy for school education. The committee was constituted on 5 July 1980 under the chairmanship of Professor V.K. Gokak. The committee gave a recommendation in favour of providing first language status to Kannada. The report of

the recommendation committee was accepted. However, there were protests from the linguistic minorities in the state who were non-Kannada speaking.

Assimilation is not always favourable for a country in which diverse population resides. Languages, religion, food habits and a general pattern of lives—there is no uniformity amongst the masses. Moreover, the population is further segregated on the basis of gender, class and caste. Independent India started its journey as a republic. The democratic processes that the country was to follow were enshrined in the Constitution of India. The Constitution guaranteed the people universal adult franchise, abolition of untouchability, parliamentary form of government and the right to equality to all, irrespective of caste, class, race, sex and gender. However, the enumeration of rights and privileges did not translate into the well-being and freedom of the people. The successful implementation of the enumerated rights required a proactive government. The political elites at the helm of affairs were more interested in accumulating power than governing with an effective and just rule. They failed to acknowledge the diverse nature of the people and the country, sought to unleash a process of 'homogenisation' or 'assimilation' and justified it in the name of nation-building. Such an attitude is reflected in policies on language, religion and gender. Food habits, dressing and media are also reflective of such attitudes. These attitudes get fillip by the statist discourses.

Statist discourses dominate the characterisation of what is 'national' and 'regional'; what is 'central' and 'periphery'. Popular notions of ideas are promoted as 'universal' and are never refuted by those at the centre of the power in order to make it seem more inclusive. Rather, such ideas are vigorously promoted. One such glaring example in India would be the case of cinema. Cinema constitutes one of the most potent medium of visual media, the other one being news casting. In India, a gap exists between the 'Hindi' films or what is popularly known as 'Bollywood' and 'regional' cinema. Hindi-language format cinema constitutes a small part of the films produced in India. It is 'Bollywood' that is projected as Indian cinema. Cinemas which are produced in other parts of the country are hereby marginalised. Thus, a divide is created between the so-called national and regional

cinema. It is not only the mainstream views in India that considers Indian film industry synonymous with 'Bollywood' or Hindi film industry. In many corners of the world, the media thinks them to be one and the same. As this following report from the *Newsweek International* states,

> For hundreds of millions of fans around the world, it is Bollywood--India's film industry--not Hollywood, that spins their screen fantasies. Bollywood, based in Mumbai, has become a global industry (Power 2000).

Films made in other languages, cumulatively taken, are more in number. Regional cinemas, no matter how brilliantly is made, remains regional. The irony is that all films are from India, but an artificial divide is drawn by categorising them differently. Cinemas are not immune to the fervour of nation building. Dominant ideologies tend to take control of popular mediums of expression; cinema is not an exception. In the post-independent era, the freedom to make cinema increased. But the entire process of film-making and its content, for the larger part, struggled with dwindling finances. The nascent state was coming to terms with its status as a free state and had to deal with the threat of censorship, banning and a sense of enforced morality and prudishness dictated by the censor board. Popular films hinged on patriarchal values, hypermasculinised and traditional notions of family and marriage and the plots had mostly mainstream narratives. 'New wave cinema which converted the marginality of mainstream cinema into its central concern has never matched the popularity of commercial Hindi Cinema' (Deshpande 2007: 97).

Globalisation brought with it a wave of modernisation and bigger market for everything. Cinema was also included. Cable networks revolutionised the way people watched television and radio services included FM channels. Thereafter, the internet came and there was the emergence of a more commercial media. Many of the values of the audience changed, but the underlying ones remain unchanged. Family values, religious rituals with patriarchal dimensions and various narratives on what constitutes 'Indianness' have started dominating. Such a scenario has also made the political elites

jump into the fray to cause uproar over one issue or the other. Morality, public sentiment, tradition and culture to national security— are some of the causes of uproar. Examples of such incidents are many. Some could be cited. For instance, the late 1980s saw the uproar over Salman Rushdie's *The Satanic Verses* (1988) leading to its ban. In 1995, another book by the same author titled *The Moor's Last Sigh* caused similar uproar. Neighbouring countries of India have also witnessed controversies like this that has affected India as well. Taslima Nasreen's novel *Lajja* (1993) was first published in Bangladesh in Bengali. The author had expressed critical views against religious bigotry, patriarchy and communalism. The novel was banned in Bangladesh and in India too. Other books by the author like *Dwikhandita* (2004) also saw outcry from the conservative sections of the society in both the countries.

Censorship is an extreme form of regulation that seeks to promote assimilation. Censorship is not merely a negation of a view or an idea; it is also an attempt at generating a different type of discourse. In regulating or censoring, only official apparatuses of the governments are not involved. Threat, intimidations and damaging of properties are also used as tactics of censorships. *Bandh, hartal and gherao*— these are some of the tactics. Censorship, as a form of enforcing assimilations, connects 'legal' with the 'extra-legal' forms of regulations.

> Such, for instance, was the case at the time of the Shiv Sena's agitations against Deepa Mehta's *Fire* in Bombay and Delhi in 1998. Only recently ousted from political power in the state of Maharashtra, the Shiv Sena smashed theaters and intimidated actors, and its actions were greeted ambiguously by the national government. National political leaders deplored the "lawlessness" of the violence, but regionally affiliated allies at the center expressed solidarity with the Shiv Sena and approval of its actions. And the Minister for Information and Broadcasting was in fact, to the dismay of many, persuaded to return the film to the Censor Board for recertification (a practice that the Indian Supreme Court declared illegal in December 2000) (Mazzarella and Kaur 2009: 6).

Food habit is another issue which is often politicised in India. A person's choice to eat whatever is his or her choice alone. However, this is politically motivated and manipulated by political elites according to their convenience. Religious festivals are cited as pretexts to curb the availability and consumption of meat in many places. E.g. meat is unavailable in many places on the occasion of Navratri, a Hindu religious festival. India is a secular country, but in terms of religion, the majority are Hindus. Majoritarianism is promoted often in times, particularly during religious festivals. Moreover, purity and sacredness are often associated with vegetarian food as it is discernible by looking at many of the signboards wherein 'pure' is added to the names of the vegetarian restaurants. Food practices of a community are inviolable and a product of historical tradition. Dictating and forcing a way of food habit on one community by another is injustice. India has had a conflicting relation with beef-eaters. Many are of the opinion, led by the Bharatiya Janata Party (BJP) that the practice of consuming beef is a 'cultural imposition of Islamic-Christian culture on the Indian people' (Ilaiah 1996: 1444). Not only the minorities, but the 'Scheduled Castes (SC), Scheduled Tribes (ST) and several Other Backward Tribes (OBCs) have been historically beef-eaters' (Ilaiah 1996: 1444). The SCs, STs and the OBC's are all within the fold of Hindu religion. As Kancha Ilaiah commented on the attack on food habit by saying that

Culture is a historical continuum of psychic likes and dislikes. Food habits form part of that cultural continuum. Political parties cannot set agendas attacking cultural habits of people. That itself forms the core of communalism (Ilaiah 1996: 1445).

Cultures and identities are not homogenous in nature. They differ from place to place and they mean differently to different people. These cannot be brought under one umbrella in order to make it intelligible to one group of people, in this case the political elites. Freedom to promote and practise distinct culture should not always be done without caution. Cultural conservation, a rightful demand in a multicultural society, cannot always be allowed without scrutiny. Practice of any ritual, habit and promoting any idea

should not be allowed to continue in the name of tradition if it results in disruption of law and order. If such practices are violating or harming basic freedoms of any group or community, they are to be discontinued. In such cases, the state needs to take a strong stance as well. However, this is not to say that the state will interfere and intrude on every aspect of an individual's life all the time in the name of assimilation and national integration. The basic character of the state is discernible by its hegemonic tendencies. The state always behaves in a deterministic manner. India is not an exception. The more the state tries to regulate every aspect of its citizens, the more its hegemonic character comes to the fore. As Ashis Nandy points out in the following way:

> The most prominent feature of the Indian political culture in recent years has been the emergence of the nation-state as the hegemonic actor in the public realm. The nation-state has been an important actor in the Indian political scene during the last four decades, but it has shared the stage with a number of political forces. Now, for the first time, the nation-state has moved center stage and has hardly any competition from the other actors in the public realm. From arbitration in matters of art and literature to the correction of Indian shortcomings in sports, virtually every sphere of life is now under the jurisdiction of the Indian state (Nandy 1989: 1).

The process of assimilation in India has been a forced one. In many respects, there have been attempts at imposing majoritarian identity on all. Accommodating and assimilating is not the same. Successive governments have tried to assimilate rather than accommodate various identities in the country giving rise to conflicts. The state, thus, has become hegemonic in character and this approach breeds violence.

Chapter III

LEGISLATION AS VIOLENCE

The purpose of the chapter is to question the rationale of the legislation which seeks to curb the possibilities of terrorism and disruption of law and order. These legislations seek to address the threats to sovereignty and integrity of the state by engaging with the problem of terrorism and the notion of violence associated with it. Terrorism, here, means both external and internal threats to the security of the state. Anti-terror legislations are a necessary tool to control and deter terrorist activities. The rationale of these legislations is that anti-terror laws curb terrorist activities, yet at the same time keeps the democratic structure of the state intact. How far is this true in the Indian context? The chapter engages with this particular question.

India has faced threats from external agencies as well as threats emanating from inside. Anti-terror laws, though intended to combat these threats yet have not proven to be effective. Terrorism has persisted. However, the threats of terrorism notwithstanding, these laws have raised significant concerns regarding the violations of human rights and perpetuating an unjust legal framework resulting in and justifying of terror and violence of some other kind. The enactment and continuance of such laws are ensured by the threats posed to the sovereignty and integrity of the state by violent elements such as terrorists. Laws such as the Prevention of Terrorism Act, 2002, Terrorist and Disruptive Activities (Prevention) Act, Unlawful Activities (Prevention) Act, the Armed Forces (special) Powers Act, Maharashtra Control of Organised Crime Act (MCOCA) and many other laws similar to these have become necessary in the aftermath of the terrorist attacks in 2001 in the United States. Terrorism has emerged as a gigantic threat to people's lives and properties. Porous borders of many states have also aided. The flow of trade and people together with the revolution in information and technology have made terrorism a menacing threat. Earlier, too, there were many anti-terrorism measures. However the attacks in 2001 in the United States showed the dangerous proportions the threats of terrorism had reached. There were many terrorist attacks before and afterwards of 2001

also in various corners of the world. However, the decisiveness and the precision with the attacks were carried out by non-citizens on American soil shocked the world. However, the glaring discrepancy remains between what these laws claimed to achieve and the reality. Special laws like these give impetus to extra constitutional processes instead of facilitating democratic governance. They have become a means for displacing and demolishing democratic transparency and processes. These laws routinise extra constitutionality by not providing clear definitions of terrorism or what it is that constitutes disruption of law and order. The investigation procedures infringes on personal liberty and the due process of law. The detainees are not given rights to a free trial. Arrests are arbitrary and discriminatory in nature. The laws provide no guidelines for prosecuting government officials of misusing its provisions. Laws have been enforced selectively on a number of occasions.

Special laws in India predate independence from Britain. Colonial era laws were designed to control the movements of the population, restrict their rights to freedom of speech and expression, and limit their associational activities and to establish and maintain centralised control. The enactment of the laws has followed the pattern established by the British. India has been fighting the menace of terrorism and various forms of violence since a long time. Countless have lost their lives and property. Violence initiated by terrorism endangers liberty. Yet, sweeping antiterrorism measures endangers liberty as well. Any form of violence, curbs individual liberty. Individual liberty is safeguarded and preserved by the rule of law. It is assumed that democratic societies seek to preserve the rule of law. Violence initiated by both terrorism and measures meant to curb terrorism seeks to negate the notion of commitment that democratic societies make towards preservation of the rule of law. This gives rise to an unjust system perpetrating injustice. The arbitrary power of the state is masqueraded as 'normal' and is used in silencing any opinion seen as 'dissent', without actually giving sufficient reasons for doing so. The way it is addressed by the legislations infringing on the fundamental freedoms guaranteed by the constitution of the country produces a collective system of violence having the power to eliminate any form of political dissent

and points towards the problems inbuilt into the legal framework of the country and the way it is implemented.

The state, in order to consolidate its territory and population takes the help of the armies, police and governmental machineries. However, this process of consolidation is not always smooth. In order to spread its rule uniformly, the state takes the help from legal devices which acts as binding on the people. This power of the state to make and enforce laws derives from the legitimacy of the particular regime in power. The state strives to maintain order in the society by these laws. Coercion plays a role in this process and has become a defining characteristic of the state. It ensures the compliance of the subjects to the state.

Coercion diminishes the targeted person's sense of freedom and volition to make choices. Coercion could be differently termed as use of force, a sense of compulsion, punishment and violence. As coercion has a constraining and manipulative effect, thus it is highly useful in achieving political, psychological and economic gains, many of which have ethical and normative concerns. However, it is justified on the ground that some greater purpose is being served by this act of coercion. The efficiency of a state in protecting the sovereignty and legitimacy is thought to depend on its capacity and ability to use coercion. The state seeks to monopolise the use of coercion within its own territory and also outside it to protect itself from external aggression. The state's power to enforce laws on its subjects is one of the clearest manifestations of usage of coercion. Coercion and the power to coerce feature prominently in the writings of many eminent thinkers like Thomas Hobbes, John Locke, Immanuel Kant and St. Thomas Aquinas.

In keeping with the Hobbes' description of the state as the *Leviathan*, maintenance of peace and defending the territory against external aggression are considered as primary responsibilities of the state. The anarchical state of nature made the human life 'solitary, poor, brutish, nasty and short [Hobbes 1968 (1651)]. The Leviathan is entrusted with the

responsibility to protect the state, the people and ensure that the people can escape the anarchical state of nature. These functions, as a necessary corollary, demand that the state possesses force which can surpass the force of others. Superior power of the state was thus glorified.

> For he that performeth first has no assurance the other will perform after, because the bonds of words are too weak to bridle men's ambition, avarice, anger, and other passions, without the fear of some coercive power; which in the condition of mere nature, where all men are equal, and judges of the justness of their own fears, cannot possibly be supposed. And therefore he which performeth first does but betray himself to his enemy, contrary to the right he can never abandon of defending his life and means of living. But in a civil estate, where there a power set up to constrain those that would otherwise violate their faith, that fear is no more reasonable; and for that cause, he which by the covenant is to perform first is obliged so to do [Hobbes 1968 (1651): 84).

John Locke's writings similarly give importance to the notion of coercion as well [1983 (1689)]. In his *A Letter Concerning Toleration*, he speaks of the dangers of exercising coercion by the state or the church. There is a correlation between political power, consent and political obligation. The validity and legitimacy of the government or any authoritative agency is based on the consent of the governed. That consent is never to be misused either by the government or by the governed. The government works by enforcing its power and laws on its subjects and the subjects gives consent to it. Absolute monarchy is never justified. He laid great stress on ownership of the self. Government coercion or interference was to be abhorred.

Justice, morality, ethics and freedom were of supreme importance to Immanuel Kant. These guarantee the promotion of liberal peace. Duty to one's own self is necessary and it should not be a hindrance to someone else's achievement of freedom. In *Perpetual Peace: A Philosophical Sketch* [Kant 1970 (1795)], Kant accepts the necessity of taking recourse to coercive methods in order to ensure justice. According to him, injustice is committed when there is a hindrance to the realisation of someone's freedom. Coercion is

to be applied in order to remove that hindrance to freedom. Concepts and notions of individual freedom as postulated by him spoke against authoritarianism, arbitrariness and despotism.

St. Thomas Aquinas also talked about the concept of coercion. His notion of coercion is tied with the description of authority. Authority is inconceivable without the notion of coercion. In his opinion, authority can only be exercised when there is an element of coercive power is present. 'Political authority must possess, and is entitled to exercise, such coercive power as is necessary to produce obedience to its laws' (Monahan 1987: 173). He dwelt on the importance of limits to coercive power beyond which the legitimacy of authority ceases to be legitimate. Authority is not without limits. However, he was not clear on the question of what was to happen if the person in an authoritative position were to overstep his or her limits and exercise unlimited coercion.

Public order and morality is to be preserved by enforcing laws, guidelines and codes of conduct based on the consent of the members of the state. Freedom would then be enjoyed by all the members of the society. However, coercion is needed to ensure freedom, yet it negates freedom in itself. Thus, the modern liberal state with its proclaimed democratic governmental structure is a paradox. The state starts acting as an agent of coercion controlling the lives of the individuals with the help of legal and governmental machinery. The hegemonic structure of the state is made, shaped and reinforced by the drafting and the enforcement of these laws.

Laws are necessary as guidelines for the government to rule. Citizens have to abide by it so that order is maintained in the society. However, the hegemony of the state is also manifested through it. Modern democracies work on the basis of checks and balances. Restrictions and limitations are necessary on the governmental powers so as not to make it unrestrained. Unrestrained autonomy of government breeds authoritarianism and absolutism. Any overreach, be it from the executive, legislature or the judiciary, is dangerous for and inimical to the survival of democracy. A distinction is to be

maintained. Hegemony is established when the abolition of such distinction takes place. When such instances happen, monarchy or absolutist forms of governments do not appear to be bygones anymore. Democratic governance is today presented with extraneous situations which tests its longevity. These situations give rise to dilemmas. The state is presented with situations on the face of which it needs to prove that it is a strong entity. One of the ways to do it is through the enactment of laws. Not all laws deserve mention in this regard.

Since time immemorial, the organisation called the state has been enacting and re-enacting laws that seeks to legitimise and strengthen its endeavour to ensure 'national security'. The laws have become an integral part of this discourse called 'national security'. Lawmaking has become a terrain where the politics of power is played. Such is the paradoxical nature of laws. They are indispensable for the survival of democracy yet they promote exclusion and violence. The laws have become a 'political instrument' (Singh 2007: 16). The state has motivations to protect itself and is guided by its 'own reasons'. Survival is its prime concern.

The state justifies acting on the basis of its own reasons by enacting laws promoting exclusion. Such laws give the state the means to survive. Such laws could be variously termed as special, emergency and exceptional. Extraordinary laws represent the dichotomy between the normal and the extraordinary. The validity of the extraneous situations is justified by the exceptional laws. Seldom, such laws are repealed. Even when repealed, they are re-enacted and are again introduced. The operation of such laws is prolonged. The history of the world is replete with examples of states where examples of de facto juridical laws have operated and are still operating. Such laws when applied against a particular person, all the rights and laws available to that person get suspended. This creates a dichotomy between the notion of inclusion and exclusion. The law is excluding an individual yet the individual is somewhat within the purview of the operation of a law. Exception is the notion that is to be taken under consideration here. The situation is not considered to be 'normal' and the law which is valid under such

situation is also not 'normal'. Thus what emerges is something 'exceptional'. The overarching power and authority of the executive branch of the government is highlighted. The argument, here, is that ordinary laws are not equipped and capable enough to deal with extraordinary situations.

The state of emergency requires different types of laws which are tougher and places stringent restrictions. Carl Schmitt in his book *Politische Theologie* (1922) defined the sovereign as 'he who decides on the state of exception'. The area of activity of 'state of exception' is profound and undetermined. Yet it is a politico-juridical fact. Carl Schmitt wrote his book in the context of the establishment of the Weimer Republic in Germany under the leadership of Adolf Hitler. The republic was an elected form of government with a proper constitution delineating the rights and duties of the citizens. The Weimer republic emerged after the end of the First World War as a result of the conclusion of the Treaty of Versailles (1919). However, there started a phase when the political opposition was getting eliminated by the government just after Adolf Hitler was appointed as the Chancellor of Germany. The form of government, before Hitler, was not strictly a democratic form of government, yet it was a somewhat representative form having a constitution. Hitler, after assuming power, held a referendum. As a result of the referendum, he declared himself the *Fuhrer* or leader. Thus, started the process of transforming the Weimer republic into a totalitarian form of government that later came to be known as the Third Reich. He suspended the personal liberties of the citizens as guaranteed by the Weimer Constitution by enacting the Decree for the Protection of the People and the State (Agamben 2005: 2). Personal liberties are basic rights that all citizens are and should be entitled. Totalitarianism was established by law. This decree along with other measures became the cornerstone of the Hitler's Absolutist form of rule in Germany. Racialism and anti-Semitism, the two means by which Hitler manipulated and controlled the German population was given a legal sanction by these legal measures. Countless people were terrorised and many were obliterated by such measures and drove a wedge between racial, ethnic and religious communities. Agamben thus commented that 'modern state of exception is a creation of the democratic-revolutionary tradition and not the absolutist one' (Agamben 2005: 5).

'State of exception' (Agamben 2005) justifies the suppression of dissent by terming it as anarchy. Giorgio Agamben in his book *State of Exception* talks about the 'state of siege' (Agamben 2005: 5). In this 'state', the powers applicable in times of emergency are applied in 'normal' times. Rights and liberties enjoyed by the individuals are suspended and taken away. They no longer have any recourse to law if and when such rights are violated. In such circumstances, the power of the executive reigns supreme. The armed forces also assume an important role. Agamben gives two profound examples of legally initiated 'state of exception'. The Patriot Act issued by the United States of America Senate on 26 October, 2001. Under this law, the violator of the law is kept in custody for seven days, after which that person is either to be released or charged with some offence. He draws attention to the 'status of persons' detained by the authorities. The captured persons do not enjoy the status of POWs as defined by the Geneva Convention (Agamben 2005: 3). Their legal status is done away with and is not given any information on the specific duration of detention. Another example that he gives is the way the government of France operated during the outbreak of the Second World War. French President Daladier assumed all the power in his hands. The reason cited was that such a measure was necessary for the 'defence of the nation' (Agamben 2005: 13). Both these examples are testament to the fact that extreme laws can be enacted by democratically elected governments. Authoritarianism has nothing to do with the enactment of absolutist laws. The common perception is that legal boundaries are set by such laws.

The power of the state has an encompassing character which controls and engulfs human lives. The law is one of the means of that control. However, state power is not always projected and perceived as one unified and omnipresent. The state comes under threat and devises ways to defend the population and territorial integrity. The ways states, then behave are justified as it deals with 'internally fragmented, unevenly distributed and unprecedented configurations of political authority' (Hansen and Stepputat 2005: 3). An element of reverence to the sovereign power is also there. The sovereign power is deified to the extent that it places itself outside the boundaries of the societal, political and juridical order. Yet it decides what the law should be.

The 'paradox of sovereignty' lies in the fact that 'the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law' (Agamben 1998: 17). The laws consume every life within the boundary of the state. It governs every aspect of everyone's life. The law does not merely co-opt with the life of the subjects of the state but it subsumes everything. The 'exceptional' laws are applied in such a way that it becomes a regular feature of the society. 'The state appears to be strong before people whom it could deal with in a strong manner. But it appears to be weak in case of elite groups against which it cannot do anything' (Chakraborty 2015).

The legal system in India

The laws dealing with security existing in India have derived from the British-era laws. The laws have been modified, enacted and re-enacted. The basic structure and outline have remained the same. A reading of the laws reveals that the laws safeguarding the security of the state concern itself with mainly association of people and freedom of expression. 'Exceptional laws', 'emergency laws' and 'extra constitutional laws' are primarily enacted as temporary laws meant to deal with exigencies. However, such claims have mostly been proven as fictitious. Since the time British colonialists established their rule in India, the legal and police system were organised in such a way so as to make their governance convenient. In actuality, the process involved doing away with every form of dissent and throttling public opinion. Opinions critical of the monarchy were sought to be silenced. The result was the emergence of a law and order system that was discriminatory in nature.

The basic character of the legal system in the British era was not to ensure redressal of grievances and democratic accountability, but to firmly establish the rule of the monarchy. The commonality between the pre-independence era and post-independence era laws dealing with 'national security' are striking. Many of the provisions dealing with the definition of the crime under which the accused is charged with are ambiguous and

broad. Clear definition of many key terms is not provided. The duration of the detention is not spelt out. Pre trial detentions are lengthy. 'Special courts and procedural rules infringe upon judicial independence and the right to a fair trial' (Kalhan 2006: 96).

Prosecutorial misconduct, police misconduct and faulty decision-making are seldom corrected. Enforcement of the laws is not always uniform. Discrimination is made on the basis of caste, religion, class, tribes and gender. Many mediums of public opinion are also censured and also many are used to further the statist agendas as well. Newspaper (Incitement to Offences) Act, 1908 was enacted as a means to coerce the press (Alva 1982: 47). The Prevention of Objectionable Matter Act, 1975 could also be mentioned as examples. Both sought to act as deterrents and devices for censorship of matters critical of the state and its affairs. The only difference between these two is, the former was enacted in the pre independence era and the latter after India achieved independence.

The Prevention of Seditious Meetings Act, 1907, Newspaper (Incitement to offences) Act, 1908, Defence of India Act (1915) and the Anarchical and Crimes Act (1919) better known as Rowlatt Act amongst many others were provided the legal frameworks which sought to determine and demarcate the zones under which the population would be divided into and ruled (Ilbert 1913; Alva 1982; Muddiman 1921). People charged under these laws ceased to become part of the 'political community' (Singh 2007: 49). The identities of the people were determined by these laws. The identities and consciousness of the individual is integrated into the system of rules and regulations. The illusion of the state as an agent serving the subjects of the state is maintained all along. The politicisation of human lives is a fact that surpasses political regime and boundaries. These laws act as a means of conducting surveillance. The types of surveillance change its forms and contents over the years, but its aim remains the same: defending the sovereignty of the state by obliterating the notion of the 'self' and constituting the categories of 'other'. The state enjoys a hegemonic status. It brings within its realms the human lives. That becomes the canvass over which political calculations and implementations are carried out.

Extraordinary laws are meant to be put into operation in extraordinary situations and needed to be discontinued when that extraordinary situation no longer exists. However, that has simply become the prerogative of the government at the helm of the working of the state. Moreover, these extraordinary laws are exercised in such ways over the years that they have become rooted in the societal structure and been institutionalised. Such institutionalisations have become a permanent part of India's tryst with the process of democratisation. Newer and newer laws have emerged to deal with the concerns of threat to security. Yet there have also been continuities with earlier extraordinary laws that were adopted in the pre-independence era. The state acting as the unilateral authority in charge of the responsibility of dispensing with justice ensured the overarching role of the state.

Blurring the lines between what constitutes an emergency/extraordinary situation and non-emergency/ordinary situations have not only continued with the evolution of the continuation of the state but have also led to the continuation of the human rights concerns as well. The perpetration of exclusionary and selective treatment meted out by legal frameworks of the state has been continuing for a long time. It is evident when it is seen that legal frameworks guiding and controlling the police and criminal justice system in post-independence India has just been imposed on an already existent colonial- era laws and institutions meant to establish control of the British empire. Post-independent India saw a declaration of commitment of the state to the values rule of law and fundamental rights in order to strengthen the process of democratisation. However, the continuity of the colonial-era institutions has ensured that there remains a struggle between these values and the occurrences of infringement of basic rights that happened frequently in the British era.

Criminal laws, including laws dealing with terrorism, policing and criminal procedures that India inherited from British remain in place today. The Police Act of 1861 was put in place to perpetuate the British rule of laws in India (Bhowmik 1986: 241). Loyalty and feudal values were incorporated into the structure by way of recruiting people eager to show allegiance to the empire. Police acted as the instrument of coercive control while

trying to control mass uprisings and nationalist movements. The size of the police force went on increasing as well, testifying to the fact the that rule was based lesser on the consent of the people and more on the strength of the force. There is a division of powers between the central government and state governments in matters relating to police matters and justice. However, the Constitution of India gives large amounts of powers in the hands of the central government to legislate on matters which involves national security and integrity of the nation (seventh Schedule, List I, Union List). List II of the same schedule contains a state list, which makes the state in charge of maintenance of public order and police matters, ensuring control of the police resources.

Nonetheless, the central government exercises a centralised control over public order and policing. Many of the paramilitary forces are under its control as well as the police matters of the Union territories and the national capital territory of Delhi. There is a centralised organisation to oversee matters relating to the investigations on issues of internal security known as the Central Bureau of Investigation. Centralised control of the central government is also ensured by Indian Civil Services whose cadres constitute the senior most sections of the police forces. During times of emergency (Article 356), the central government takes under its control the entire responsibility of governance of a particular state. The police remain under the control of the state government. However, in situations of crisis, the government may deploy army to aid the police in dispensing with their functions.

The central government has enacted several laws over the years which have given sweeping powers to the army to search, arrest and even an order to shoot to kill suspected terrorists. The army is authorised to exercise preventive detention as well. Many of the laws that have been enacted by the government enable this function of the army. The Preventive Detention Act of 1950, Armed Forces (Special Powers) Act, No. 28 of 1958 (extended to entire north-eastern region in 1972), Unlawful Activities (Prevention) Act of 1967, Maintenance of International Security Act of 1971, Jammu and Kashmir Public Safety Act (1978), National Security Act (1980, amended 1984 and 1987), Armed Forces

(Punjab and Chandigarh) Special Powers Act (1983), Punjab Disturbed Areas Act (1983), Chandigarh Disturbed Areas Act (1983) the Terrorist and Disruptive Activities (Prevention) Act of 1984 and Prevention of Terrorism Act of 2002 are some of the laws dealing with emergencies and security that have also been the sources of human rights concerns.

The state, in order to consolidate its rule, comes up with several codified rules and regulations to govern the people within its territory. The use of laws sometimes extends to an indefinite period. Moreover, laws meant to deal with exigencies are also extended beyond the non-emergency periods. Routinising the use of such laws leads to a process of institutionalisation. The line dividing between the non-emergency period and formal emergency is then obliterated. History of India is replete with examples of such laws coming into existence and getting institutionalised into the legal and societal framework. In such situations, the executive is given an unlimited power. The police system becomes a tool in the hands of the executive to perpetuate its rule and not to serve the community. The army also assumes such a role.

The uprising of 1857 prompted the British Government to enact the Indian Council Act of 1861 which granted the Governor General the power to legislate on matters not related to ordinary lawmaking process (Kalhan 2006: 126). The act led down the basis for governance, which also included power to issue ordinances which would ensure the British rule to continue without any hurdles. The Governor General was made omnipotent with regard to his power to enact laws. Needless to say, such a power was frequently used to establish special tribunals and also to validate cases of preventive detention.

The Government of India Acts of 1919 and 1935 granted more power in the hands of the Governor-General to make exceptional laws justifying emergency like situations (Noorani 1998: 3173). During First World War, Britain enacted the Defence of India Act

of 1915, which again adapted many rules were adapted in order to safeguard the 'safety' of the British Empire. Preventive Detention was again practised in a widespread manner pursuant to the military authorities' knowledge of 'reasonable grounds'. The Defence of India Act was enacted the second time in 1939 in the wake of the starting of Second World War. Safeguarding of the Empire, public safety, maintenance of public order and peaceful relations with the foreign powers were the reasons given for enacting such an act. However, sweeping laws were there in non-emergency situations to compensate 'emergency-like situations'. The Bengal State Prisoner's Regulation, what is commonly known as Regulation III of 1818 provided that individuals can be placed under arrest indefinitely for 'reasons of state' (Rahman 2004). The regulation specified that there may not be any sufficient reasons or ground to initiate judicial proceedings against that individual. The period of detention was also indefinite and the prisoners were to have no knowledge of the reasons of their detention. The regulation remained effective for several years. Even when it was discontinued, many of its provisions were incorporated in some way or the other in some other acts or regulations.

After the end of the First World War, the British enacted the Anarchical and Revolutionary Crimes Act of 1919 or more commonly known as the Rowlatt Act (Muddiman 1921). The Act merely extended the wartime emergency powers into the peaceful times. The Act, codified many of the clauses of the earlier Defence of India Act. Preventive Detention was a consistent feature in all these laws which were meant to check the growth of 'revolutionary crimes' (Noorani 1990: 1621). The freedom of movement was also restricted. Individuals charged under the Rowlatt Act could appear before legal authority. However, it was not mandatory to provide the individual with a legal counsel. Most of the times, the authority did away with the individual's right to appeal also. Rowlatt Act did lapse after a few years in the face of intense opposition from the freedom struggle in all parts of the country. However, the Regulation of 1818 continued to operate as was scores of warrantless searches, preventive detention, confiscation of properties and restricting freedom of the press. Many organisations associated with the nationalist struggle and Congress Party was banned. Preventive

detentions were always a part of most of the laws enacted during the pre-independence era.

In Independent India, the Preventive Detention Act (PDA) was enacted in 1950 (Tripathi 1960). The act authorised detention for up to twelve months by both central and state governments. The act included limited procedural protections that are required by the constitution. These included: providing the detainee with the grounds for detention within five days which was also to be reviewed by an Advisory Board and detention order can also be challenged by the detainee vide Article 22 (4). However, these provisions were not without limitations. The detention period was to be for the duration of twelve months, which could be extended indefinitely by an order of parliament. 'The courts were expressly forbidden to question the necessity for any order issued by government; the subjective satisfaction of the authorities was to be determining in every case' (Bayley 1962: 99). The review by Advisory Board could also be waived off if the parliament decides so. Moreover, the right of the detainee to be provided with a counsel and to be produced before a magistrate within 24 hours of being taken into custody could also be taken away if the parliament decides. The Act was to expire after one year. The Act was considered as a temporary provision meant to tackle many of the situations that arose immediately after the independence like the Telengana Disturbances where many were arrested under this Act which included the communist leader A. K. Gopalan (Shukla 2006: 3756). However, as with many other temporary laws meant to deal with emergency-like situations, the PDA remained in effect for nearly two decades. The Act formally lapsed in 1969.

The constitution of India lists situations in which Emergency could formally be declared. War, external aggression and incidents of internal disturbance are broadly the situations which warrant the declaration of emergency. The constitution of India lists a number of basic rights of the people, which are termed as Fundamental Rights. While there are basic rights for people enshrined in the constitution, proclamation of emergency leads to suspension of the fundamental rights under article 19. The executive then assumes all the

power of the government. India declared formal emergency in 1962 and 1971 when war broke out with China in the former case and with Pakistan in the latter. Both the war ended within months. However, it was the domestic implication of the war that is important. Central and state governments became extremely powerful. Preventive detention again became the choice of weapon in their hands in the form of Defence of India Act of 1962 to exercise control over the population (Ram 1975: 655). The conditions were same as the earlier laws. Neither was there a maximum period specified for which the detainee was to be kept confined nor the detainee was entitled to learn the grounds for detention. Freedom of movement and freedom of assembly was restricted. Search without warrants became rampant. Judicial enforcement of rights was also suspended.

The formal ground for the proclamation of emergency ceased to exist in both the cases, but the government maintained the state of emergency for a long time in the form of laws. In the pre-independence era, the British extended the wartime emergency laws long after the reason for invoking emergencies had ceased to exist. After achieving independence, India continued to do so. One example could be the case of enactment of Maintenance of Internal Security Act (MISA). The Act came into existence just after the Preventive Detention Act (PDA) lapsed. MISA retained many provisions of the PDA (Noorani 2009: 13). Along with preventive detention, the Act gave widespread power to the government to conduct searches without warrants and seize properties, telephone and wiretapping. The Act was frequently applied during the Emergency (1975-1977) as a means of obliterating the political opposition (Noorani 1978). The usual feature that was discernible in this act was again the longer period of detention of the detainee and enabling it without the scrutiny of the Advisory Board. The procedural protection was also not allowed in this case. Emergency-like laws did not remain the exception rather they were becoming institutionalised. The emergency of 1975-1977 was an aberration of democratic tradition. However, undemocratic tendencies were always prevalent. The centralising attitude of the government had only culminated in the declaration of the Emergency. Repressive laws had always been applied to control population and to curb

social discontent. Preservation of national integrity and safeguarding of the democracy were the reasons given for the imposition of emergency.

The legislature was turned into a tool of the executive to pass authoritarian laws. Riots and civil disobedience had taken place. Parliamentary democracy was not practiced in any way. Laws like MISA were strengthened. Newer laws like Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA) was enacted in 1974 (Thapar 1985: 943). Freedom of the press was severely curbed thus denying the public any knowledge of working in the parliament.

> Three ordinances were proclaimed, after the promulgation of Emergency on 25 June 1975, to effect changes in certain press laws. The government armed itself with special powers to restrain the individual's freedom of expression. One of these ordinances provided for the repeal of the Press Council Act, 1965. The second one was the Prevention of Publication of Objectionable Matter Ordinance. The third ordinance repealed the Parliamentary Proceedings (Protection of Publication) Act, 1965 (popularly known as the Feroze Gandhi Act, since he had initiated it) (Mehta 1979: 220).

The rights of the citizens under the Fundamental Rights were suspended. Prime Minister Indira Gandhi's opponents were detained under various provisions of MISA. Under her leadership there was consolidation of state power which was achieved by curbing the judiciary's power and enactment of several amendments to the constitution. For e.g. the forty second amendment to the constitution.

Indira Gandhi lost the general election in 1977 which paved the way for Janata Party to come to power. The Janata party rectified some of the grave injustices that occurred earlier like reducing the maximum period of detention from three to two months. However, despite such promises the changes did not take come into existence. The

structure of the preventive detention laws remained the same as the 'threats to national security' remained according to the government. MISA was repealed in 1978. After the Congress Party came to power in 1980, the government enacted the National Security Act of 1980. The Act contained the provisions of the Preventive Detention Act (PDA) and Maintenance of Internal Security Act (MISA). The procedural requirements of the Act remained the same as that of PDA and MISA (Noorani 1991: 2608). The Act gave the security forces immunity from the consequences of their involvement in any violent situation. The Act extends to the whole of India except the Jammu and Kashmir. The Act not only resembles PDA and MISA but also the Government of India Act of 1935 and Defence of India Acts.

The Indian parliament enacted the Terrorist Affected Areas (Special Courts) Act (TAAA) in 1984 (Manoharan 2009). Special courts were to be established which would adjudicate certain 'scheduled offences' related to terrorism. The Act provided that a specific area was to be designated as 'terrorist affected' for a specific period (Manoharan 2009: 21). Obtaining bail was made tough as the conditions for bail was made stringent. The individual accused of a scheduled offence could not obtain a bail if the prosecutor opposed it.

In contemporary times, there have been some very stringent anti-terrorism laws. The Terrorist and Disruptive Activities (Prevention) Act, the Prevention of Terrorism Act and the Unlawful Activities (Prevention) Amendment Act, enacted since 1980 replicated the pattern established earlier, that of a hyperactive and a hegemonic state seeking to control every aspects of an individual's life (Pai 1995; Singh 2004). All the laws and acts mentioned earlier along with these three are extraordinary laws. Another Act that deserves mention here is the Armed Forces Special Powers Act (1958) that is still continuing in many parts of India (Noorani 2009). Originally the Act was an ordinance enacted by the colonial administration in India as a means to defend the northeastern border against the invading Japanese forces. In 1958, the Act was passed to provide a legal framework to counterinsurgency operations against the Naga rebels. The law now

extends to the whole of Northeast India and not in the Naga inhabited areas of Assam and Manipur only. The Armed Forces (Jammu and Kashmir) Special Powers Act (AFSPA), No.21 of 1990 was also enacted and implemented, giving a legal cover to the army in their fight against insurgency.

All these laws have roots in colonial legal framework and are at odds with the democratic principles which were enshrined in the constitution of independent India. Judicial remedies are not available against the excesses committed under these Acts. The regions reeling under these laws have always been at the mercy of the successive central governments. The parties that have come to power to govern the country have never provided any remedy for this legally validated misrule. Emergency laws like anti-terrorism laws and laws dealing with disturbances are enacted as temporary laws. However, the Indian experience shows that it is purely a fiction. Laws and the loopholes present in them are susceptible to abuse by the government, various governmental functionaries and law enforcement agencies, including the police and the army as have been the case with TADA, POTA, UAPA and AFSPA.

Political violence in Punjab between the Sikhs and the central government had continued for years. In the early 1980s, the crisis between the two sides escalated. The Central government banned several outfits associated with the cause of Khalistan issue. The militant faction of the Sikhs led by Jarnail Singh Bhindranwale had taken shelter inside the Golden Temple. The government ordered the commencement of Operation Bluestar in June 1984 in order to retaliate which would curb the militancy. However, in reality, the government unleashed a reign of terror in the Punjab countryside where Sikhs were indiscriminately rounded up and detained (Bose et al. 1990: 2110). Many were killed. The siege of Golden Temple by the Indian army and the resultant death of several civilians in addition to the extremist led to more discontent amongst the Sikhs. Indira Gandhi was assassinated the same year and this led to massive violence unleashed against Sikhs. Thousands were killed and displaced. Even before the *Operation Bluestar*, the government had exercised its power of preventive detention extensively. In October

1983, the government imposed President's Rule in Punjab dismissing the state government. The National Security Act was amended so that the maximum duration of detention could be extended from one year to two years (Noorani 1987). Even the government was also permitted to do away with the review by the Advisory Board if it deems fit.

The Terrorist and Disruptive Activities (Prevention) Act was brought in at the height of the tension surrounding the Khalistan issue. The Act was introduced for a period of two years only (Balagopal 2000: 2114). It was meant to be applied in four states and two Union Territories. However, by 1993, it had spread to twenty two states. The Act was granted extension four times. The Act specified substantive terrorism-related offences as constitutive of terrorism and it could be prosecuted by the state governments without any notification from the central government. The place where the offence took place was 'terrorist affected' as was designated by the TAAA. TADA made it a crime to commit, advocate, incite, advise or abet any terrorist activity. Harbouring any person associated with terrorist activity knowingly was a crime too. Any person committing any 'disruptive activity' which could variously mean speech or conduct meant to question or disrupt directly or indirectly the sovereignty and territorial integrity of India would be also a crime. Rules under TAAA were made applicable under TADA also. Confessions made to police officers such as superintendent or higher were to be admitted as substantive evidence. Such confessions would be voluntary in nature and would be recorded in writing, audio and video. The Act was extended to twenty two states; only three states were left out. India had twenty five at that time. The issue of Khalistan was the immediate cause given for which the enactment of the Act was considered necessary. There were several events like the blasts in Delhi and also in Bombay in 1993 which were given as reasons for the continuation of the Act. Disturbances in various states like Punjab, Delhi, Chandigarh, Kashmir and Assam were cited as a means for justifying the Act's extension. Gujarat was not mentioned in the list of states where there was any disturbance. However, the Act was used extensively in Gujarat.

According to a release of the Union Home Ministry, in Aug. 1994 there were 52,268 per- sons in jails under TADA: 14,557 in Punjab, 14,094 in Gujarat, 10,779 in Assam, 5,600 in Andhra Pradesh and 1,826 in Jammu & Kashmir. The figures, however, do not tally with that of the NHRC. According to the latter there were 77,571 cases of which about 19,000 were in Gujarat, 17,000 in Punjab, 10,000 in Jammu & Kashmir and 8,894 in Andhra Pradesh, accounting for about 71 per cent of the TADA arrests. It is strange that Gujarat which has been untouched by terrorist violence has booked about 19,000 cases under TADA (Gehlot 1994: 382-383).

TADA was used many times to deliberately intimidate the population. The police, paramilitary and the armed forces abused the Act to detain illegally, extort, torture. The Act ensured that 'bail can be denied and confessions can be forcibly extracted' (Suresh 1996: 1441). Civilian deaths were even sometimes caused, but as the law enforcers enjoyed some amount of immunity, no evidence could be gathered. Extrajudicial killings and disappearances became commonplace, especially in Punjab. 'False encounters' were also one of the practices followed by the police in which a person is simply executed and then claimed that the person was killed while fleeing police custody (Ramanathan 2001: 12). Considerable evidence has always suggested that the clauses of the Act were used more as a tactic to enable the preventive detention and torture by the police than the actual prosecution of the accused (Kumar et al. 2003: 181). Sikhs were arbitrarily arrested and kept confined without being told the charges against them. TADA's provisions were mostly followed in place of ordinary laws more frequently, thus giving an opportunity to an exceptional law for a large-scale acceptance. The significant thought that the Act captured was that places where the law was applied were the exact same places where some form of movement for self-determination had been going on. The Act, in reality, meant all the activities, thoughts and ideas related to self-determination could conveniently be clubbed under the term 'terrorist' and 'disruptive'.

The Act became a purported weapon which was used against the minorities of the country. Sikhs were fighting a struggle to establish their identity. Kashmiri Muslims were also made victims of this Act. The majority of the people detained under the Act in

Gujarat and Rajasthan were Muslims. Later, many of the cases were dropped as there was no sufficient evidence to convict them. The Act was selectively applied against the minorities in order to scare and intimidate them. The exclusive and selective nature of the application of the Act becomes clear when it is considered that TADA was applied in Bombay when the riot was taking place and people were dying as a result of it. However, TADA was applied once the serial bomb blasts took place in Bombay. Muslims were the first to be brought under the Act. Many displaced, disadvantaged communities and tribal communities were made the targets of the Act. Vidarbha, Bastar and Telengana region also saw the suppression of their movements, of democratic assertions of their basic rights. After the lapse of TADA, the Criminal Law Amendment Bill was introduced which sought to internalise most of the provisions of the earlier Act. However, no significant action was taken on the fate of the bill. The Law Commission proposed a new Prevention of Terrorism Bill in its 173rd Report (Singh 2004: 150). The report proposed the new bill, which was conceptualised on the basis of earlier anti-terrorism legislations marking the characteristics of threat in the same manner.

The terrorist attack on 11 September, 2001 on the American soil had an impact on the laws and security strategies meant to deal with terrorism. The current debates on anti-terrorism laws were somewhat shaped by the events on that day. After the attack, the United Nations Security Council resolution adopted Resolution 1373 under Chapter VII of the UN Charter (Manoharan 2009: 21). The Resolution called on the member states to implement and enforce stringent anti-terrorism laws in the respective countries, maintaining parity with the Resolution (Manoharan 2009: 21). The Security Council has stressed on the compliance of the states with the Resolution, ignoring any kind of compliance with the human rights standards. In addition, the attacks on the Jammu and Kashmir Assembly and the Indian Parliament in 2001, led India to enact the sweeping Prevention of Terrorism Act in 2002. At first, the parliament brought an ordinance, the Prevention of Terrorism Ordinance, No. 9 in October, 2001, 'soon after September 11 to gain the maximum mileage from the political fall-out of that event in India' (Mukherji 2001: 4787). A second ordinance was also enacted without enacting legislation on the matter. The attacks on the Jammu and Kashmir assembly and the Indian Parliament gave

the final impetus to the enactment of the legislation. Various political parties had expressed displeasure at the bill. The government anticipating opposition at the upper house called a joint session of the parliament to give passage to the bill. The Joint session of the parliament ensured smooth passage of the bill with the support of the simple majority.

The language of the Act was somewhat same as that of the earlier laws. Conspiring, abetting, committing, advocating and inciting a 'terrorist act' were criminalised. The law gave the right to define what constitutes a 'terrorist organisation' without providing any substantive terms. The presence of counsel of accused throughout the period of interrogation was deemed unnecessary. Pretrial detention could go till six months. The Act authorised the governments, both central and state, to establish special courts to adjudicate cases under POTA. Moreover, the Act conferred broad range of immunity upon the government officials and the police for the actions taken under the Act. The pattern of enacting the same type of laws with a different name was being repeated. The repeal of POTA, due to its controversial provisions, was a part of the electoral campaign of the Congress-led coalition. The Congress-led United Progressive Alliance (UPA) repealed the Act also known as the Prevention of Terrorism (Repeal) Act, No. 26 of 2004. However, after repealing POTA, the government re-enacted the amended version of the Unlawful Activities (Prevention) Act, 1967 (Rajan 2009: 17). The Act again retained most of the provisions of the repealed POTA. The re-enacted UAPA made it compulsory for the government to designate any organisation as a 'terrorist organisation' that has been designated as one by the United Nations Security Council.

The laws dealing with anti-terrorism are too many in number. Several states have also enacted laws supplementing these special extra-ordinary, laws though some of them also been repealed. Some of them have been: Madras Suppression of Disturbances Act (1948), Bihar Maintenance of Public Order Act (1949), The Assam Disturbed Areas Act (1955), The Nagaland Security Regulation Act (1962), West Bengal Maintenance of Public Order Act (1972), Assam Preventive Detention Act (1980), Punjab Disturbed Areas Act (1983),

Chandigarh Disturbed Areas Act (1983) and Gujarat Prevention of Anti-Social Activities Act (1985). In recent times, some of the special acts include the Maharashtra Control of Organised Crime Act (MCOCA) of 2002, Karnataka Control of Organised Crime Act (KCOCA) of 2000 and the Chhattisgarh Special Public Safety Act of 2005.

Laws and Exclusion

Special laws, emergency laws and extraordinary laws are all the same. The laws, however termed, serve the purpose of curbing violence. The defenders of the laws would say these are enacted with this aim only. Exigencies arise in the form of emergency situations, armed rebellion, insurgency and terrorism. Much attention has focused on the threat they pose to the international peace and security. The threat is also on the sovereignty and integrity. The discourses on national security tend to focus only on this aspect. Moreover, the constant churning of ideas on national security leads to the creation of norms. Such norms dictate the ways in which an individual or a community should conduct. There are certain duties that are to be performed by the individuals in order to fit into the norm of a good citizen or law abiding individual. The state demands it. There seems to be an intrinsic relationship between democracies and the rule of law. The people know about their own existence and voice their opinion through the laws as the very appeal of laws lie in the fact that the legal system does not discriminate between various sections of people. Laws and legal system offer justice that seeks to transcend the boundaries of race, sex, gender, class and castes. However, the experience that India has had with its own legal system seems to cast shadows of doubt over this claim.

India's laws dealing with violence, especially terrorism have always been known to infringe on the civil liberties of the minority communities. Concerns over the violations committed under various Acts have been voiced from time to time. However, the government failed to pay heed to the concerns. For instance, in case of application of the Terrorist and Disruptive Activities (Prevention) Act in Punjab, there have been several

cases where the police used it too frequently. Ordinary criminal laws were mostly ignored. The abuses had mounted to such a high number that in 1995, the Chairperson of the National Human Rights Commission had written to the parliament suggesting not to renew the TADA (National Human Rights Commission Report 1994-95).

India is a signatory to several international covenants and convention and thereby has pledged to ensure maintenance of certain human rights standards and non-violation of fundamental rights. These include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination as well as the Geneva Conventions. Many of the provisions of the ICCPR are similar to several clauses of Fundamental Rights enshrined in the Indian Constitution as both seek to ensure the delivery of basic rights to the individuals. Rights to life, liberty and freedom from arbitrary arrest or detention are mentioned by the ICCPR (Articles 6 and 9). Though, ICCPR acknowledges the possibility of situations of emergencies or threat of terrorism, it also mentions that states can derogate from some human rights guarantees by adhering to principles of non-discrimination on the basis of race, colour, sex, language, religion and social origin vide article 4 (1). However, India has not signed the Optional Protocol to the ICCR, which enables individuals to file complaints of human rights violations (Kalhan 2006). India has also not ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or taken steps to ensure the compliance of domestic legislation with the provisions of the Convention.

The legislations drawn up for the purpose of curbing terrorism and emergencies are most often used for different purposes. The emergency and extraordinary types of legislations are secured in the name of 'national security'. The passages of the legislations are guaranteed so easily in the parliament that it points towards the normalisation of such legislations. The debates surrounding the introduction of such extreme legislations are not long and the extensions are granted smoothly. The Acts, after it lapses, comes back again

with another name. The extraordinary legislations are treated as ordinary legislations and something 'extraordinary'. The efficacies of such laws are questioned as they are continuing for a long time. The Preventive Detention Act was one of the first Acts to be enacted by the parliament of India in the early years after attaining independence. The Act was only a 'temporary' one meant to deal with post-independence complications that a nascent democracy was facing. The Act continued for close to two decades. The lapse of the Act coincided with the passage of another Act of the same kind and nature and in fact, more stringent, *i.e.* Maintenance of Internal Security Act in 1970. The cycle of introduction, passage and lapse of such 'extraordinary' and 'temporary' laws had turned repetitive by then and more vicious. Thus the supposed temporary nature of the legislations remains fictitious as well and leads to more repression.

The laws dealing with 'terrorism' have pronounced lofty claims like safeguarding 'national security', 'strengthening democracy', and 'ensuring liberty'. Yet the laws lead to a stifling of democratic norms and producing various categories of enemies. The invasive and intrusive nature of these ensure a control over the lives of the people that is too pervasive. Laws, on the one hand, claims to ensure basic rights of the people. On the other hand, it tramples over the same rights and thereby promotes suspension of rights under certain 'extraordinary laws of temporary nature'. The enactment and continuation of such Acts create a perilous democracy. The evolution of the modern democratic state system has also resulted in the evolution of an overtly invasive legal system as well. The legal system of democracies has come up with a list of norms. The applications of such norms are intricately related to the reasons of the state. Ideas of rule of law, liberty and consent of the people are checks on the unfettered powers of the state. The democratic state system is supposedly based on these principles. However, states when faced with existential threats, invokes exceptional laws and powers and this has become established norms.

History has shown that laws have powerful impacts on the lives of the people. Laws can make lives ordered. On the other hand, laws have disciplinary power as well. The overtly

disciplinary power of the laws makes the states dominant and hegemonic. Armed with laws, states grant excessive extraordinary powers to political decision-makers. Extraordinary powers lead to the formulation of laws which enables the political elites to control the people, politics and society. The state then starts doing exactly the same things that the introduction of disciplinary and extraordinary laws presumably wanted to stop. Extraordinary situations are sought to be controlled by extraordinary laws in a way that such an arrangement gets normalised. The modern democracies, founded on the consent of the electorate, give the laws a sense of legitimacy.

Exceptions are legalised for the sake of 'national security' and 'sovereignty'. India has had a long experience with exceptional laws invoked for the sake of safeguarding 'territorial integrity' and sovereignty. However, India is not alone. The United States of America enacted the Patriot Act in the aftermath of the attack on 11 September, 2001 (Kassop 2003: 511). The clauses of the Act are similar to the anti-terrorism laws in various countries of the countries in the world. Several countries joined hands to fight the 'war against terror' and thus came up with more stringent and exclusionary laws which created a zone of indifference. The events have only contributed to the continuation of a long process of normalisation of exceptional laws. India's recent experience with several exclusionary anti-terror laws are interwoven with the global discourse of churning out such exclusionary laws by democracies.

The normalisation of extraordinary laws has resulted in the deliberate creation of groups. The formation of the groups is based on their perceived identities. The process of formation has involved an attempt at ironing out diversity. A collective of people in a state are plural in nature in every sense. The state seeks to manipulate the plural diversity. The laws have been applied in such places and against those people, the control of which is conducive to the consolidation of statecraft. Ideological differences are also sought to be controlled by the state. Many tribes and peasant groups associated with Marxist-Leninist groups were detained under TADA and POTA in Jharkhand and Andhra Pradesh (Singh 2007: 50). Certain sections of the populations are marked as constituting the

dominant notion of state. Some groups, however, are designated as an adversary of the state. After the lapse of one year, the Preventive Detention Act was extended for another year in 1951, C. Rajagopalachari, who had become the Home Minister after Patel's death, advocated a rigorous implementation of the Act against 'mischievous and violent elements', the latter included an assorted group of 'fanatical communists, black marketeers, and communalists' (Singh 2007: 50).

Laws ensure rights to the people and delimit areas of activity and influence. Laws effectively set guidelines for evolution of norms also. Jurisprudence helps in the exercise of power by the authority and gives it legitimacy. Law and power are complementary to one another. Power is effectively exercised by following the procedures laid down by the law. Laws set limit to the jurisdiction of power and tries to make it more humane and thus ensure that people have rights. When people enjoy rights, power works in a more civilised way. There have been several stages in the evolution of jurisprudence. The orthodox version of jurisprudence held sovereign power to be above the subjects of the land. This version underwent moderation when the relationship between the state and the subjects was considered to be based on 'contract' and the sovereign was to act according to the will of the people. This notion became the basis of the modern state system.

The norms that jurisprudence helps to evolve do not remain static. There have been many norms which were thought to be indispensable and fundamental to the people's lives eventually became unimportant with time. Many norms were manipulated by lawyers and politicians because of their vagueness and abstractness. Judicial functions can also be proved to morally impoverished. The field of power and law work closely and are intertwined. The subject of both is the life of a human being. Power and law work together to establish the legality of human beings. The life of the humans is the site of operation of power and law. Modern state systems were founded and established on violence. States were mostly established after the conclusion or as a result of colonial occupation, revolution, victory or defeat in war and secession. In a conflict with sovereign power, people only aided in increasing the strength of that power from which

they sought to liberate themselves in the first place. Force directly contributes in the foundation of the states. Constitutions provide validity to the sovereignty of the state. The legality of violence depends also on the perspective. Violence preceding the formation of a state is termed as illegal and is condemned. But the formation of the state will grant legitimacy to that violence retrospectively. Moreover, that violence will also be considered as necessary for social and political transformation. The history and the constitutions glorify the violence and seek to codify the essence of the violent history through the enactment and re-enactment of laws. The constitutions carry with themselves the violence associated with their foundation. The process of state-building is legitimised in this way and the violence associated with it too. The new codifications strike down the very means by which the state came into being while at the same time takes the form of the authority which existed before the new codifications took shape. The codified laws enable the state to follow a dominant approach with regard to the interpretations and application of the legal system.

The constitutions allow some form of peaceful protests and strikes. This shows that the possibilities of disagreements with the state cannot be done away with. Moreover, the relationship between law and force is intricate. The law is not viable till it is enforced. Law operates on the belief that it is the duty of the people to abide by it. Laws also instils a sense of fear in the minds of the people. The means to instil fear are the prison, police and the army. These institutions enforce discipline, punish and deter the lawbreakers. It has always been considered that the essence of legality lies in the fear and force. In this way, the sovereign authority acquires and maintains a monopoly on violence through legal means and ensures the permanence of laws. The relationship between the sovereign and the authority to use force pervades the entire field of jurisprudence. The state uses violence to maintain balance of power and its domination. It inflicts violence for the defence of some abstract norms, e.g. God, nation and humanity.

The enactment of severe laws that seeks to isolate and exclude a section of the people and starts categorising them as adversary creates doubts about the ordinary justice system. The special laws in order to operate take the help of the same machineries that ordinary

justice system takes recourse to. Ensuring 'national security' becomes so important for the state, that the state, sometimes forgets the components that comprise the 'state' *i.e.* the people. The state creates distinct mechanisms like special laws to intimidate, isolate its perceived adversary and then prosecute them. However, the power that the state enjoys from its legitimacy enabling it to enforce extraordinary laws with impunity seems arbitrary and overbearing. The extraordinary and special laws have ambiguous definitions of terrorism, are not subjected to intense debate, and are hastily enacted and enforced, making it apparent the little regards that the state have for its citizens.

Chapter IV
RIOTS AS VIOLENCE

The chapter questions and probes the simplicity with which violent disturbances are largely explained and categorised as riots. The analysis of violence as an object of understanding is clouded with a sense of normality. This chapter seeks to focus on the normality that dominates any attempt at scrutinising the notion of violence. The chapter does this by taking the example of riots as one of the axes of the study on the normality of violence. Large scale civil disorders are broadly termed as riots though the characters of these disorders vary from one another. Evidence of violence is pervasive in every sphere of society in India. The intensity of it increases during times of dissent and disturbances.

Retention and normalistaion of the violence perpetrated by the state is questioned in this chapter. State sovereignty is of supreme importance in order for the state to survive and sustain. Violence was an integral part of the arrangement and composition of the state system. The modern state has evolved in such a way that it has resulted in the glorification of its superior power. The state enjoys legitimacy. Legitimacy makes the state enjoy 'a monopoly on the legitimate means of violence' as well (Weber 1946). The power of the state entails that it also has the power to decide that what type of violence is to be described as 'legitimate means'. The art of governing is mostly associated with the notion of management of affairs within the state as well as in maintaining relations with other states. Peace in the domestic sphere and defence against external aggression are necessary parameters by which the governing capacity of the state is adjudged. Thus the actions of the state are given a moral character and projected as an absolute necessity. The state is the most powerful entity. The people want peaceful lives which can only be ensured by the state. Peace and order in the society are assumed to be maintained by the state by applying the threat of force, violence and censure. Force, application of force and a notion of violence is always there implicitly and sometimes explicitly also.

The discipline of International Relations is dominated by mainstream theories such as Realism. Realism sees international relations as driven by the competitive pursuit of power by states in their effort to secure interests; the most important source of power is military capability. Acquisition and use of that military capability make the world prone to violence and warfare. At the core of this theory is that world politics takes place within a context of anarchy which Thomas Hobbes likens to a *state of nature*. State interests, rather than human rights or ideological preferences, are the reason behind every state action. Machiavelli set the precedent for the cold and calculated regardless of the century they live in. He discusses frankly, the necessity of cruel actions to keep power (Dietz 1986). Machiavelli was only interested in directly discussing the elements of power. According to Realism, the primary concern of all states is survival. States build up military to survive, which leads to a security dilemma. Realists believe that sovereign states are the principal actors in the international system, and special attention is attached to great powers as they have the most influence on the international stage. International institutions, non-governmental organizations, multinational corporations, individuals and other sub-state or trans-state actors are viewed as having little independent influence. States are inherently aggressive (offensive realism) and/or obsessed with security (defensive realism), and that territorial expansion is only constrained by opposing power(s) (Jervis 1999).

State behaviour is selfish, based upon the maximisation of power, and changeable, as is human nature. Human nature is a pluralistic concept. Political realism is based on that. 'Real man is a composite of "economic man", "political man", "moral man", "religious man", etc.' (Morganthau 1978: 4-15). Similarly, 'the classical realist lineage begins with Thucydides' representation of power politics as a law of human behaviour (Garst 1989; Monten 2006). The drive for power and the will to dominate are held to be fundamental aspects of human nature. The behaviour of the state as a self-seeking egoist is understood to be merely a reflection of the characteristics of the people that comprise the state. Rosenberg argues that 'international politics is to be understood predominantly as the realm of interaction between sovereign authorities— a realm which is separate from that of domestic politics' (1990: 285).

The state is a structure representing the interests of the dominant classes in society. In this regard, it becomes necessary to mention Gramsci's concept of *cultural hegemony* (Salamini 1974; Bates 1975; Fulton 1987). The Italian Marxist Gramsci created the concept of *cultural hegemony*. 'Hegemony' in this case means the success of the dominant classes in presenting their definition of reality, their view of the world, in such a way that it is accepted by other classes as 'common sense'. The general 'consensus' is that it is the *only* sensible way of seeing the world. Any groups who present an alternative view are therefore marginalised. In Gramsci's view, however, there is not in any sense a single dominant class, but, rather, a shifting and unstable alliance of different social classes (Salamini 1974).

The earlier notion of a dominant ideology is replaced by a field of dominant discourses, unstable and temporary. From this point of view, the media is seen as the place of competition between competing social forces rather than simply as a channel for the dominant ideology. According to Gramsci's view, there are on the one hand the dominant classes who seek to contain and incorporate all thought and behaviour within the terms and limits *they* set in accordance with *their* interests (Fulton 1987). On the other hand, there are the dominated or subordinate classes who attempt to maintain and to further the validity and effectiveness of their own definitions of reality. There is therefore a continuing struggle for dominance between the definitions of reality (or ideologies) which serve the interests of the ruling classes and those which are held by other groups in society (Woolcock 1985). Culture, according to this view, is seen as the product of a much more vigorous struggle. Domination is not simply imposed from above, but has to be won through the subordinated groups' spontaneous consent to the cultural domination which they believe will serve their interests because it is 'common sense'.

Violence is entrenched in the global political order. Maintenance of order in the society necessitates use of force to an optimum level. The responsibility and legitimacy to apply force rests with the state. Max Weber in his essay *Politics as a vocation* (1946) pointed out that the legitimate use of force by the state enables it to exercise monopoly over it.

State's monopoly to use force is encompassing. Police and the military are the instruments through which coercion is applied. In International Relations literature, violence has often been vaguely defined or defined in relation to other cognate concepts that have been studied in more detail, such as the concept of the state, war, conflict and force (Thomas 2011).

Violence is a contested concept in need of articulation. However, with articulation there lies the danger of narrowly defining violence. Violence merely does not mean physical violence. Violence can be inflicted by word and languages as well. Several factors like 'speed, distance, secrecy, and surprise may be combined in different ways to narrow the response window and inflict harm without impediment' (Finlay 2017: 74). All forms of violence employ one or a combination of these factors. Languages, ideas and their meanings are sometimes constructed in such a way that they take on a 'dominant' or 'universal' character. The dominating class represented by political elites uses these ideas as dominant ideologies. The 'political elites possess the power required to turn and promote an opinion as knowledge and thus a distinction between the two is somewhat diluted' (Jha 2015). The societal structures internalises these ideologies resulting in dichotomous perceptions of 'self' and 'other'. These become coercive and routinised in nature. The conception of such categories and the complicity of the actors are embedded in the social arrangement. These are expressed in the form of linguistic expressions, customs, practices and behavioural patterns of individuals. The outward expressions are sometimes subtle and explicit at many times.

The concept of a modern state envisages an entity which is homogenised and strives to achieve assimilation and conformity. The notion is an illusion. Nonetheless, nearly all states aspire to move towards this ideal and illusory goal. Revolution, resistance and dissent are managed in such a way that the state never loses its image of a unitary unit. Diversification of activities in social, political and economic realms is there but to an extent that is dictated by the state and its various machineries. The identities of the individuals, institutions and associations are made to conform to notions which are

constant. The differences are not appreciated. The failure to acknowledge multiplicity aids in the monopolisation of power as the state machinery becomes more determined and ruthless in enforcing its own constructed notions of ideas and categories of people. The enforcement of ideas and categories gets projected through various laws, customs, repressive acts, cultural forms and practices. The continuous use of force, violence and coercion breeds resistance. The state crushes any challenge to the logic by which it governs. The state prescribes who and what ought to be repressed. In the process, it maintains order in the society. Order guarantees obedience and subordination of the people to the power and authority of the state. Coercion is embedded in all the affairs and conduct of the state (Ripstein 2004). Thus, order is maintained through coercion. 'Violence is organised in nature. It is articulated by an agency, be it an individual or a collective entity. Ideology is also, sometimes, embedded in an act of violence' (Basu 2015).

Subjects have to be willing in order to give effect to the orders of the state. The hegemony of the intellectual and political elites gives them the power to dictate terms of willingness as well as conditions of it. Scope of dialogue and consensus is less when the state becomes hegemonic. The crisis in the modern state system is not new. Modern states are an amalgamation of several nations. Different languages, customs, habits, social codes and conducts vary from region to region within a state. The processes of homogenisation of cultures are not always a smooth one. The nation-states are the embodiment of this amalgamation. Achieving ideological and political unity, economic homogeneity and political legitimation become important for the nascent states. Accommodating various opinions and aspirations are difficult and more often this goal remain illusory. History is fraught with examples of nationalities fighting for states of their ethnic communities. Multiple nationalities with different culture, languages, religion and different economic aspirations coexist within a state. For instance, Switzerland does not have a single official language. It has four spoken languages, *i.e.* German, French, Italian and Rumantsch (Flaksman 1973). However, the coexistence of different languages has not always been peaceful. One of the prime factors on the basis of which East Pakistan fought for liberation from West Pakistan and emerged as independent

Bangladesh was the subordination of their language, Bengali (Uddin 2006; Al Helal 2003). Armenians in Nagorno-Karabakh region (DeWaal 2003; Cheterian 2011), Tamils in Sri Lanka (Wilson 2000), Kurds in Iraq (McKiernan 2006) and Basques in Spain (Trask 1997) are some of the examples of the struggles of autonomy and self-determination.

India is also composed of various communities having different languages, religions, customs and aspirations. Similar to many other countries, there have been attempts made in India too to make the different groups of people to be put into a particular grouping and conform to similar codes of conduct thereby giving emphasis on political participation also. Such conformist attitude displayed by the political elites has not always translated into robust participation. Participation of people in the affairs and processes of the state is taken as one of the parameters of a successful democracy. However, democratic norms have not been institutionalised to the extent that the social changes and upheavals can be dealt with effectively. In reality, the continuous erosion of democratic norms and failure to meet socioeconomic challenges has rendered the state weak and left fissures in the society exposed. Yet, the cycles of domination and control by the state go on unhindered. The legitimacy of the state can be questioned when the democratic norms are found to be unable to solve socioeconomic problems but it is considered as sacred nonetheless. Challenges to the legitimacy of the state are dealt with sternly. People's demands and opinions are sometimes considered as a challenge to the legitimacy and authority of the state. The attempt at subordination of the people's demands and aspiration at the altar of the state is not always successful. Moreover, the way the demands of the various constituents of the society are accommodated comes in the way of retaining the rights and privileges of the political elites sometimes.

Riots are not mere sporadic events. There are parties to it and beneficiaries too. Incentives drive the propensity to cause riots. They are instances of collective violence, having the intention of attracting the attention of some form of authority in order to expedite their claims or demands. Riots have been a fixture of all forms of democratic

states as outlets for voicing grievances of people since time immemorial. As Eric Hobsbawm (1965: 111) had commented on the character of riots in the following way,

> The classical mob did not merely riot as a protest, but because it expected to achieve something by its riot. It assumed that the authorities would be sensitive to its movements, and probably also that they would make some immediate concession; for the 'mob' was not simply a casual collection of people united for some ad hoc purpose, but... a permanent entity, even though rarely permanently organized as such.

Extreme religious diversities have been the cause of many conflicts in the subcontinent. There have been disagreements between successive governments and religious groups since the time India became independent. Several issues with religious overtones were made agendas by major political parties in order to gain political incentives. Two of India biggest political parties with substantial vote shares are the Indian National Congress (INC) and the Bharatiya Janata Party (BJP). Both these parties have indulged in pandering alternatively to Hindu and Muslim fundamentalism, with BJP clearly using Hindutva ideology to craft its political strategy. Legal system and laws have been made weapons by both these two parties to go ahead in the electoral game. By overturning the rulings by the Supreme Court in the Shah Bano case (1986) which granted divorced Muslim women to claim maintenance from their husbands, the Congress Party bypassed the judiciary. In the process, it showed the superiority enjoyed by the parliamentary majority over the country's judicial system (Mody 1987). Similarly, a sustained effort at Hindu mobilisation was the decision of the Congress government in Uttar Pradesh to throw open for worship the disputed Hindu shrine of Ayodhya in 1986. The Vishva Hindu Parishad (VHP, the Rashtriya Swayamsevak Sangh affiliate) had been claiming for long that the mosque stood on the ruins of a temple at the Ramjanmabhoomi (the birthplace of Lord Rama) (Udayakumar 1997). The temple needed to be 'liberated' (Basu 2005: 35). This move resulted in protests from several Muslim bodies all over India. Hindu symbolism was used by both these parties to garner electoral support.

However, it was BJP, which threw its weight behind the VHP's pledge to construct a temple in place of Babri Masjid. The party portrayed it as a step towards forging a collective identity among Hindus (Omvedt 1990; Berglund 2004; Katju 2011). The supposed forging of collective identity was accompanied by initiating and perpetuating bigotry and violence against Muslims (Banerjee 1991). Majoritarian communalism was projected as necessary to save the country from 'Muslim communalism'. Support at the grass root level was garnered by appealing to the religious sentiment of the people and by showing an imminent threat of communalism. Till the mid-1980s, the BJP was largely a narrow, upper caste party (Basu 1996; Assadi 1998). However, the current brand of politics gave the BJP a convenient way of reaching the masses.

The inception of the state and violence

India had emerged independent from the British rule in 1947. The event was accompanied by one of the bloodiest episodes of state-formation in the Subcontinent. The partition of the British Indian Empire and subsequent creation of the states of Pakistan and India was preceded and followed by riots in both the provinces of Punjab and Bengal. Bengal province was divided into East Pakistan and West Bengal. Punjab province was divided into West Punjab (now Pakistan) and East Punjab (now Punjab). The partitioning was preceded and followed by riots which claimed many lives. UNHCR estimates claim that 14 million Sikhs, Muslims and Hindus were displaced during partition during one of the largest mass migration in history (UNHCR 2000: 59).

Religion had been the basis of the decision to partition the land. The partition of Bengal presidency was proposed by the viceroy, Lord Curzon as early as in 1905. Bengal was to be divided into a Muslim-majority province of East Bengal and Assam and the Hindu-majority province of Bengal (consisting of present day West Bengal, Odisha, Bihar and Jharkhand). However, the Muslim leadership saw it as a threat to their existence and were apprehensive of the strength of the Hindus. The All-India Muslim League was founded in

1906 which supported Lord Curzon's partition plan. The Plan failed to materialise. Bengal was reunited. Reunification of Bengal made the Muslims feel more disadvantaged. The Government of India Act of 1935 introduced provincial autonomy, which the Muslim League saw as a chance for greater Hindu domination (Talbot and Singh 2009: 32). The Muslim League led by Muhammad Ali Jinnah had already come up with their theory of a Two Nation State stating that Hindus and Muslims were two separate nations and not supposed to stay with each other (Singh 2009; Wolpert 2005). Ironically, such an opinion also became the basis of the proponents of the creation of a Hindu state. Jinnah's proclamation of Direct Action Day on 16 August 1946 which was supposed to be a peaceful day meant to highlight the demand for a separate Muslim Homeland turned into a violent and bloody day. In Calcutta, many Hindus were attacked and killed by the Muslims who saw the day as an opportunity to inflict violence (Mitra 1990). The event led to the start of a cycle of gruesome violence with both Muslims and Hindus getting killed that would be later called the 'Great Calcutta Killing of August 1946' (Talbot and Singh 2009: 69).

The communal violence was rapidly spreading. Leaders of the Congress Party acknowledged the lack of understanding between them and the Muslim League. Moreover, the Second World War had burdened the British exchequer, who was unable to rule India and decided to end its rule, conveniently, setting a date in 1948 (Tandy 1938; Tomlinson 1996). However, with the spiralling violence getting out of control, the new Viceroy Louis Mountbatten advanced the date of the transfer of power by the middle of 1947 which is known as Mountbatten Plan. The date of independence was set on 15 August 1947. The Radcliffe Commission under Sir Cyril Radcliffe was entrusted with the responsibility to demarcate newly formed states following partition (Chester 2009; Chatterji 2007). Around 15 million people crossed the borders after drawing up of the boundaries. Slaughter and massive violence occurred on both sides. People left their properties and fled. As Khushwant Singh commented,

By the summer of 1947, when the creation of the new state of Pakistan was formally announced, ten million people-Muslims and Hindus and Sikhs-were in flight. By the time the monsoon broke, almost a million of them were dead, and all of northern India was in arms, in terror and in hiding (Singh 1956: 10).

The partition heightened the consciousness amongst people about what constitutes 'communities'. A sense of community was not wholly absent earlier. People knew about their communities and communities of 'other'. Unfortunately, the meaning of community was reconstituted through extreme violence and brutalities during partition. Ideas about 'other' and their community became more pronounced. The event of partition and the horrors associated with it became a part of narratives of 'past' and 'present' of communities who lived through it. The generations that came after have been keeping the memory of the partition alive. Before partition, visions of the past were somewhat harmonious. After partition, that vision was given a new character. The event of partition made communalism, communal hatred and revenge permanent fixtures of India's politics and societal fabric. Construction of the category of 'enemies' through narratives also became commonplace.

The horrors were still fresh in the minds of the people when the framers started deliberating the process of framing of the Indian constitution. Pandering to the religious sentiments of the communities and outbreaks of communal riots that followed the independence had already damaged any scope of social cohesion. There was an urgent need to put an end to the post-partition scenario and any possibility of a resurgence of communal frenzy. The framers adopted a system of parliamentary democracy which was similar to the Westminster style of parliamentary government. Rule by a majority irrespective of gender, class, caste, religion and language seemed a feasible option to ensure a smooth functioning of the nascent nation. However, in practice, the majoritarian rule imparted a deadlier connotation for the polity of India. The rule began to be motivated and defined by the considerations of race, language, cultural traits and religious affiliation. The categories of the majority and minority became permanent ones.

The rule co-opted the same divisive notions that it sought to do away with by a system of impartial governing. Political mobilisation of an individual, in India, is usually guided by a sense of consideration of groups. Political representatives chosen by means of direct elections would represent the electorate as a whole. Communal issues that were divisive in nature were to be ignored and surpassed. Here, communal issues are meant as those which seek to tamper with a notion of secularism prevailing in the country and as ensured by the constitution of the country.

Plurality in the composition of the electorate or masses was taken into consideration when secularism was adopted as a guiding principle in the governing of the masses. Since, parliamentary democracy was to be firmly established, at least that was the intention. The attitude of the state towards all religions had to be symmetric (Bhargava 2010; Austin 1966). Moreover, the forty second amendment to the Constitution of India enacted in 1976 asserted in its Preamble that India is a 'secular' country. The constitution does not explain the nature of the relationship between religion and the state. The Constitution assumes that the spirit of secularism would be present in the attitude of the state to its management of the religious affairs of all the communities. A secular state realises that the process of secularisation of society will continue after its establishment; and that the state will not intervene in that process except when it is quite necessary (Tarkunde 1995: 143). However, many a times the charge of 'minority appeasement' has been levelled against governments if any measure is taken in favour of a demand emanating from the minority groups as was the case when the Shah Bano controversy took place. Article 25 of the Indian constitution confirms the power of the state to intervene in religious affairs with the intention to regulate and restrict any economic, financial, political or other secular activity which may be associated with religious practice. The state will have the power to decide when the need of intervention arises. However, the state will judge whether any affair or activity is in contravention with 'secularism'. Such a provision presented the state with the predicament of siding with the more conservative section of the minority groups which claimed to be the voice of that group. This was evident during the Shah Bano controversy. The Supreme Court had passed judgement which gave the divorced Muslim women the right to seek maintenance

from their husbands (Engineer 1987). The judgement met with vociferous protests by the conservative sections of the Muslims, which did not support the judgement. The then government overturned the judgement using the majority in parliament siding with the conservative faction.

The Nehruvian conception of secularism had an inherent contradiction (Perumal 1987; Jain and Jain 2007). Equal importance given to all the citizens was to be of prime importance, in deviation from the British rule of prioritising group and community identities. Yet Nehru voiced concern over the rights and privileges of Muslims in secular India. The rights accorded to the minorities in charge of its own personal law *vide* Articles 29 and 30 of the Indian constitution struck at the very root of the idea of equal citizenship. However, it was given to ensure that the minorities enjoy a fair share of autonomy in matters like education and culture. However, issues like employment were left out of this concept.

The brand of secularism as envisaged by the framers of constitution ensued a debate between the conservative faction and adherents of modern reforms. The proposal to enact a Uniform Civil Code met with vociferous protests (Bano 1995). Opposition to progressive reforms such as banning of polygamy strengthened the forces of conservatism. Many quarters of the minority community saw the proposal as a move to wipe out the separateness of their culture. Experiments with democracy and secularism were being devised so as to build a bulwark against any possibility of communal frenzy of the kind that had accompanied the partition of the country. Jawaharlal Nehru being the chief architect of the Indian constitution attracted charges of 'tokenism' from the Muslims as well as 'minoritarianism' and 'appeasement' from the Hindutva group. The democracy, thus practised ensured that the majoritarian community would not override the aspirations of the minority community. Such an assurance was given by means of ensuring leeway to certain regressive issues.

The demise of Jawaharlal Nehru was also accompanied by the split in the Congress Party, which after a phase of uncertainty and transition came to be led by Indira Gandhi. The split was in turn followed by weakening of the organisational solidarity of the party. The traditional base of the voters started splintering. Mobilisation of several regional parties in different parts of the country further contributed to the process. The regional parties were also centred on several important issues which the Congress seemed to have been ignored. The communist-led coalitions started making its presence felt in Kerala and West Bengal as they started voicing the concerns of the peasants and the landless poor. The Bania vote consolidated behind the Jana Sangh which was to later become the Bharatiya Janata Party in northern India. The Dravida Munnetra Kazagham (DMK) rose to prominence in Tamil Nadu. The so-called backward classes also started consolidating, which was later to become the mainstay of the reservation movement. The erstwhile bonding of the Congress Party-Muslim too suffered with the weakening of the local organisational ties of the Congress party as the latter was failing to provide the minority community with better economic opportunities. Moreover, communal frenzy had started to make its presence felt.

There were several incidents of Hindu-Muslim riots in 1965-66 in Udaipur and Ahmedabad, 1970 in Bhiwandi, Jalgaon and Mahad, 1979 in Jamshedpur, 1989 in Moradabad, 1987 in Meerut and 1989 in Bhagalpur, besides a number of minor ones (Srivastava 1999: 108).

The support Muslims had shown to the Congress Party started drifting away towards parties like the National Conference in Jammu and Kashmir and other parties in other states. Needless to say, this coincided with the rise of the so-called communal parties and groups constituting both Hindu Right and the Muslims, e.g. Jana Sangh and Majlis-e-Ittehadul-Muslimeen. None of the political parties contributed positively to the falling rate of trust amongst the electorates. Elections had become a mere 'numbers game'. Political parties seemed to fight elections around issues which were becoming catchphrases like the slogan for *Garibi Hatao* which helped the Congress Party under

Indira Gandhi forge a coalition of Muslims, tribals and Dalits (M.R. 1974; Vanderbok 1990). The coalition helped her to win the election in 1971 after the debacle in 1967.

The politics of identity and violence

Communalism had always provided the political parties with an incentive (Mukhia 1983; Chandra 1984). Words like unity, integrity and security of the nation fires the imagination of the people. Perceived threats from the minorities were often used as a polarising devise during elections. Such steps only helped political elites to monopolise certain 'vote banks' while creating deep fissures amongst people. Mass mobilisation employed the strategy of communalisation of certain issues. Tendencies of fundamentalism have been always there amongst several communities. The political elites constantly try to exploit them in order to gain electoral incentives. The violence that followed the partition of the country into India and Pakistan led the base for future disturbances in India. Pakistan, including East Pakistan (now Bangladesh) was also shaken by such horrors of communalism. Riots took place because the political parties promote bigotry and breed suspicion amongst people. South Asian countries have always been plagued by such divisive agendas. 'The end of 1963 witnessed widespread disturbances throughout Kashmir after a reported theft in a shrine in Hazratbal' (Khan 1990: 98) The large-scale riots that took place in many parts of India and Pakistan after the hair of Prophet Muhammad reported missing from the Hazratbal Shrine in Srinagar in India in 1963 was carefully orchestrated by the elites. Indiscriminate killing and destruction of properties held mainly by Hindus in East Pakistan were reported. Many people fled to India. The Pakistan Government in a bid to intimidate the population declared a ban on sale of immovable properties of the fleeing Hindus, which was later challenged in the Dhaka High Court. Major districts of Bangladesh including Dhaka, Khulna, Sylhet, Rajshahi and Mymensingh were heavily affected by the onslaught (Bhattacharyya 1987; Mukhopadhyay 2007; Roy 2001). The political elite in Pakistan sought to use the hatred that generated out of this crisis in the pursuit of their political

aims. Riots and the violence and destruction that accompany a riot are within the ambit of the state's responsibility. Such a pattern is discernible in India as well.

India is not immune from the violence associated with political mobilisation and the consequent riots. Political parties pander to the sentiments of the minorities and majorities with a view to achieve political gain. The minorities have to face the apathy of the state. The perpetrators of violence against the minorities fail to get prosecuted and thus justice is seldom delivered. Communalisation of issues is a convenient way to devise political strategies in South Asia as the population is diverse with a history of tension and mistrust amongst most religions especially Hindus and Muslims. Moreover, the society is heavily stratified in a hierarchical way. The stratification is along the lines of class, caste, gender and language. Paradoxical as it may sound, amidst various differences, states seek to homogenise populations along some common lines. The lines include language, religion, economy and culture. The differences are sought to be done away with so that there remains a form of societal agreement on what constitutes a society or a state. Homogeneity is sought to be achieved. Creating constant tensions, the population remains divided amongst themselves. The dominant ideas are promoted and sought to be imposed.

The crisis in Punjab in the 1980s had a lesser extremist tone till the dominant political parties started meddling in the issue with the aim of electoral benefits and not with the intention of resolving the issue. Sikhs as an ethnic group constitute less than two per cent of the population of India. Most of the Sikhs are concentrated in Punjab, in the northwestern part of India. The distinctness of the Sikhs are emphasised on mainly two grounds of language (Punjabi) and religion (Sikhism). Pronounced Sikh identity was always discernible. Since pre-independence Sikhs had intermittently continued with their distinct separateness. The Sikhs were loyal to the British as well, which however continued to decline after the enactment of the Rowlatt Act (1919). As a result of vociferous protests against the colonial government many people were massacred in the incident called the Jallianwala Bagh Massacre on 13 April 1919 (Ferguson 2003). The

British Raj accorded a separate electorate for Muslims, Sikhs, Indian Christians, Anglo Indians and Europeans (Singh 2003: 191). However, Sikhs were critical of the separate electorate as their reservation was less compared to Muslims and Hindus. The hope of Sikhs to form a separate state at the time of partition did not materialise as was the case with the Muslims. Sikhs did not constitute a sizeable majority as the Muslims during the time of partition. Moreover the province of Punjab was bifurcated with the Muslim-majority western part of the state becoming a part of newly formed Pakistan.

The aspirations of the Sikhs did not die down with the partition. 1950s saw the formation of the Patiala and East Punjab States Union (PEPSU) (Singh 1991). The Sikhs sustained their demand for greater autonomy in the sphere of governance. The assertiveness of their separate culture, identity and autonomy resulted in division of the state of Punjab into Punjab and Haryana along linguistic lines. Haryana is a predominantly Hindu majority and Hindi-speaking state. However, Hindus in large number continued to stay in Punjab and continued to speak the language of Hindi. The Sikhs were not completely satisfied with this arrangement (Jetly 2008). The union territory of Chandigarh was retained as the capital of both Punjab and Haryana. Punjab demanded the inclusion of Chandigarh within its boundary. The Sikhs perceived that the distribution of the river water was unfair and wanted a greater share of river waters for the state. Ravi, Beas and Sutlej had their flows through Punjab but a canal diverted much of the water to Haryana and Rajasthan (Jetly 2008; Singh 1984). The central government's decision to refer the matter to a tribunal resulted in no solution. The Sikhs viewed these as hindrance to the state's agricultural and economic development. The Akali Dal represented the aspirations of the Sikh and thus voiced their demands. The tussle for power was between Akali Dal and Congress Party with the latter trying to make inroads into the vote share of the state. The Akali Dal had substantial support base amongst the urban populations (Jetly 2008). The Congress Party had support amongst the Hindus of the state.

The centralising tendency of the government at the centre continued. Many state governments were dismissed and President's rule was declared. Punjab was one of them.

Indira Gandhi, the then Prime Minister of India, encouraged the militant faction the Sikh agitation and promoted Jarnail Singh Bhindranwale in order to create divisions in the Akali support base. Indira Gandhi supported Bhindranwale's nominees against the Akali Dal's nominees in the elections of the Shiromani Gurudwara Prabahandak Committee (SGPC) in 1978-79 (Gill and Singhal 1984). SGPC is in-charge of Sikh holy shrines (Kumar 2004). Indira Gandhi dubbed the demand of the moderate factions of the Akali agitation as secessionist. On the other hand, she supported the demands of the extremist faction. e.g. giving assent to the demand of banning the sale of tobacco sale near the Golden Temple in Amritsar. The Sikhs continued with their demand for greater autonomy in administrative affairs and legal matters. As a result, they brought out the Anandpur Sahib Resolution (Samiuddin 1985; Kapur 1986; Bombwall 1986). The resolution also demanded a protection of cultural and religious rights of the Sikhs. The transfer of Chandigarh to Punjab and the redistribution of river waters were again part of the resolution (Jetly 2008). In return, the Central government wanted two Hindu dominated villages located deep within Punjab to go to Haryana. Such a step was not strategically possible. The failure to reach an acceptable solution only increased resentment among Sikhs in Punjab.

Economic factors had also contributed towards the discontent amongst the Sikhs. Punjab was one of the most prosperous states in India. The majority of the population lived in the rural areas depending on agriculture. As the country progressed in increasing agricultural production, Punjab contributed immensely in the process. Following the Green Revolution, agricultural productivity increased manifold in Punjab (Ladejinsky 1969). The government provided the farmers with subsidies which also contributed to the agricultural production. Many important crops were produced in plenty around this time. However, increasing prices of fertiliser and water crises began to have a negative impact on the agricultural production. The farming communities and others who depended on agricultural production were badly hit. Indeterminacy in the water supply affected the quality for of the soil, which also affected the farming. People wanting to move away from agriculture could not find employment in the industrial sector. Industries failed to develop properly in the state, thus the sector remained underdeveloped. Small scale

industries were operating in some areas. The feelings of discontent amongst the people were rising. The benefits of the Green Revolution did not reach the main population. There was an unequal distribution of wealth. Growing political discontent was fuelled by the economic mismanagement also.

Political and economic causes of discontent began to be associated with the religious identity of the Sikhs. The parties claiming to voice the demands of the Sikhs were responsible for the complicating the prevalent situation. The political parties started taking recourse to divisive agendas for political gains. Till then, the secessionist demands and the grievances associated with the dwindling effects of the Green Revolution had not merged. The plight of the rural farmers was not made part of the Akali agitation till 1980s. The political parties started merging the two issues, especially the Akali Dal. The Akali Dal and the Congress Party were disagreeing with each other on these issues. The constant tussle for power between the two parties created a vacuum also. This encouraged the rise of the militant factions who represented the extremist angle to the Akali agitation. As Atul Kohli commented 'The repeated failure of the Akalis to wrest power from Congress had left open a political space for those who argued that increased militancy was the only means for protecting Sikh interests. Bhindranwale stepped into that space' (1990: 361). The couching of political and economic grievances in religious terms grew in intensity after Bhindranwale started emphasising it. Till then the demands of the Sikhs had not taken any extremist character. The tacit support of the Congress party to Bhindranwale and his group was not enough for the former to control the latter. Bhindranwale encouraged the people to be militant (Telford 1992; Paroha 1993). He started using the religious institutions such as Gurudwaras to promote his messages. Educational institutions and religious congregations were also not left out of his purview. The extremist group started attacking government institutions, policemen and politicians.

The crisis in Punjab was deepening. However, a contribution to such a crisis was not only from one side. Apart from actively encouraging extremism initially, the government employed several tactics to terrorise the population. Extraordinary anti-terror laws were

indiscriminately applied as a tool for intimidation e.g. National Security Act (Noorani 1987). The President's rule had been imposed in 1983. Bhindranwale and his followers took refuge in the Golden Temple. Extremism gained ground and it was projected as a threat to the national security and integrity. This argument was given as a justification for the storming of the Golden Temple by the army to remove the militants. The operation was codenamed as 'Operation Blue Star' that lasted from 3-6 June 1984 resulting in huge civilian and military casualties (Singh 1985; Tully and Jacob 1985). The attack on the Golden Temple had political mobilisation as one of its aims. Brute force was used to silence the Akali agitation as well as to stop the growth of the extremist factions.

Communal overtones associated with the Sikh agitation and the government's response to it increased more after the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards. Organisational planning went behind the systematic violence inflicted on the Sikhs in Punjab, Chandigarh, Haryana and Delhi. The government sponsored media sources contributed largely to the building of the communal frenzy against Sikhs, the brunt of which was borne by innocent people. Several gurdwaras were destroyed. Business establishments were damaged. People were tortured, humiliated and killed. There were reports of people being burnt alive. Several people were rendered homeless. Many human rights organisations reported violations of human rights as well as the deliberate planning around it. The anti-Sikh genocide was executed by careful planning by several leaders. The Congress Party's Delhi Unit leaders were alleged to have been involved in the organisation and execution of this genocidal violence. As Peoples Union for Democratic Rights (PUDR) and Peoples Union for Civil Liberties (PUCL) jointly stated in a report that,

> the attacks on members of the Sikh community in Delhi . . . far from being spontaneous
> expressions of 'madness' and of popular 'grief and anger' at Mrs Gandhi's assassination
> as made out by the authorities, were the outcome of a well-organised plan marked by
> acts of both deliberate commission and omission by important politicians of the
> Congress. .. and by authorities in the administration (1984: 1).

The continuous riots in Delhi were evidence to the fact that centralisation of authority and its assertion had taken over the democratic set up that existed before. In the immediate aftermath of the riots, many from the Sikh community demanded for conduct of enquiries into the riots which were turned down by the authorities on the ground that it might conflagrate communal tendencies.

The storming of the Golden Temple by the army, assassination of Indira Gandhi and the following anti-Sikh riot coincided with the campaigning for the upcoming elections as well. The BJP- frontrunner of the Jana Sangh— had been garnering much support from the people. However, the Congress did not fail to utilise the situation to their benefit. As stated, the attacks on the Sikh and the Golden Temple were projected as the threat to the national security and the government was intent on saving and safeguarding the sanctity of the 'state'. The Congress successfully triumphed in the 1984 election having proved its support for the cause of anti-Sikh agitation and simultaneously supporting the sentiments of the majority of the country *i.e.* Hindus. Rajiv Gandhi blatantly justified the gruesome violence inflicted on the Sikh in the aftermath of the killing of Indira Gandhi by saying 'when a mighty tree falls, it is only natural that the earth around it shake a little' (Mitta and Phoolka 2007: 3). The electoral fight of the 1984 was won by Congress largely due to the factor of anti-Sikh stance. The Hindu electorate of the country was heavily polarised against the Sikhs. The Congress Party successfully projected itself as the saviour of the country.

Indira Gandhi's death was able to garner sympathy for the Congress Party. As stated, the new central government led by Rajiv Gandhi rejected any demand for an enquiry into the violence in the form of riots inflicted on Sikhs. The election was fought on the anti-Sikh platform. The party seemed averse to risk losing the support of the majority Hindus for a minority group, which constituted less than 2% of the country's population. The majoritarian politics advocated by the BJP was put into practice by the Congress party. Emboldened by the win, the government tried to initiate dialogue with the Sikh in the

hope of reaching a settlement. However, it did not give up the hard-line policy towards the Sikhs. The new Prime Minister Rajiv Gandhi struck an accord with Sant Longowal, head of the Akali Dal, known as The Rajiv Longowal Accord. The Accord unsuccessfully tried to resolve the crisis. The hard-line attitude of the government became apparent when within weeks of Longowal getting killed, problem erupted and government imposed President's rule. The government launched a series of military operations in Punjab to curb the threat of militancy such as *Operation Woodrose* (1986-1987) and *Operation Black Thunder* (1988) (Gupta et al 1988).

Punjab had turned into a battleground by the late 1980s. The army and Sikh guerrilla organisations were always fighting each other. The Sikh militancy was brutal in many respects. However, the state had superior strength. The state was more brutal than the Sikh militants by employing not only the army, sophisticated weapons, but also applied several stringent anti-terror laws on the population. The anti-terror laws violated human rights. Extra judicial killings by the police, torture of the people and the undertrials, intimidation and disappearances had become too common. The government was successful in silencing the Sikh militancy. However, too many lives were lost and severe human rights violations were committed.

The perpetuation of violence by the political elite is a means to an end. The end is mass mobilisation required to win electoral battle. Political parties focus on issues which helps them to win the electoral battles. The former Prime Minister Indira Gandhi picked the demands of the Sikhs and gave them an extremist character by first supporting Sant Jarnail Singh Bhindranwale and his religious extremism. The situation soon turned out of the control of the Congress Party. Indira Gandhi, then, used religion for the purpose of advancing her political aspirations. Later, Prime Minister Rajiv Gandhi continued to do that. Moreover, the BJP had been making its presence felt amongst the electorate by crafting a nationalist agenda with Hindutva as its focus.

The BJP's extreme nationalist agendas started materialising when Rajiv Gandhi's government made some political miscalculations. The Congress government in Uttar Pradesh decided to throw open for worship the 'disputed' Hindu shrine of Ayodhya in 1986. The step was seen as a moral victory for the Viswa Hindu Parishad (VHP), the Rashtriya Swayamsevak Sangh (RSS) affiliate, which had been claiming that the Mosque stood on the ruins of a temple at the Ramjanmabhoomi (the birthplace of Lord Rama) and it needed to be 'liberated' (Basu et al. 1993). The overt attempt at Hindu mobilisation, however, drew vehement protests from Muslim bodies all over India. Large demonstration of Muslims was seen in many parts of the country. Skirmishes were reported. Such reactions were alarming for the ruling government as the Muslims constituted a considerable number among the minorities unlike the Sikhs. Politically, pacifying the anger of the Muslims was necessary for the government.

The Congress Party was presented with the turning point in the form of the Shah Bano case in 1986. Shah Bano, a Muslim woman filed for alimony after getting divorce from her husband. The Supreme Court upheld the rights of divorced Muslim Women to claim maintenance from their husbands. The court proclaimed that the country's civil laws were superior to personal laws. Muslim clerics protested and there were mass demonstrations in many places as a protest to the verdict. Rajiv Gandhi caved in to the demands of the Muslims, used its huge parliamentary majority to overturn the verdict and passed the Muslim Women (Protection of Rights on Divorce) Act in 1986 which had a negative effect on the verdict of the Shah Bano case. The government has promoted orthodoxy and fundamentalism for electoral gain (Sinha 2003). The Government led by Congress was getting more and more trapped in the game of oscillating between religions which was contributing towards polarisation of people. Thus later, in 1990, when L.K. Advani was mobilising people to rebuild the Ram Temple in Ayodhya, as Ashutosh Varshney commented, 'the government's argument that laws were prior to faith had become a contradiction in terms. The superiority of faith over law had already been declared by the government' (Varshney 2002: 81). The application of the law could not have been selective.

The Congress was continuously pandering alternatively to Hindu and Muslim communalism. On the other hand, BJP started to occupy a vacuum made by Congress' attitude. The BJP started supporting the demand of VHP to build the Ram Temple in Ayodhya and consequently tried to influence public opinion by focusing on the disinterestedness of the Congress to take the sentiment of the majority of the country *i.e.* Hindus into account. BJP, traditionally, had an upper caste vote base. The issue of *Ramjanmabhoomi* and Shah Bano Case made it possible for the BJP to move towards the middle class as well. The need to introduce a Uniform Civil Code and supremacy of the law over religion—these two agendas were promoted aggressively by the BJP (Seshia 1998; Engineer 2004). The existence of a separate system of law, made possible by the ruling Congress Party, was woven into the concept of Hindu nationalism promoted by BJP. The concept of nationalism as promoted viewed the secularism preached by the Congress as pseudo-secularism. Such a brand of Hindu nationalism also focused on 'Muslim fertility and polygamy'. The Hindu nationalism equated nation with the religious majority *i.e.* Hindus and Muslims as a threat to the sanctity of that nation. The party then went on to project itself as the protector of the majority much the same way the Congress Party under Indira Gandhi had projected themselves during the Sikh agitation and the anti-Sikh riots.

Like all ancient towns, the town of Ayodhya had a diverse religious composition. Brahmins and Muslims resided together for centuries. The political parties pursued their, singular aim of garnering votes by dividing communities and subsequently the tensions surrounding the construction of Ram Temple started erupting. On 30 October 1990, members and sympathisers of the Rashtriya Swayamsevak Sangh (RSS), Vishwa Hindu Parishad (VHP), the Akhil Bharatiya Vidyarthi Parishad (ABVP), Bajrang Dal and the BJP assembled at the site of the Babri Masjid and gave a call to liberate the Ram Temple from the land where the Mosque was situated. Their contention was that the temple was built by King Vikramaditya (Nandy et al. 1995). Some Hindus believe, Ramjanmabhoomi is the birthplace of Lord Ram and thus it is a sacred site for the religion. They claim that the temple was destroyed by Mir Baqi, a general associated with Emperor Babur (Nandy et al.). He built the Babri Majid, named after the emperor, in

place of the Ram Temple. Thus, they wanted to liberate it. The demand for building of the Ram Temple had begun to be featured in the pre-election manifestos of the BJP as well the pamphlets of the VHP and RSS.

Communal tensions had already been rising in several states as the crisis was becoming intense. Hindu communal organisations had already been engaged in riots in several parts of Uttar Pradesh. Riots had taken place as early as in 1986-1987 as the decision to open Babri Masjid was made public. Meerut, Moradnagar and Maliana in Uttar Pradesh experienced ghastly violence. The infamous massacre of Hashimpura took place around this time when the police and the provincial Armed Constabulary (PAC) surrounded the area (Engineer 1987; Noorani 1987). They detained several Muslims and arrested several resulting in a backlash from the community. Curfew was imposed Bodies of forty Muslims who were rounded up and were taken away were 'found floating in the upper Ganga Canal in Murad Nagar, district Ghaziabad (UP)' (Ansari 2001: 4601). The Government appointed an inquiry committee headed by former auditor-general Gian Prakash, which came out with the findings into the incident (Balagopal 1988; Engineer 1988). However, the contents were not disclosed in the public domain. The trial for Hashimpura massacre is still going on and the perpetrators have not been held guilty. Evidences have not been properly maintained. In 2016, the UP police in an affidavit filed before the Delhi High Court accepted that they had destroyed the documents related to the case 'after the expiry of their prescribed period' (Ali 2017). Destruction of evidence of a case that is still under judicial scrutiny implies misuse of power.

Delhi experienced communal violence immediately after the riots in Meerut in May 1987. Curfew was imposed and the border between Meerut and Delhi was sealed. In the early 1988, in Aurangabad (Maharashtra), troubles erupted in the villages of Paithan and Bidkin. In Muzaffarnagar (Uttar Pradesh), communal skirmishes took place when Hindu communal organisations called a strike to counter a rally scheduled to be brought out by the Babri Masjid Action Committee (BMAC) (Udayakumar 1997). Communal tensions continued to spread with towns in Bihar (Hazaribagh), Rajasthan (Kota) and Madhya Pradesh (Indore) reporting clashes.

The results of the general elections in 1989 complicated an already sensitive situation all over the country. The vote-share of the Congress had dwindled. The majority of the votes, presumably committed Hindu vote, went in favour of the BJP, which provided support to the National Front government. However, the then Prime Minister V.P. Singh decided to implement the recommendations of the Mandal Commission report, which would lead to the introduction of the reservations in the public education and employment for the Other Backward Classes (OBCs). The decision created problems between the National Front government and the BJP with the latter fearing losing the core Hindu votes. The BJP was afraid that this would spoil the chances of the creation of a Hindu nation with several thousands of sub-castes getting into the mainstream political domain through the politics of reservation which the affirmative action for the OBCs started. The myth of creating a unified Hindu nation would be impossible to sustain. BJP's only way to counter the possible decline of the popular Hindutvavadi agenda in the form of the demand of the 'liberating' the 'Ram Temple' was to embrace the issue with more vigour.

The project of construction of the overarching Hindu identity and nation resumed with BJP leader L.K. Advani undertaking his Ram Rath Yatra on a truck. The *Yatra* was to start from Somnath in Gujarat on 25 September, 1990 and was scheduled to reach Ayodhya in Uttar Pradesh. The procession left a bloody trail all the way. Intermittent riots broke out in several towns of North India. The *Yatra* saw crores of enthusiastic devotees and supporters coming out in support of the cause that the *Yatra* espoused. Another *Yatra*, in support of the Ram Rath Yatra, called the Ram Jyoti Yatra started in several towns in Uttar Pradesh. The procession led to violent outbreaks. The administration, local and the state, bureaucracy, police, Hindu outfits, local goons and politicians—all contributed towards creating the atmosphere more vicious (Nandy et al. 1995). During the outbreak of riots, in many places, the agencies of the government chose not to intervene and remained passive. There were a few attacks on the Babri Masjid in 1990 as well, which the Mulayam Singh Government somehow managed to save. Though the structure of the Masjid remained, the violence around it was growing.

However, the government did not withstand the Hindutva onslaught and lost the next election.

The BJP swept the assembly elections in Uttar Pradesh. Along with UP, the BJP won in Rajasthan, Himachal Pradesh and Madhya Pradesh. The popularity of the party in these North Indian states was growing. Their extreme form of Hindu nationalist agendas was also getting support from many sections of the population. The membership of the *Karsevaks*[1] was also becoming diverse as the people from the other states had also joined to further the cause of the establishment of the Ramjanmabhhoomi in Ayodhya (Nandy et al. 1995). Kalyan Singh, the new Chief Minister of Uttar Pradesh, and his government acquired 2.77 acres of land adjoining the Babri Masjid, partly owned by the VHP, for the purpose of tourism and this emboldened the rioting crowd. The ownership of the land was challenged in the Supreme Court. However, this failed to deter the BJP-VHP-RSS combine. On 6 December 1992, a massive procession organised by the VHP reached the disputed site. Hordes of activists affiliated with the group, flaunting saffron headbands demolished the mosque. The structure of the Masjid was razed to the ground. The President's Rule was declared in the state of Uttar Pradesh from 6 December 1992 to 4 December 1993.

The demolition of the Babri Masjid was followed by gruesome violence in many states of the country. Foremost among them was Bombay in Maharashtra. Communal fervour in the state had been already high in the days preceding the demolition of the Masjid in Uttar Pradesh. Muslims started protesting on hearing the news of the demolition. The Justice B.N. Srikrishna Commission of Inquiry stated that members affiliated to the Shiv Sena and its supporters were actively involved in the killing of several Muslims along with the police. The commission 'laboured for five years, and heard and examined more than 500 witnesses and surfed through 2,135 affidavits', covered '72 police station areas in which disturbances had taken place' (Engineer 1998: 2215). The mosque was set on fire. In many places, police opened fire indiscriminately killing Muslims. The slum of

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[1] The intention of the *Karsevaks* is to *karseva* or worship through work. Hinduism does not show any documentation of this tradition (Nandy et al. 1995).

Dharavi saw many people getting killed because of the Shiv Sena-police collusion. The report found the role played by the police during the riot 'biased' particularly 'cynical and utterly in- different' (Engineer 1998: 2215).

The second phase of riots in Bombay again started in January 1993 (Engineer 1993). The first phase had started as a result of the spontaneous reaction of the Muslims after the demolition of the Babri Masjid. The Justice Srikrishna Commission stated in its inquiry report that the second phase started after a careful calculation were done by the Hindu nationalist organisations. The Shiv Sena leader Bal Thackeray had written inflammatory articles in party mouthpiece *Samna* and *Navaakal*. The Commission stated that the Shiv Sainiks had carried out surveys to identify Muslim houses and properties. They were in possession of voters list as well. According to police sources the second phase of the riots claimed around 500 people. However, the actual death toll was probably higher. Several thousands were severely injured.

The calculated planning by the groups tacitly supported by the state carrying out violent attacks on the minorities was again seen during the Gujarat riot of 2002. The riot took place in the aftermath of the burning of the Sabarmati Express, returning from Ayodhya, carrying *karsevaks*. The cause of the burning of the train is disputed. The Nanavati-Mehta Commission concluded that local Muslims set the train alight when the train stopped at Godhra town. However, the findings were contradicted by the Justice Bannerjee Committee headed by retired Supreme Court Judge, Justice U.C. Bannerjee which was appointed by the then Union railway minister Lalu Prasad Yadav in 2004 (Spodek 2010: 351). The finding stated that the fire started from inside the train and it 'was an accident' (Sud 2008:1271). The communal violence that followed was a systematic one. Mobs, mostly Hindu nationalists, supported by the state administration and police unleashed savagery. Coordinated attacks started taking place. Hindu mobs sporting saffron headbands and chanting slogans started attacking Muslims. The mobs were armed with weapons. The attackers had lists of the names of Muslims, a scenario which mirrored the violence inflicted on the Muslims in the days preceding and in the aftermath of the Babri Masjid Demolition. Such was the case during the anti-Sikh riots as well. The leadership

of the state also fuelled the situation when the then Chief Minister of Gujarat, Narendra Modi claimed that the fire in the train was caused by the local Muslims who were helped by the Pakistan's Inter-Services Intelligence Agency (Sud 2008: 1272). Retaliatory attacks on the Muslims started in many towns. After the declaration of the Chief Minister was made, attacks intensified. On the day of the burning of the train in Godhra, violence started in the towns of Vadodara, Bharuch and Rajkot. *Human Rights Watch* in one of its reports in 2003 stated,

> Despite the state's claims that police were simply overwhelmed by the sheer size of the Hindu mobs-often numbering in the thousands-evidence collected by the media, Indian human rights groups, and Human Rights Watch all point to state sponsorship of the attacks. In a matter of days more than 2,000 people were killed, an overwhelming majority of them Muslim. The violence quickly spread to poorly protected rural areas, fanned by hate campaigns and economic boycotts against Muslims. Accounts of politicians directing the violence were commonplace (Human Rights Watch 2003: 12).

Bandh (shut-down) called by the Vishwa Hindu Parishad (VHP) on that day was endorsed by the state which was issued through a press note (Datta 2002). The state's endorsement was interpreted as a sign of support by the VHP/Bajrang Dal combine as well as by the state's police administration. The Central government had sent in army troops, but the state government did not deploy before thirty-six hours after the violence started passed (Duff-Brown 2002). As it happened earlier during episodes of unleashing of state sponsored violence, homes belonging to Muslims, business establishments owned by Muslims and Masjids were destroyed by the rampaging mobs affiliated with the Hindu nationalist groups. Voter lists were also distributed in many localities. Police actively participated in the perpetration of the violence on the Muslims as was reported by many victims of the riots when they were interviewed by the teams of human rights activists (Human Rights Watch 2002: 25). Many were shot dead by the police. Ahmedabad witnessed slaughtering of many people. There were mass killings in Naroda Patiya and Gulmarg Society areas. The former Minister of Parliament from Congress Party, Ehsaan Jaffry was targeted by a crowd and was subsequently killed. More than half of the twenty

four districts of Gujarat were affected. Mosques, madrasas, dargahs and graveyards were destroyed. Several thousands of people were displaced and sought refuge in refugee camps. The riots witnessed unprecedented levels of sexual violence on women (Citizens' Initiative 2002).

The Shah-Mehta-Nanavati Commission, after a span of 12 years and 24 extensions, submitted its report on the post Godhra riots in the state of Gujarat. The report exonerated the then Chief Minister of Gujarat, Narendra Modi. The report stated that the state administration did not play any active role in the outbreak of violence and genocide of Muslims. The commission report applauded the state in its prompt effort at calling for the army deployment in the state completely. The report completely disregarded the delay in the deployment of the army despite their early arrival in the state. The report was tabled in November 2014. The conduct of the investigation of the Commission was mired in controversy. In 2003 Justice GT Nanavati gave a statement to the press stating that no evidence was collected so far that could suggest involvement of the state machinery and the police (Engineer 2003: 2115). Such a step proved detrimental to the progress of the case and nabbing of the accused.

Some cases which were related to the Gujarat riot included the Best Bakery case in which one of the main witnesses withdrew her testimony probably due to intimidation. Zahira Sheikh, the main witness in the case, turned hostile in court and then disappeared. 'Zahira was seen with BJP MLA Madhu Shrivastav in the court premises and this led to several eyebrows being raised' (Engineer 2003: 2115). However, that case was again reopened and re-trial was held in which nine of the accused were convicted of murder and sentenced to life imprisonment. Earlier 21 accused were acquitted. The case significantly pointed towards the complicity of the Indian state in the perpetuation of the cycle of violence and subsequent lack of sincerity in the deliverance of justice. There were several accounts of the victims who directly held the police responsible for not helping them in moments of distress (Engineer 2003: 2115). The Commission in the initial stages of the investigation held that there was no evidence against the police, which contradicted the

accounts of the victims. The Commission report after concluding the investigation held the same opinion.

Violent incidents of riots and its frequency point towards the criminalisation of politics. The laws are flouted with impunity by police-politicians-criminal nexus. Creating extreme fear and repressive measures taken by state and state agents add to further lawlessness in the country. Such a situation only serves the narrow and selfish purposes of the political elite. The garb of parliamentary democracy has made it possible for the successive governments to tinker with the fragile ties in society. Exclusivist agendas and majoritarian politics have been two of the most consistent features of Indian politics and state. Riots are a manifestation of such features. Riots and the associated violence have become so common in India that it fails to affect any substantial change in the behaviour of the electorate who can only show their acceptance of anything or displeasure by means of vote. E.g., after the carnage of Gujarat Riot in 2002, BJP won the state election by a huge margin, 126 out of 182 seats (Kumar 2003). Considerations of complicity of a party or the government in a violent outbreak of a riot are nullified by the electoral game. Electoral gains are interpreted as a sign of legitimacy earned from electorate by the votes polled in favour of the party gaining majority. The horrors of the violent riots and anguish of the victims are conveniently forgotten.

Chapter V

CONCLUSION

The purpose of the study is to understand the acceptance and persistence of violence despite its harmful character. Violence is perpetrated by everyone, varying only in degree. Aggression and physical harm need not only be characterised as violence. The intention to cause violence, psychological harm and humiliation can also be termed as violence. The central question that this study deals with is as follows: why state violence is considered acceptable notwithstanding its systematic character? The study is an attempt to question the privilege being given to sovereign states in international society. It is this disproportionate privilege that provides them the leeway, scope and opportunity to perpetrate violence and justify the same. Violence is perpetrated not only by forces acting against the 'state' but also by the machinery of the state. Coercion and violence are generated by the state apparatus, both directly and indirectly. The study is premised on the fact that in the case of India, state violence is a derivative of societal violence along the lines of caste, class, language, gender, religion and region. To make the study narrower, accordingly, efforts at assimilation, legislation and riots are taken as three potential manifestations of state violence.

Violence, as it has been addressed in this work, has been variously termed as physical violence, imposing constraint in exercising choice, coercion and the process of 'otherisation'. Foggy perception of history and the narratives woven around it often becomes the source of violence. Subjective narratives are used as weapons for manipulations and for contesting political battles. Narratives are constructed and used by the elites. The elites are not large in number. The elites are fewer in number and they want to concentrate power in their hands. In this way, the majority is ruled by a few. Yet there remains a paradox. Violence as a term is difficult to understand. What constitutes violence? What are the characteristics that qualify something as 'violent'? Is it violence when the victim refuses to resist, despite the use of force? Will that be considered as

compliance? These questions create confusion. The concept of violence spawned over the years is biased and morally charged. Violence is typically considered as an intent to cause harm. Hostility is violence in social parlance. Concepts of violence are largely restricted to threats to physical security. The psychological and social aspects of violence are usually kept outside the purview of the discussion of violence, though terms such as the harm and insecurity have been used sometimes.

Violence has been interchangeably used as coercion in this study. Coercion implies that there are at least two parties involved: the coercer and the coercee. Coercion also implies that the application of it to an agent reduces that agent's freedom and violates its rights. It is assumed that coercion is not always unjustified. The state and society cannot function properly without the presence of an authority being entrusted with the right to coerce preventing recalcitrant from harming others. Coercion has a devastating impact. A state's sovereignty and legitimacy depends on its ability to monopolise the use of coercion within its territory against enemies and foes. There has always been an ethical concern with coercion. The meaning and the content of coercion have also broadened over the years. Newer dimensions have been added to the concept. Many scholars have contributed, in their own way, in making the concept multi-dimensional. St. Thomas Aquinas, Thomas Hobbes, John Locke, Immanuel Kant, Charles Taylor, Frantz Fanon, Slavoj Zizek, Amartya Sen and many more such names have focused their attention on varied aspects of violence or coercion. The politics of the world made the concept of coercion theoretically complex and spawned large philosophical literature on the subject. The understanding of when an act becomes coercive is based on the idea of wrongfulness. There is a difference in understanding. The difference in understanding has resulted in the literature on coercion. Coercion is also known, apart from violence, by the terms such as compulsion, punishment, discipline etc.

The world witnessed an uncontrolled display of violence in the two World Wars. The detonation of the nuclear bomb intensified the existing hostility among states. The world politics was divided into two hostile blocs and there started a race to acquire newer,

sophisticated arms and ammunitions. The world was in the shadow of the threat of nuclear war. As there was no open confrontation between the two main adversaries, the United States of America and USSR, thus the term 'Cold War' was used. But what made the politics murkier was the several 'proxy wars' that they fought in different corners of the world. The end of the Second World War and the onset of the Cold War coincided with the process of decolonisation in many countries. The events sparked off social unrests, ethnic conflicts, and resistance movements in some countries, while it was peaceful in some other. The end of the Cold War witnessed the fanaticism and fundamentalism. The discourses on coercion and violence experienced marked change because of these developments. Moreover, the era of globalisation has also had an impact on the theoretical discussions on violence and, it has also been made a part of the study. Culture and identity has become a site of the dispute and struggle in this globalised world.

The earlier concern with open confrontations and war was now shifted to other areas. The borders became porous because of increased trade movements. There were increased movements of people. Conflicts of one country spilled over to the other one. The interaction among people because of globalisation should have made the world come closer. Instead, it has only made people more worried and reactionary. Increasingly, it is being seen that people have a misplaced understanding of 'cultures' of other areas, communities and countries. It is not the case that this was entirely a new phenomenon. But with the advent of globalisation, this ought to have gone away. However, this has only been reinforced and has increased in intensity. The study has placed importance on this phenomenon. The understanding of one's own culture and of other's cultures is fomenting many struggles around the world including India. As mentioned in the study, this understanding has given rise to a distinct process of 'otherisation'. 'Otherisation' is one of the dominant strands that this study discusses. The other is routinisation.

Politics of a state is politics by a few. The policies, ideologies and political behaviour of a state are motivated and driven forward by a selected few. This leads to the exclusion of

many. The political spectrum of modern state tries to portray the image of an inclusionary state and society which voices the opinion of the entire society and all the social strata. State-centric approaches fail to acknowledge the aims of democratic process, *i.e.* achieving equality, liberty, advancement and emancipation of the masses. Power is exercised by the elites and hegemony is established. Beliefs, ideas and concepts are influenced and manufactured in a way so that there remains no opposition for the political establishment. In this way consent is also manufactured.

Media (including print and visual media), cinema, educational institutions and curriculum and religious institutions shape ideas and beliefs. Opinions are influenced. The state uses these mediums to garner support for it. Elections are another device by which state does it. Legitimacy also comes from winning the elections. In countries such as India, elections are reduced to a mere game of number. The more the number is, the stronger the base of legitimacy of the government in power. The legitimacy enables the state to monopolise the use of violence. One of the initial questions that were raised at the beginning of the study focused on the rendering of state violence as a norm. Intersubjective understanding in the society allows for the presence and workings of certain cultural and social norms that support violence and encourage the use of it. Violence on women, children, elderly and economically disadvantaged is existent in many societies. Racial discrimination, ridiculing, caste violence, violence on disabled and denying even basic human rights to the people belonging to LGBT (Lesbian, Gay, Bisexual, and Transgender) is present in many of the so-called functional democracies including India.

In conventional wisdom nation-building and the pursuance of statecraft are thought to be unimaginable without the use of force. The referent object of these two is the state. The study questions this conventional wisdom. The attempt at consolidation itself constitutes violence. The process of nation building encourages coinciding of the varying identities with the boundaries of the state thus, bringing uniformity in culture, language, and religion. This results in celebration of the notion of nationhood. Violence through the

efforts of consolidation is inflicted when there is a planned effort at integrating languages, caste, religion or culture along a particular line. There has been an emphasis on sovereign equality after the Second World War; the issue of violence within the state has come into focus only recently especially after the end of the Cold War. The study focuses on India as it is considered to be an 'emerging power' in international society and proclaims to adhere to the principle of non-violence. It is considered as an appropriate case study for engaging with the phenomenon of investigation, *i.e.* the retention of state violence. The study has focused on the manner in which state violence is perpetrated and eventually normalised. From the perspective of critical theory, the consideration of state violence as appropriate, legitimate and inevitable is a matter of normative concern. In state-centric politics, the kind of morality that is observed and adhered to is essentially skewed. Such a sense of morality which considers the sovereignty as sacred enables the states to get away with violence.

The routinisation of the violence is another aspect that the study focuses on. One of the hypotheses of the study dealt with systematic use of violence by the Indian state for the purpose of consolidating and sustaining territorial sovereignty and for safeguarding national security, the latter narrowly defined in terms of 'territorial and physical security' by the mainstream conceptualisation of state and violence. The use of violence should be an aberration whereas it has been made a norm in reality. Subjective narratives are used by the elites to advance the cause of political manipulations and to garner electoral support. The narratives are constructed and they are portrayed as 'truths'. Categories of thoughts are presented as 'facts'. Sometimes, history is distorted. Threats are constructed and presented to people as threatening their existence and with it the state too. The state is being threatened and that it needs to be protected. The state is thought to be a sacred entity. Communities, language, religion and regions are earmarked as aiding the statist agendas and those which are not. Opposition to its policies are taken to be as 'dissenting' voices. Violence through the efforts of consolidation is inflicted when there is a planned effort at integrating languages, caste, religion or culture along a particular line. Selective languages, religion and culture are paraded as 'mainstream' and 'national'.

The state uses its apparatuses to drive forward processes of homogenisation and normalisation. Violence is inflicted on the population. However, they live with it knowing it as a 'normal' condition of life. Dominant discourses are used to assimilate majority of the population of the country. Those resisting against such a drive to obliterate their identities, language, religion and basic rights, face the wrath of the state. Protests are seen in the form of linguistic movements, regional and local movements. These uproars do yield results sometimes. However, most of the times, they fall prey to the manipulations of political elites who gain from sabotaging these movements and throttling the issues. The effort to project every issue, not favorable to the political elite, as subsidiary to mainstream narrative thus continues.

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Appendices

Basu, Chandan, Associate Professor, Netaji Subhas Open University, 17 November 2015, Kolkata.

Chakraborty, Shantanu, Professor, University of Calcutta, 1 September 2015, Kolkata.

Gayen, Abdus Samad, Associate Professor, Presidency University, 22 December 2015, Kolkata.

Jha, Sourish, Assistant Professor, Rabindra Bharati University, 14 December 2015, Kolkata.

Joshi, Sanhita, Assistant Professor, University of Mumbai, 29 January 2016, Mumbai.

Khandpekar, Neeta M. Associate Professor, University of Mumbai, 2 February 2016, Mumbai.

Sarkar, Mahua, Professor, Jadavpur University, 13 October 2015, Kolkata.

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Interview taken on 17.11.2015

Question: What is violence in your opinion?

Answer: Violence, in my opinion, has got capacity to annihilate anyone. It has the capacity to obliterate the existence of everyone. The scope of violence is too big. It encompasses not only physical violence. It could mean psychological violence. It could mean sexual violence. Violence could rob off someone's dignity and self-respect. The degree and extent of the notion of violence is huge. Violence instils fear in people and thus paralyses them. Violence could be present in the public life or in the domestic life. But the aim remains same which is to destroy or harm someone. Violence is both collective and systematic. Violence is never unorganised. Calculations are always there. The reason could be personal or collective. Nowadays we see a spurt in instances of collective violence. To give one example, Kshudiram Bose and Prafulla Chaki threw bomb at Kingsford, the magistrate of Muzaffarpur, Bihar. However, it hit two British soldiers and they died. Though condemnable, this kind of instances is not seen now. Innocent people are harmed rather than anyone else. Violence of today's era is different.

Question: Why is violence perpetrated by state?

Answer: Whenever we think of violence we tend to think that it is being perpetrated by a small group of people with vested interests. State is a bigger organisation which, many times, acts as an agency to inflict violence. Many of its method to inflict violence are subtle and is accepted as legitimate. Religious fundamentalism is considered as the most viable cause for inciting violence. That is there. But there are other agencies as well. There is another form of coercion, known in Bengali as *Bhasha Shontrash* meaning belittling someone's existence and deeds by words. Media also helps in the process. Branding and categorising someone is one form of violence. Moreover, condemning one violent incident and ignoring other also makes it apparent that there is a power play at

work. And we take one account given by media as the 'truth'. It is not false but there is a possibility that there could be other versions of 'truth' also. Violence is organised in nature. It is articulated by an agency, be it an individual or a collective entity. Ideology is also, sometimes, embedded in an act of violence

Question: Are protests against misrule have different meaning at different times?

Answer: When it comes to north eastern parts of India, beyond Assam, no area was ever under any foreign rule. So the discourse on ruling the other areas of the country cannot be same as that of ruling north east. Some questions are there and they need to be asked. But one cannot ask them. The overall situation in the country is not favourable for such questions to be asked. There is violence inflicted by the state and there is counter-violence. But the state is more powerful, thus its responsibility is also more. Dominant discourses do not acknowledge the differences that other parts of the country have with north-eastern parts. The state does not want to know the reasons behind their grievances. The intelligentsia of the country also fails to do the same. The constitutionality of various counter-insurgency measures is not raised. The efficacy of these measures in curbing insurgency needs to be questioned. There must be some underlying factors that need to be addressed. Applying force is not the solution. Plurality of discourses is not acknowledged. Whereas if such is done in other parts of the world, the people of this country protests. The structure of the state has remained unchanged since the time of colonial rule. Only the rulers have changed.

Question: Are certain forms of violence embedded in the societal structure? Do they curb basic rights of an individual?

Answer: Violence is embedded in the societal structure. The form of violence has evolved over time. One form of violence that is needs to be highlighted is the onslaught of Neo-capitalism. Traditional occupations are under attack because of Neo-capitalism. In this case, the majority of the victims are tribes who depend on the natural resources for survival. They do not have anywhere to go. Many of them move to cities as migrants. This is a form of violence. Means of sustenance is snatched away from people. Even not being able to rent a place because of one's religion or food habit constitutes

psychological violence. But these are not brought into focus by popular media. They choose their contents selectively.

Question: What explains the rendering of such forms of violence as a norm?

Answer: Some modes of violence are always repeated and routinised. Education is required to make people aware of such forms of violence. But we see the sector of education is also heavily tilted towards one particular paradigm. For e.g. parts of syllabus of the History subject on India is mostly focused on North Indian history. Few pages are given on the history of Bengal or Chennai. History of north east is ignored. The process is continuously repeated.

Question: Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

Answer: State comes at a later stage. Firstly, the violence is at the individual and societal level. The family is the first stage in the routinisation of violence in society. Roles are gendered. Women of the family, even working women, take care of the responsibility to cook and serve food and looking after the needs of the family. Most of the restrictions exist for women only. Women are told what to wear, when to go out of the house and to come back and how to 'behave'. The process creates a sense of entitlement and accountability. Rape and sexual assault are somewhat results of this attitude. Male chauvinism is always encouraged. Women are objectified and it is reinforced by the consumerist society. Domestic violence, be it inflicted on a male or a female, is also an outcome of this attitude. Law can punish the wrongdoer but it is not sufficient. The mindset need to change.

Question: How much Gandhi's values are relevant now?

Answer: Gandhi's values are important but they are not followed. Gandhi was against consumerism and materialism. Extreme form of materialism breeds violence. Gandhi's notion of non-violence is against the violence resulting from materialism. Gandhi was concerned about the colonialism and the British occupation of India. But Gandhi was

more concerned about the making the people realise the meaning and benefits of adopting a non-violent outlook towards life.

Question: Why is it that people do not question state violence?

Answer: People who have been at the receiving end of violence have questioned. They have protested in their own way. But there is a problem. They are alone in their quest to get justice. Others, who are comfortable in their lives, have not joined them. They are the beneficiaries of the existing system thus they do not question.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: State does seek to create laws that encourage its own statist agendas. But we need to remember two factors here. Firstly, there is a civil society in India. It is not robust but it is there. Secondly, the justice system in India is quite conscious. They act as checks on uncontrolled state power. However, laws are not made by the courts; they are made by the legislature. The courts cannot do anything if there are loopholes in the laws. The main responsibility lies with the elected representatives at the legislature. Civil society's duty is to see whether the legislature is dispensing its duties. In our country, the civil society is weak. Media also has got the responsibility.

Question: Why does state, political elite precisely, use processes of polarisation as instruments of control of the electorates?

Answer: Electoral politics depend on the numbers. When the organised sectors of the country are outnumbered by the unorganised sectors there becomes a problem. Unorganised sectors can be manipulated by small incentives. In India, the unorganised sector is huge in number. They are mostly used perpetrating violence. They can be mobilised on a short notice also.

Shantanu Chakraborty

Department of History

University of Calcutta

Interview taken on 01.09.2015

Question: What is violence in your opinion?

Answer: Violence is managed by the states. Like in order to maintain order, globally, in which both private and state players are involved. United Nations has historically done it. Security has been privatised. Private security has been utilised in the way that the focus is on either major multinational corporations engaged in providing private security. You come across names like Blackwater, DynCorp in Iraq and Afghanistan. If one looks at it regionally, the focus is on Iraq, Afghanistan or in Africa. In today's concept of welfare state, as we understand it, it is declining because of the globalisation process. Secondly, state is responsible for maintaining the security of its citizens, internally through its internal security forces. Externally it is done through its army. But it is being increasingly seen that the state dependency on private forces is increasing which is not solely because of globalisation but other factors are there too. There is a historical process like state control over the armed forces. In human history it is relatively a new concept. As long as states did not have adequate resources, standing army was not properly maintained. If one looks at European History like the account given in Michael Howard's *War in European History*, a lot has been written about. However, in Asian context, not much work is there. However, it is the same in Asia as well. As Christopher Bayly shown in his book, *Rulers, Townsmen and Bazaars: North Indian Society in the age of British Expansion, 1780-1870* that in the eighteenth century there is a veritable 1.5 million strong market for arm retainers of various nationalities which points towards cosmopolitanism. In nineteenth century as well, there were European adventurers who were king who belonged to several groups. The concept of private security is not new. In the context of western developed society, the concept of private security is popular. They may engage in illegal activities but they work under a regularised system. Malviya Research Centre, Benaras Hindu University have made an attempt at implementing non-western methods like there have

been works on local *mohalla* committees in Benaras which seeks to play a positive role in instances of Hindu-Muslim riots. In case of Nepal, there is a monograph by Saubhagya Shah. He has written how the western concept of civil society cannot be applied in Nepali society. In the 1990s when the struggle between Nepali state and Maoists were going on, both the urban communities as well as rural communities acted as mediators in the resolving the conflict. There was an attempt at composing a localised civil society.

Question: Why is it that people do not question state violence?

Answer: I am a bit sceptical regarding this question. People always question. They may be fearful to come out in the open. Usually when people are fearful, they try to articulate it through different cultural mediums. It could be humour. There are social networking platforms. There are underground literature, pamphleteering and wall arts. There are resentments. It comes out in other forms.

Question: Why is violence perpetrated by state?

Answer: There are local manifestations. The current government has managed to terrorise everyone. Local *para* politics is very much there. The earlier government also did the same but the left-front had a more organisational control. Thus the party did it in a systematic way. The current government is not run by a party which is cadre-based. They have simply taken in people. There is no centralised control. Goons are at large and they can do whatever they want as long as, firstly, the party gets a share. Secondly, it is ensured that the party wins during the local elections. The current government has succeeded in gaining control over the local politics in a big way unlike the earlier government. The present government controls the administration down to the roots in such a way which was not done by the previous government during their rule of thirty-five years.

Question: What explains the rendering of certain forms of violence as a norm?

Answer: Certain institutions tend to generate greater public support rather than the others. For instance, both are institutions of coercions, the police and the military. People respect the army. Police are universally hated by all sections. Both are colonial creations. Why

has this happened? Is the army better disciplined? There is a possibility that any organisation having a direct connection with the local population on a daily basis is bound to get hated. Even wherever the army works for internal security on a daily basis are also hated. For e.g. the functioning of the army in the Armed Powers Special Acts region like Manipur and other areas, the army is facing the same brunt. Is it the organisational fault or there are certain basic problems within the institution process itself? Or is the Indian state? In the 1990s two Latin American scholars who came up with the concept of 'low-intensity democracy'. The concept suggested that there is a democracy in a formal sense only. Elections do take place but essentially it is a elite-dominated society. The task of the government is to carefully coordinate between mass aspirations and elite domination.

Question: Do they accept certain forms of violence?

Answer: As long as it benefits the masses.

Question: Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

Answer: In case of South Asia including India, state building is an ongoing exercise. Societies are ancient but in terms of modern state, the states emerged quite recently. Even the colonial state like the Indian colonial state till 1937, India was administered along with Burma. Burmese administration separated after 1937. It led to both administrative and cultural linkages. George Orwell in his book *The Burmese Days* has written how a British man sees a rogue elephant. He has never killed an elephant and on seeing the elephant he gets tensed. But he has to hold a gun and stand in front of the elephant. He cannot run away because the local people are under the assumption that 'a white man never runs away in fear'. This represents state in other forms. A person often resorts to violence when he or she feels insecure. The state structure continuously feels insecure in developing societies like India. That is why it lashes out to vulnerable sections. The state appears to be strong before people whom it could deal with in a strong manner. But it appears to be weak in case of elite groups against which it cannot do anything. State and society moves along different planes. It has not coincided including India. State building

is a profit making exercise in the sense of garnering and distribution of resources. There exists enough competition at all levels. For instance, there is competition between state and society often leading to conflicts. There are political scientists who argue that conflicts are not always bad. Conflict encourages you to do better. Conflict becomes bad if it leads to violence. In case of almost all developing societies like in South Asia are mostly violent. There could be conflicts between state and societies like the Maoist movements. There could be intra-societal level conflicts. It could be religious riots. It could be community oriented riots. It could be race riots. It could be caste riots. It could be regional riots like the between the hill people and the town people. For e.g. Uttarakhand, forest land areas, in North Bengal. State-society gaps and continuous gaps make south Asian conflicts very prone to violence.

Question: To what extent has the Indian state used violence in its pursuit of statecraft and nation-building? Is there any incentive?

Answer: Indian army deals with internal where there has been a tendency to use iron fist with a velvet glove. Apart from army operations in Mizoram, there is no provision of using air power. According Shankar Chakraborty's *The Good Samaritan*, army has mostly played a benevolent role like army camps providing medical facilities to local people.

Question: Why does state, political elite precisely, use processes of polarisation as instruments of control of the electorates?

Answer: It is not the Indian state. It is done everywhere. Here, it is not a properly developed state. Europe is in its rich post-modernist stage, compared to United States which as a society is still modernising. How it looks at society. Individualism is there. They are conscious of human rights issue. Like as per the Dublin resolution, refugees must be registered at their first port of country. But they want to move further upstream. Can there be a coordinated policy? One does not know. Political elites would always try to divide it up because that is the way to rule. The basic contention is society and states do not coincide.

Question: Does construction of narratives (ranging from ideas, images, and popular media to violent outbreaks such as riots) which is subjective in nature play an important role in perpetration of violence/coercion?

Answer: Historicisation of story of exploitation. In case of communities, construction of history is very important. The stories of partition. Local people talking about Sikh riots or Babri Masjid which sometimes match but often clash with each other. Memories are very important. Gender dimension are also there. Male construction of gender differs and often tries to create a political ideology of revenge on the community for ill treating of women. Whereas Women's studies tend to be more empathizing. However, it is not always the case. Like during the Gujarat Riots, women were also violent. Centre for Security Analysis, in the 1990s carried out an interesting survey on how Indians look at the concept of security. They found regional differences. For north India, traditional security was more important in contrast to east and south India. One surprise finding was the different conceptualisation of security. It was essentially regional or income-based but they did not find any gender gap.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: Of course, they do. Various laws like POTA and AFSPA. To encourage entry of private security, Parliament passed the bill on private securities in 2006. So there are government establishments which try to streamline security. Private security guards are to be given training. They are everywhere. They maintain companies of their own. There are many retired police officials and army officials who after retirement have started recruiting retired soldiers etc. One restriction that India has that it is difficult for the country to send private security abroad as it requires lot of permission. Gun carrying is allowed in extreme cases. One problem of privatisation of security is that security for whom? Or security in what sense? There are concepts like 'security enclaves' or 'gated community'. Essentially conceptualisation of security becomes very defensive. One is erecting borders so that there is no conflagration. But it is difficult. Like the problem of migration. Security for whom? The answer to this question depends on the ideology of the state. India is functioning democracy and is a welfare state. The Indian state must be

concerned about security of all its citizens. Does it do so? It depends on what sort of elite is controlling the Indian state. The answer is to be found there. Some issues are spelt as problems in speeches and that becomes a 'security threat'. In the 1980s, Sikh problem was considered as a 'security threat'. Since 2000, as Manmohan Singh said Naxalite problems are the biggest internal security threat. That has been securitised to a large extent. So it often depends on what the government wants or wishes to implement and the level of coordination amongst the security establishments on these. All these play a major role in deciding the status and process of securitisation.

Abdus Samad Gayen

Department of Political Science

Presidency University

Interview taken on 22.12.2015

Question: What is violence in your opinion?

Answer: Violence is a kind of action which is primarily conditioned by ill feeling towards 'others'. Anger and hatred are the two prime movers of violence. Violence can take place at both private and public level. When an individual expresses his or her anger and tries to harm others physically or even at the mental level, that is violence. Language becomes the carrier of such activity. Generally people talk about violence at the social level and ignore other dimensions of it. Here, one thing to remember is that 'other' may be defined in terms of caste, ethnicity, gender and citizenship. Violence at a higher level like war is actually is actually nurtured at a lower level like family and then society. Socialisation plays a big role here. It is unfortunate that people overlook the violence at micro level.

Question: Why is violence perpetrated by the state?

Answer: Violence is not only perpetrated by state. As stated earlier, violence at the mental, cultural and psychological level is more dangerous. War and conflicts are there but the former types of violence are more perverse than open forms of violence. A particular group is often branded as enemy. History is replete with such examples. For example, Jews were brutalised by the Nazis in Germany in 1930s and 1940s.

Question: What explains the rendering of such forms of violence as a norm?

Answer: Latent forms of violence are more damaging than direct violence. Popular forms of imagery like films, songs and stories promote latent forms of violence. Since 1990, this has become a bigger problem.

Question: Why is it that people do not question state violence?

Answer: State is the custodian of all forms of violent activities. As it is the most important authority of the land, state violence remains unmatched. It depends not only on force and weapons but also on consent.

Question: Are certain forms of violence embedded in the societal structure? Do they curb basic rights of an individual?

Answer: For the purpose of nation-building, it is necessary for the state to rely on concrete force. In order to bring the whole society under control and to maintain law and order of the state, force should be there. But as mentioned earlier, latent forms of violence is always present in society.

Question: To what extent has the Indian state used violence in its pursuit of statecraft and nation-building? Is there any incentive?

Answer: The state has to use force to maintain law and order. The vital question here is that, whether the state has the right to suppress the population in the name of integrity? In heterogeneous societies like India, certain groups are supposed to be placed at par with others in terms of social power. State or political elites takes sides and manipulates the relation between the groups in order to gain political mileage. In this way, the state suppresses the 'other'.

Question: Why does state, political elite precisely, use processes of polarisation as instruments of control of the electorates?

Answer: As said earlier, state side with one party against other to incite violence. Be it openly or latently. Use of violence is unethical and anti-democratic. This phenomenon is common to all corners of the world. Amidst poverty and inequality, state is championing the cause of one against the other. Protests are curbed by brutal forces. State is always not wrong in trying to control situations which disrupt law and order. However, it should exercise restraint. In trying to control violent situations like riots, state can resort to violent methods to curb violence, but before that it should try to resolve such situations by non-violent means. Persuasions and negotiations should be followed. Independent India, despite being a democracy, uses brutal tactics in repressing dissent. E.g. in

combating ultra-leftism, state always employed violent means to control it. In the 1960s, J.P. Narayan initiated dialogues with the ultra-leftists but it was not successful in the end. Post-1970, there has not been anyone seriously interested in exploring such mechanisms. Since 1980, the instances of state violence are on the rise. Somehow, the more the state gets involved in mitigating conflict, the more complex it becomes. More and more people are raising their demands in the social and political life because of states' failure to disperse with social justice. However, the more these demands are made, state gets more impatient and there is a clash. It is a mark of increasing failure on the part of the state.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: Laws like AFSPA are proved to be misused. Democratic states should not depend on these laws as they lead to alienation and segregation. Too much dependence on these types of laws cannot resolve the underlying problems. Confidence building measures are required. If the government fails to instil confidence in people, the whole edifice of the state fails. In what ways do these laws ensure preservation of democracy? These are simply ad-hoc laws but they are made permanent. This is one form of psychological terror unleashed by the state leading to a continuous war-like situation.

Sourish Jha

Department of Political Science

Rabindra Bharati University

Interview taken on 14.12.2015

Question: What is violence in your opinion?

Answer: What constitutes violence is diverse. It cannot be streamlined. Knowledge is concrete. However, opinion is not concrete. The distinction between the two is diluted. Opinion is enforced on everyone and that is being promoted as knowledge. And that is a form of violence.

Question: Why is violence perpetrated by the state?

Answer: Violating the spirit of the Constitution is a form of violence. Everyone is equal according to the law of the land. Sometimes, extra initiative is needed to enforce parity between people who are differently placed in the society.

Question: What explains the rendering of state violence as a norm?

Answer: Political elites are not serious about implementing constitutional provisions. Violence is not only physical. Human rights, of various kinds, are often violated. E.g. NREGA is not properly implemented. Forest rights are violated. Is it not violence? Implementation processes are sabotaged. Mainstream political parties are silent about it.

Question: Why is it that people do not question state violence?

Answer: Compliance of the people is ensured. People are treated as mere subjects. Violence is always justified as helping a greater cause. Thus violence is repeatedly perpetrated.

Question: Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

Answer: The process of polarisation demands acceptance from the electorate. In this case, acceptance is provided by legitimacy gained through electoral politics. There have been several incidents in recent pasts, in India, where the process of polarisation has been extremely evident.

Question: Why do states, political elites precisely, use processes of polarisation as instruments of control of the electorates?

Answer: Democracy, somehow gives that space for polarisation to thrive. In the garb of functioning democracy, violent acts are committed. And that is legitimised by the consensus-building. Different forms of exclusionary methods are employed.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: Decolonisation has not brought about any real change in the country's legal system. It has continued with the colonial framework. State has become pervasive in every sense. The process of nation-building has ensured legitimisation the colonial framework as it serves the political elite.

Sanhita Joshi

Department of Political Science

University of Mumbai

Interview taken on 29.01.2016

Question: What is violence in your opinion?

Answer: What is generally visible as violent, we term it violence. But we need to go beyond that easily observable phenomena and look beyond and find invisible violence. This kind of violence takes place at a psychological and subconscious level and can result in breach of rights. Women, for example, face different kinds of violence at their home, workplace and public places. Thus, violence is a broad term and should not be limited to only physical violence.

Question: Why is violence perpetrated by state?

Answer: Violence is not only perpetrated by the state. In my opinion, weak people are violence. But it is also the case that an individual, a community or an institution resorts to violence because they themselves feel they are weak or are becoming weaker. They sometimes feel that they are losing their power and they want to retain power. So for them the last resort is violence. It is applicable to state also. When state feels that it is threatened or is unwilling to share their power, they may resort to violence. The state will publicly claim that it is democratic and will always follow the law of the land but do not want to go by the letter and the spirit of the constitution of the country. They want to follow their own 'idea' of running the state. But state shows that it is required to resort to violence. So it is in a way justified. This has happened in most of the cases of communal violence in India also including the Godhra violence and its aftermath. But it cannot be always proved. Because state has the power to twist facts and can also cover up its acts. Threats to the security, public health, public security, culture and treachery- are the reasons cited by the state as justifications for resorting to violence. If the state is mute and does not condone violence; that itself constitutes violence. It is invisible violence. We are not trained to question. The tendency to question is always shunned in our society. The

long spell of colonial rule is also responsible for this. They created an environment which discouraged people to question. Very few gifted and privileged people had the power to question. But also chose not to. It was only after the First War of Independence of 1857 that the people started questioning the establishment. Questioning is empowerment. That training needs to be there. The need to accommodate and adjust is taught and is conditioned. People are taught that are too many differences and it is better to adjust. Our country has had a history of debate. Different thoughts amalgamated. Diverse opinions were accepted. Our Philosophical tradition teaches us that but that are forgotten by the society now. Anything unacceptable is sought to be changed through violence now.

Question: Are certain forms of violence embedded in the societal structure? Do they curb basic rights of an individual?

Answer: Yes. Some forms of violence are truly embedded in our social structure and they curb rights of individuals. Women and children are the most vulnerable sections of the society and they bear the brunt of it. Women are taught not to eat good food like fruits alone. If they have to consume them they will have to share them with their kids and other family members. They are made to feel guilty. They have been trained in this way. Violence is embedded in our daily lives. Girls are taught to be docile while boys are taught to be aggressive. They learn that violence is justified. And later on these people are absorbed into various jobs, even public offices. They bring these values with them. State is just a representation of the society.

Question: To what extent has the Indian state used violence in its pursuit of statecraft and nation-building? Is there any incentive?

Answer: There are a number of examples where state has resorted to violence. Emergency era, the attack on Golden Temple, the Godhra violence and its aftermath- all are examples of state excesses. During Emergency many notable people were put behind bars because they were a threat to somebody's power. There is an intense dislike to dissenting voices.

Question: Why does state, political elite precisely, use processes of polarisation as instruments of control of the electorates?

Answer: The main objective behind polarisation is to divide people. Without polarisation it is difficult to rule people. In a democratic set up, politics is a game of majority and numbers. Democracy is a tool to control people. The colonial methods of statecraft have remained the same. All the laws have remained in place. The colonial hangover is still there. Polarising as an instrument of the control of the electorates in a country where the electorate is still not matured enough to take informed decisions because of lack of education and lack of awareness of what is happening around is very easy. Polarisation takes place in the name of caste, class and gender. However, educated people are also easily motivated.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: The state has continued with the old laws. For 2 decades the state was unwilling to pass the Right to Information Act. Such acts would make people aware of the actions and inactions of the government. The government's stance of not acting on a particular issue is also a form of violence. Governments, on many occasions, withhold information and try not to disclose details. Otherwise that will empower people. Empowering people is a threat to people in power. Moreover, few issues are always highlighted, like foreign relations, foreign policy and how India is projected in the international political arena. Domestic issues are ignored. Food security, safety of women, public health, reforms in our education system- issues are simply not discussed and debated. The opposition is also not contributing to a constructive discussion.

Dr Neeta M Khandpekar

Department of History,

University of Mumbai

Interview taken on 02.02.2016

Question: What is violence in your opinion?

Answer: There are two aspects of violence, external and internal. The feeling of unrest within oneself constitutes, in a substantial way, towards breeding of violence. Externally, there are several sources of violence. Words and behaviour constitutes violence. Sometimes people who are controlling power are prone to foment violence as well.

Question: Why is violence perpetrated by the state?

Answer: Sometimes state, knowingly or unknowingly, breeds violence. Modern system of governments operates in such a way that it fails to address the grievances of the people. Thus people become unhappy. The entire process harms people and the state as well. Sometimes, the incapacity of the state makes people dissatisfied with the political system and impatient too. The state and people fails to come to an understanding and that leads to violent outbreaks at many times.

Question: Why is it that people do not question state violence?

Answer: People question the structure and processes of state violence in an extremely limited way. As people are not engaged in deeper thought processes, they are not equipped with the necessary knowledge to decipher what constitutes violence and thereafter to question it. However, media has a role to play in it too. It is their responsibility to bring to the focus of the people contents of various events and in an impartial way.

Question: Are certain forms of violence embedded in societal structure? Do they curb basic rights of an individual?

Answer: Some forms of violence are embedded in the structure of the society. When basic necessities are not readily available, it creates dissatisfaction. Like joblessness. It

creates intense displeasure and the effect of it is discernible in everyday life. Violence need not be only physical violence. Democracy is ensured by the Constitution of India. But has that changed the scenario in a large scale way? No, it has not. Majority of the population is surviving on a hand to mouth existence. Most do not have a place to call home.

Question: What explains rendering of state violence as a norm?

Answer: More than the state violence, it is violence; in general, that is the norm in many strata of the society. It is evenly present in the entire structure of the society. Some efforts and mechanisms can eradicate that. These are: promoting heterogeneity in the form of mixed marriages bypassing the challenges posed by castes, religion and region. Education can promote liberal thinking. Such efforts can minimise violence.

Question: Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

Answer: Change has to come from the level of individuals and also from the community. *Ahimsa* or non-violence, first, needs to be practiced by the people then it will move on to the next level that is society and then the state. Any violent event and its after-effects need to be rectified by the common people. E.g., after the Mumbai Riots in the early 1990s, many affected areas of Mumbai formed *Mohalla* Committees which carried on the important work of maintaining communication and peacemaking amongst the communities.

Question: To what extent has the Indian state used violence in its pursuit of statecraft and nationbuilding? Is there any incentive? Considering, the nation was formed through the partitioning of territories accompanied by extreme violence.

Answer: After attaining independence, Indian state used least violence for the purpose of consolidation. Most of the countries of the world have used violence while consolidating territories. Nation building is usually accompanied by violence. India is still experiencing consolidation as it is a multilingual and multicultural state. And the process of

consolidation meets with resistance from many corners of the society and as well as the country. Thus there is violence.

Question: Why do the state, political elites precisely, use processes of polarisation as instruments of controlling the electorates?

Answer: Incentives are there, thus there is polarisation. People are always trying to manipulate. But it is the political elites who mostly dictate the terms of polarisation.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: State using laws to control the lives of the people is evident everywhere. No aspect of human life is outside the purview of laws. Everything is within the jurisdiction of legislations. An individual's movement is always controlled by law. Thus we see legal debates on abortion, death and personal beliefs as well. An individual's existence is determined by law. This happens everywhere in the world.

Mahua Sarkar

Department of History,

Jadavpur University

Interview taken on 13.10.2015

Question: What is violence in your opinion?

Answer: Specific code of conduct which infringes upon the rights of an individual. I give importance to physical violence as well as to moral violence.

Question: Why is violence perpetrated by state?

Answer: Because of the hegemony of the state. State is an artificial organisation. The edifice of state is based on power. One part of this power is violence. One cannot do away with violence. The structure of the state is to be maintained. Sometimes violence is used to bring order. But the imposition of violence can also be questioned.

Question: Why is it that people do not question state violence?

Answer: Out of fear, out of callousness and ignorance.

Question: Do they accept certain forms of violence?

Answer: Obviously. Sometimes we are callous. If it does not affect me personally, I tend to ignore an instance of violence openly done by the state. I do not pay attention to that. Violence is not always addressed by the people. Popular forms of protests done by people like wall painting and pamphleteering are done and should be taken into account.

Question: Why is violence perpetrated by the state considered acceptable notwithstanding its systematic character?

Answer: Violence first affects a person subjectively then it becomes a matter of the state. Thus we lack an urge to constructively protest against the state violence. We generally avoid ourselves from being extremely political. We tend to think that violence committed by the state are addressed politically. So we prefer to be social rather than political. Even

if the state perpetrates violence at the level of 'social' then also we avoid it in the name of the 'political'. There is difference between 'social' and 'political'. Usually people avoid thinking that they are being political. Mostly intellectuals often think that they should remain 'apolitical'. They forget Aristotle's dictum that 'Man is a political animal'. Usually violence is avoided. Even if social is infiltrated, a person thinks twice. He or she would not react politically. A person tries not to be political. A person would deliberately try to avoid to be addressed as a 'political person'. Nowadays, the idea of 'political' has become degraded. They avoid taking sides. There is no difference between social and political violence. Whenever, violence is addressed by the state, social violence turns into political violence. A person who is against violence does not raise his or her voice from the fear that he or she will be dubbed as a 'political' person.

Question: To what extent has the Indian state used violence in its pursuit of statecraft and nation-building? Is there any incentive?

Answer: Yes. Actually, often this violence has been used in the pursuit of statecraft. Whenever we think of an established order, violence has often been used in the name of breaking of order by so-called 'radicals'. In the name of radicalism, often people's basic rights have been violated. I think there have been cases where violence has been used as a part of nation-building. Afterall, we live in an imaginary nation. This art of nation-building has become so important to us that we do not think of protecting individual rights.

Question: Why does state, political elite precisely, use processes of polarisation as instruments of control of the electorates?

Answer: They do not use the term of referendum properly. Therefore, they use processes of polarisation for the purpose of self-interests. The idea of democracy is not properly used throught the processes of referendum, initiative and recall. The concept of 'democratically elected government' is questionable. If democracy is not successful in maintaining its hold without violence, then it is obviously questionable. Modern state is like that. Violence is often taken as a part of state policies. We do not pay attention to that.

Question: Does construction of narratives (ranging from ideas, images, and popular media to violent outbreaks such as riots) which is subjective in nature play an important role in perpetration of violence/coercion?

Answer: Surely. Social violence is to be given more importance. Like patriarchy is to be addressed here. Patriarchy is a form of violence. We fail to address it properly. Status of women projected through popular mediums like television shows promote patriarchy. For e.g. the serial shows widows wearing white sarees. Metaphors are used frequently. Widow Remarriages shown in the shows with 'the man putting *sindoor* on the woman's forehead'. The colour 'red' is shown as the metaphor for marital status of the woman. In reality too, women are expected to change surnames after getting married. These are all forms of violence. Popular media vehemently promotes all these for commercialisation and popularity. No one is questioning that. A form of essentialisation is created and this goes unaddressed. For example, Saree becomes a dress code for many people. We fail to realise that apart from countries in South Asia and Central Asia, there is no distinction between a man's clothes and a woman's clothes. Formal clothes are same for both of them. These infringes on individual's rights. Women are also party to the process.

Question: Does state use laws and legislations as means to engulf and control human lives and advance the process of securitisation?

Answer: Slightest disturbances are sometimes sought to be controlled by laws like in India there is the section 144. Many times these are done without knowing the facts also. We dub certain disturbances without fully knowing about it and the state also gets involved in it.

Question: How do you perceive the term 'routinisation' by state?

Answer: State should act more democratically. I regard patriarchy and the status of women to be problematic in current scenario. If that does not go away, women will not be able to be 'political' beings. Basically, there is no difference between domestic life and public life. But a differentiation is always made. If these ideational hindrances do not go away gender equality and class equality will not come. Like the people engaged in household work do not get any leave. However, the government is thinking in bringing

about some change by unorganised working class under a single structure. Societal violence is codified by state violence. Actually, state is tuning the citizens with the nation-state. It is us who differentiate between different types of violence and designate some as important and some as unimportant. However, all sorts of violence need to be addressed as they all contribute towards what is termed as state violence.