


Governance and myths of state in Mumbai

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In all those tasks that need no particular and exceptional efforts, no special courage or endurance, we find no magic and no mythology. But a highly developed magic and connected with it a mythology always occurs if a pursuit is dangerous and its issues uncertain.


Shattered myths

A passage in The moor's last sigh by Salman Rushdie (1995: 123–6) captures the gap between the dominant self-images of the nationalist elite and the cultural practices of the popular worlds in Mumbai: every year during the Ganpati celebrations, when the elephant-headed god Ganesh is celebrated in huge public processions, the modernist painter Aurora Zogoiby dances in her white dress on top of her house at Malabar Hill, displaying her rebellious sophistication towards tradition, as well as her contempt for what she regards as a primitive Hindu mass-festival unfolding on the popular beach far below her. This constitutive split in the life and imaginings of the city was once again highlighted by two rounds of bloody riots between Hindus and Muslims in Mumbai in December 1992 and January 1993, which left more than 1,000 persons dead, many more wounded and more than 150,000 people displaced.

I am indebted to Véronique Bénêt, Chris Fuller, Jonathan Parry, Jonathan Spencer, Finn Stepputat, Oskar Verkaik, Akhil Gupta, Daniel Herwitz, Vivek Narayanan for helpful comments and suggestions that enabled me to improve and sharpen my argument.
The riots dealt a major blow to the image, favoured by the middle class, of Mumbai as the epitome of Indian modernity and the site of a pragmatic, enterprising capitalist ethos. The ferocity, scale and political character of the riots made it clear that sectarian violence emanates not just from residues of irrational belief among the ordinary masses, as conventional wisdom has it, but also remains central to India’s experience of modernity and capitalism. One of the central themes in Rushdie’s novel is exactly that Mumbai’s official face and the life of its affluent elite depend on extensive involvement in the city’s murkiest sides: massive corruption, organized crime and communal politics. During the riots and their aftermath, these forces and dynamics—immensely powerful but denied—acquired an unprecedented visibility, which was deplored by prominent citizens, who bemoaned the demise of public order, tolerance and cosmopolitanism in Mumbai (e.g. Padaonkar 1993). Scholars and activists saw the proliferation of crime and sectarian politics as an effect of the ‘lumpenization’ of the city as its industrial economy and its large working class have given way to real estate speculation and small service industries (e.g. Lele 1995).

My basic proposition in this essay is that these concerns were symptoms of a wider anxiety. Centrally at stake was the ‘myth of the state’, the imagination of the state as a distant but persistent guarantor of a certain social order and a measure of justice and protection from violence. The shattering of this myth appeared in different guises to different groups and communities. To the Muslims in Mumbai (approximately 17 per cent of the city’s population), who bore the brunt of police brutality and the ethnic rage of militant Hindus in both rounds of violence, the riots marked the culmination of a long process of political marginalization and everyday harassment by the city police and Hindu extremist political forces. For more than a decade, Muslims had been the targets of relentless stigmatization by militant Hindu nationalist organizations such as the Shiv Sena. Aided by the police, the mainstream press in Mumbai had consolidated older images of the city’s Muslim areas as dens of drug-peddling, smuggling and violence, and peopled by clannish, fanatic and hostile Muslims, paying allegiance to dreaded ‘mafia’ dons like the Dubai-based gangster-king, Dawood Ibrahim.

The anti-Muslim bias of the city police force became more obvious than ever during the riots when police officers issued ‘shoot to kill’ orders for Muslim demonstrators, while generally milder forms of riot control were administered on Hindu crowds. During one week of riots, killings and arson in the city—organized and encouraged by the Shiv Sena—the police actively assisted Hindus, protected them from Muslim counter-attacks or simply turned a blind eye to the atrocities and plunder by Hindu militants. The presence of leading Congress ministers in Mumbai during the riots, and their deployment of the newly-formed ‘Rapid Action Force’, did not curb the sustained attacks on Muslims.

These circumstances gave rise to a range of rumours and conspiracy theories. To most of my informants in the Muslim neighbourhoods in central Mumbai, older imaginings of the upper echelons of the state and the Congress party as sites of justice and protection gave way to a radical sense of isolation and betrayal. In March 1993, a group of people, mainly Muslims affiliated with gangster organizations in Mumbai, executed a series of bomb blasts killing hundreds of civilians on a single day, and wrecking bus terminals as well as the city’s stock exchange. A few weeks later, consignments of arms and explosives were recovered at several places along the Maharashtrian coast. Allegations that the secret and independent Pakistani intelligence unit, ISI, was assisting local underworld networks in Mumbai were immediately raised by the police, as well as by Hindu nationalist and more moderate public figures.

Regardless of the factual complexities surrounding the bomb blasts, it soon became a well-established popular truth that the blasts constituted a Muslim answer to militant Hindus, a message of ‘don’t mess with us’, sent by the legendary Dawood Ibrahim—now elevated to the status of a stern godfather—on behalf of some sections of the Muslim community. A Muslim female teacher from Naggada echoed what I found to be a widespread sentiment when she told me in 1993:

We all felt horrible during those four months [December 1992 to March 1993]; all over you would hear these derogatory remarks about Muslims, you felt the hostility all over, in the trains, in shops, in my school. I recall riding on a train when a group of Hindu women spotted me and started talking quietly. One said ‘We Hindu women should also do something. Look at that Muslim woman there—one should throw her off the train’... All this stopped after the bomb blasts—not because they accepted us, but because they feared us.

Among substantial sections of the Hindu middle classes and the slum-dwellers who supported militant Hindu nationalism, the shattering of the myth of the state appeared in an altogether different form. Here it was a triumphant sense of ‘teaching the Muslims a lesson’, of overturning and defying the state, of celebrating an ethnic-majoritarian justice in the face of what Hindu nationalist leaders had decreed as the state’s ‘pampering’ and protection of minorities. During these heated months in Mumbai, it was as if the earlier practice of more restrained and guarded modes of naming and talking about Muslims had disappeared, and given
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way to the most radical xenophobic fears and fantasies, which circulated widely from rickshaw drivers to respectable family doctors.

The supreme dictatorial leader of the Shiv Sena, Bal Thackeray, has made a name for himself through colourfull and provocative rhetoric, his radical abuse of Muslims and political opponents, his outspoken contempt for the judiciary and his populist attacks on everything associated with "sarkar" (the state/government) (see Hansen 1996). Since the riots, the Shiv Sena has consolidated its position year by year. In the 1995 elections which brought the Shiv Sena to power in the state of Maharashtra, the party completely swept the polls in the metropolis. In spite of massive evidence of increasing corruption at the highest level, open contempt for legal processes and democratic procedures, and Thackeray's celebration of his own 'remote control' of the government, the party's popularity was not affected for several years, so that it once again swept the polls at the municipal elections in 1997 in Mumbai and several other cities in the state (Hansen 1998). Did this signify a mandate to ethnicize the state with a demise of older notions of the secular state as a neutral adjudicator of conflicts? Before answering these questions, let me briefly consider how we can think of 'the state'.

**Governance and the imagined state**

In popular political imaginaries and in the eyes of political strategists, the state is often reduced to a pliable apparatus in the hands of political forces. At the same time, it is also clear to most people that the state is something more permanent, more omnipresent and more central to their lives, something larger and more durable than the prevailing regime in power at any one time. The state is a name given to various practices and institutions of government, not only as an analytical concept but also as a locus of authority invoked and reproduced by an endless range of interventions—from validating documents and checking motor vehicles, to prohibiting substances or encouraging forms of behaviour that promote public health, and so on. The state, in other words, is an organizing concept through which people in Mumbai, as well as in other modern societies, imagine the cohesion of their own society, its order, its sovereignty—but also its hidden secrets, sources of violence and evil.

In the history of the west, the idea of the state emerged as a site of sovereignty, a symbolic centre of political will and power above partial interests. According to this tradition, a state needs to govern but must also reproduce something more, an imaginary dimension that separates its own actions from those of any other agency. The generation of legiti-
macy takes more than hegemonic imposition of categories and epistemic regimes. It requires the enactment of the state as a symbolic centre of society, an arbiter of conflicts and the site of authorization, which can delegate power as well as rightfully 'write society' through law, the constitution, rules and certificates.

Ernst Kantorowicz (1957) has shown with great subtlety how a legal-political theory of the 'King's two bodies' developed in medieval Britain. The political authority was constructed as a dual structure: the notion of a sublime, infallible and eternal body of the King (the Law), and the profane, human and fallible body of the king (the giver of laws). Kantorowicz quotes Blackstone writing on the sublime dimension of royal authority: 'the king is not only incapable of doing wrong, but even of thinking wrong: he can never mean to do an improper thing: in him is no folly or weakness' (qu. in Kantorowicz 1957: 4).

As Lefort points out, the efficiency of this construction flows precisely from the separation and unity of these two bodies, from the combination of the profane and the sublime in the eyes of the subjects:

It is the image of the natural body, the image of a God made flesh, the image of his marriage, his paternity, his liaisons, his festivals, his amusements and his feasts, but also the images of his weaknesses or even his cruelties, in short, all the images of his humanity, that people their imaginary, that assure them that the people and the king are conjoined (Lefort 1988: 245).

This union of the two bodies was later reconfigured as the nation, the people or the leader, which took the place of the sublime-abstract body and made governance of the empirical and profane people possible in the name of that higher principle (Ibid.: 254). Lefort argues that with the advent of democracy this mythical and 'original' source of power becomes radically empty as it can only be temporarily occupied by representatives of the people or nation (Ibid.: 17). These representatives represent the people by occupying exactly that which is more permanent and enduring: the central institutions of the state.3

I suggest that the imagination of the state is marked by a deep and constitutive split between its 'sublime' and 'profane' dimensions. The latter encompass the incoherence, brutality, partiality and banality of the technical sides of governance, and the rough and tumble of negotiation, compromise and naked self-interest displayed in local politics. These features stand opposed to 'sublime' qualities imputed to a more distant state: that is, to the opaque secrets and knowledge of the state's higher echelons, to its hidden resources, designs and immense power, and to the higher forms of rationality or even justice believed to prevail there.
One of the effects of this split, as I will indicate below, is that the sublime qualities imputed to the state make it possible to transform otherwise dispersed, and maybe utterly senseless, procedures of bureaucracy, into meaningful signs of something larger, as minor bits in a more complex design or plan.

We need to recognize and understand this crucial duality in the cultural construction of the state if we are to fully understand why the state's political forces and agencies felt the need to launch various initiatives in Mumbai in order to create mechanisms for reconciliation, or at least cohabitation, between Muslims and Hindus after the riots, and how Muslims especially have reacted to these initiatives. I will argue that these initiatives have been launched to reassert the state's authority partly by reorganizing techniques of governance, but also by reconfiguring its legitimacy with the aim of retrieving a myth of the state without which no democratic state can govern—even a state headed by a government which nurtures a most anti-democratic form of majoritarianism, as is the case with the Shiv Sena.

Before proceeding to the complexities of contemporary Mumbai, let me briefly consider whether such a line of reasoning derived from medieval western political thought can be made relevant to contemporary India. Are there any 'sublime' dimensions of the state and political authority in modern India at all? Should one instead adopt a longue durée perspective and inquire into how older registers of kingship and the Brahman-Kshatriya relations are played out today? There is no doubt that notions of honour, patronage and the appropriate behaviour of the landowning aristocracy and dominant castes in various parts of India have shaped the construction of politics there in profound ways. These cultural repertoires seem, however, insufficient to capture the meanings evoked by the term sarkar in contemporary India.

In spite of deeply segmented and competing notions of power, leadership and legitimacy in post-colonial India, its public culture has produced a large reservoir of shared symbols, languages and references—from war heroes, politicians and film heroes to sports teams, cultural events, brand names and styles of consumption shared across the length and breadth of India, sometimes across caste and class as well. This national, or at least nation-wide, culture has been systematically promoted by the state whose crucial role in producing a national imaginary can hardly be overestimated, as Khilnani (1997: 19) has pointed out. Admittedly, the political field abounds with religious imagery, and politicians invoke pre-colonial aristocratic splendour in dress and speech, and refer to the wisdom of religious texts, when they attempt to represent the authority of the nation-state. However, education, command of English and competence in the world of science and administration constitute equally, if not more, powerful registers of authority and sublime qualities. The bureaucrat, the planner and the scientist, the member of the Indian Administrative Service—the heavily mythologized 'steel-frame' of the state—occupy crucial positions in contemporary political imaginaries, no less for the large middle class. The bureaucrat was for decades the hero of modern India and, until the 1970s, was depicted in Hindi films as a man of character and insight.

Until quite recently, this 'modern nationalist aristocracy' of high-ranking bureaucrats, scientists and politicians was referred to with awe and respect. The mark of these ideal national citizens manning the bureaucracy was exactly their combination of moral integrity, commitment to the notion of a larger abstract nation and deep technical insights. The authority of education, especially English-medium education, also remains crucial among ordinary people, for whom it often generates more respect than wealth. According to my own experience, many ordinary people in India attribute considerable authority and sublime qualities to institutions such as courts, as well as to judges or senior bureaucrats. This testifies to how effectively the modern nationalist elite in India throughout this century has made education, science, the rule of law and the role of the public sector the core signifiers of the modern nation. Complementing older registers of public conduct, the nationalist register has also evolved a complex web of public languages and political imaginaries that shape discourses on the state and boost rumours and stories about rule-breaking, corruption and abuse of governmental authority. It is the sense of violation of the idealized sublime qualities imputed to the state that makes such stories worth telling at all. It may well be that ordinary Indians are less in awe of the state than a few decades ago, but it is still regarded as indispensable for public order and for recognizing communities, leaders or claims as legitimate. Bureaucrats, judges and officers are called upon every day to authenticate, inaugurate and authorize—in brief, to act as transient incarnations of authority and symbols of the state. These manifestations of the state's authority may well be a structural effect of governance, as Mitchell (1999: 9) contends, but they are also important public performances which need to be studied in their own right.

I will illustrate the split representation of the Indian state as both sublime and profane by, firstly, analysing judicial initiatives, especially the work of the Srikrishna Commission inquiring into the riots and bomb blasts of December 1992-January 1993, and March 1993 respectively, and the proceedings of the special Terrorist and Disruptive Activities
(TADA) court investigating only the bomb blasts in March 1993. Secondly, I will discuss how the government maintains public order in central Mumbai and how the so-called ‘mohalla committees’ were set up by the police and non-governmental organizations (NGOs) in these neighbourhoods in 1994. I look at the trajectory of these initiatives and how they impacted on local perceptions of state and authority in the context of the strained everyday encounters between police and Muslims in the city.

The Srikrishna Commission: catharsis and the politicization of truth

A few weeks after the riots in January 1993, the Government of Maharashtra decided to set up an inquiry commission headed by the High Court judge, Justice Srikrishna. The massive evidence of open involvement by the Shiv Sena and other parties in organizing the violence, and of police mistreatment of Muslims, made it clear that in order to re-establish its authority in the eyes of the minorities and human rights organizations, the government had to demonstrate its commitment to justice. The commission began its work in June 1993, with a mandate to establish ‘the circumstances, events and immediate causes of the incidents which occurred in the Bombay Police Commissionerate area in December 1992 on or after the 6th December 1992, and again in January 1993, on or after the 6th January 1993.’ The commission was further mandated to identify ‘individuals, or groups of individuals or any other organisation’ responsible for the riots, as well as to assess the effectiveness of the Bombay Police in handling the situation (Srikrishna 1998: 1).  

The commission was supposed to work like a public hearing and initially called ‘all persons having knowledge about facts touching upon the Terms of Reference to come forward and file affidavits before the commission’ (Ibid.: 2); it also called upon the police and the government to submit their versions of the events in the city. Altogether, 2,126 affidavits were filed, two from the government, 549 by the police and 1,575 by various individuals and organizations. The political mandate made it clear that it was the prerogative of the state government of Maharashtra to decide whether, when, and in what form, the Srikrishna report (submitted in March 1998) would eventually be made public. The cabinet of the Shiv Sena-Bharatiya Janata Party (BJP) government delayed the report’s release for five months and it appeared in August 1998, five and a half years after the riots took place. It was left to the state government to decide whether the massive evidence gathered by the commission would be made available to the Advocate-General to allow the state to institute criminal prosecutions.

Public inquiries into serious conflagrations, major policy failures or disasters, such as famines or revolts, have been carried out in India since the 1870s. The inquests of the colonial state were normally carried out by civil servants interviewing police officers, victims, witnesses, and others in order to establish the factual circumstances and to apportion responsibility. In the independent post-colonial state, these techniques of governmental self-diagnosis continued but acquired new moral and political dimensions, because they became intensely preoccupied with rooting out harmful practices and with reforming society through reform of the state (Visvanathan 1998a: 15). When the Shah Commission in 1977 probed into the excesses of the ‘emergency’ imposed by Indira Gandhi, a new and more openly ‘cathartic’ mode of enquiry was created. The Shah Commission was more like a hearing, with submissions from victims of excessive use of state power, as well as from responsible bureaucrats and politicians, and it sought to make its style and proceedings as close as possible to those of a courtroom.

The Srikrishna Commission emerged more like a public tribunal; it was decided to make the proceedings public, and to call upon interested organizations and parties to be represented through legal counsel along with the commission’s own official advocate. Between 1993 and 1997, a number of organizations and parties were represented before the commission: the Shiv Sena and the BJP (which were ruling the state during most of the tenure of the commission), the All-India Milli Council (a coordination group for a number of Muslim organizations), the Jamaat-e-Ulema (Council of Islamic Scholars), the Communist Party of India (until 1995) and a variety of human rights associations, such as the Lawyers’ Collective and the Committee for the Protection of Human Rights. The commission could call upon any public servant and ask him or her to testify under oath before it, whereas ordinary citizens only appeared according to their own wish. The same voluntary principle applied to elected officials, but given the public nature of the hearings there was pressure on public figures to appear in person and let themselves be cross-examined. The hearings began as systematic inquiries into the events unfolding during the critical period in the twenty-six affected police districts in the city. Based on independent investigation and affidavits from citizens and police officers, the commission and legal counsel summoned and cross-examined witnesses and officials. After each cross-examination, Justice Srikrishna drew his conclusions about.
causes and effects, and his brief summaries and the mass of written material was summarized in the final report.

The material the commission dealt with was intensely political, just as the form and public nature of the hearings - closely covered by the press - often made them rhetorical platforms for the counsel of different parties. In so far as it was the political parties that were represented, the rhetorical battles at the hearings very often came back to the question of whether one or another 'community', party or organization was responsible for a certain act, and how that act could be justified as retaliation for previous atrocities by 'the other community', and so on.3

Reconstructing 'truth' after the fact

Before looking at the intricate relationship between the state government, the commission and the ruling parties, let me offer a few glimpses into how various materials were presented before the commission.4

When the decision to set up a commission of inquiry was taken by the state government in February 1993, Mumbai's Commissioner of Police during the riots, Shreekant Bapat, was transferred and A.S. Samra, a highly respected officer was brought in to reform the city's police force. Samra had been very successful in preventing the massive riots in Mumbai from spreading to Than e north of the city, an industrial district that had seen the worst rioting in the country in the 1980s, and as a Sikh he was widely assumed to be neutral in the Hindu-Muslim conflict. Samra's arrival and the wording of the commission's mandate made it clear to many police officers that the state government was ready to put most of the responsibility on the police force. Hundreds of officers who had been in command at police stations and in the field became busy writing lengthy affidavits explaining their actions and perceptions during the riots. More than five hundred of those were submitted to the commission.

The two handfuls of affidavits I managed to get access to all ran along similar lines. They began with a long, often rosy account of the career of the said officer and his specific qualities, often pointing to his long experience in handling 'mobs' or crowds. One officer referred to his long experience at police stations in Mumbai's mill district where he had dealt with demonstrators and 'violent mobs'. Another used almost ten pages listing all the demanding postings he had been in ranging from Dharavi, the biggest slum in Asia, to Agripada, one of the most notorious trouble spots in Bombay - and he provided a virtual catalogue of situations he had dealt with: mass meetings, Hindu-Muslim violence after cricket matches between India and Pakistan, religious processions turning into 'ramping mobs', and so on and so forth.

Armed with these credentials the officers then turned to describe the areas they were posted in during the riots. One officer described the Muslim-dominated Dongri area in central Mumbai as a dangerous and unpredictable place:

This locality has a long history of communal riots (that have) been occurring here at frequent intervals since 1893. ... Though by and large the residents are peace loving citizens, incidents of anti-national character committed by a few mischief mongers tend to cause sudden escalation of tension. The area has earned such a notorious reputation that the police machinery has to be alert round the year. However, it is not always possible to predict how and to what extent a situation can deteriorate.

The officers' accounts then gave vivid and detailed descriptions of the events and their actions, the orders issued, the number of rounds fired, etc., during both series of riots in their respective areas. From these accounts what emerges is a picture of chaos, drama and confusion; of a city exploding in what the officers describe as random and unintelligible violence, looting and arson. Violence, said officers, often broke out behind the police even as they dealt with one situation, and while fresh reports of police vehicles being stoned and attacked by rioters in new areas were pouring in. These were stories of a force not properly prepared for such situations, of confusion and of a fear of mobs which - in accounts from the Muslim parts of the city - seemed intensely hostile to the police.

In cross-examination, most officers defended their actions and asserted the need for public order. One maintained that the so-called ghanta naad promoted by the Shiv Sena, when Hindus rang the temple bells on 6 December 1992 to celebrate the demolition of the mosque in Ayodhya, 'was treated as religious activity exempted under the ban order of the Bombay Police Act'. A senior inspector from the Nagpada Police Station admitted that although he was aware that Shiv Sena (Shiv Sena activists) made highly provocative speeches in connection with the bell-ringing, 'it did not then occur to me to take any action'. An inspector was asked by counsel for the Milli Council to justify calling Muslims 'aggressors'. He replied: 'Muslims were aggressors because they came out in large numbers (and) they did resort to violence. The police had to take effective action and the Muslims who were on the streets had to bear the brunt of the police action'. According to this officer, the question of why the events took place, who was shot, and so on, was not relevant to policing. Their job was to restore public order and those who got in the way could get shot.
The issue of whether the police used excessive force against Muslim rioters in particular was discussed at length in the commission proceedings. A police officer defended the immediate use of 'extreme force', which is to shoot directly at rioters in order to kill. He said: 'I do not think that it is always necessary to use graded force when dealing with a situation of violence. If extreme force is resorted to, at the very first stage, in order to put down the riots firmly, I would consider it justified'. Affidavits from ordinary constables tell a less orderly story, full of horror of advancing mobs: 'the mob did not respond to our teargas ... on the contrary, they indulged in heavy stone throwing ... then someone fired a gun at us'. An elderly constable related how he was attacked with a sword and how his colleagues withdrew into the police post: 'I was then left alone in the hands of the mob, I was terribly frightened ... someone attacked my face and neck with a sword'.

Most of the accounts by constables seem to reflect both fear and incomprehension, as if rioters were a sort of natural calamity, displaying an aggression that the policemen did not seem to connect to their own status as police. Instead, many of them depicted themselves as the victims of the riots. Judging from my conversations with policemen, this was not an attempt to exonerate themselves or their actions. None of the policemen I talked to denied that they had shot people dead or wounded them. To them it was self-defence, the only way to respond to the mobs they dreaded so much. The sense of being unjustly targeted while doing your job, of being hated by the local people, of detesting the same local people, and being stabbed in the back by political leaders, was a common experience. In some ways it appeared to me to be the strongest bonding among them, a sort of negative esprit de corps.7

The bulk of the evidence presented to the commission was, however, affidavits submitted by victims and bereaved families, mostly Muslim, as well as social workers, local organizations, journalists and many others who did not share the police's perspective. There were harrowing accounts of the brutality and rage of mobs or groups of men attacking Muslims in streets and homes, attacks often led and organized by local Shiv Sainiks, and there were frightening accounts of the anti-Muslim bias of the police in their 'clean-up' operations. A young man who worked in a Muslim-owned bakery gave this account to the commission:

Commandos in light uniforms and bulletproof vests entered the building. I peeped out from my hiding and saw Samshad standing, two commandos pointing their guns at him. He folded his hands and sat down near the commandos and pleaded that he was a Bhaiya (from U.P.). One of the commandos kept saying that Sanashad was a Pakistani, the other said that he was Kashmiri. ... I concealed myself again, then I heard firing and it became quiet. I saw Sanashad writhing in pain, blood flowing out. He said his prayers for a minute or two, and then he was quiet.

It was, however, testimonies from leading police officers which elicited most interest from journalists and others interested in the proceedings. V. Deshmukh, former leader of the Special Branch (SB) in Mumbai, was the first high-ranking police officer to appear before the commission. Deshmukh, a well-spoken man with intellectual inclinations, appeared very humble that day in mid-February 1997 as he stood in his uniform in the dock in a large spacious room in the Bombay High Court, a fine example of colonial architecture on the Maidan in Mumbai. Deshmukh was more frank in admitting the SB's failures than anyone had anticipated. In his deposition, Deshmukh explained the lack of intelligence work by the fact that he, as well as many others, 'was led to believe that the government would protect the mosque (in Ayodhya)'. He said that he was well aware of the Shiv Sena's capacity for violence, that the party 'had incited hatred against the minority community', and that 'maha arts' were started by the Shiv Sena in late December 1992 with the purpose of forcing the minority community to give up their namaz on the streets.8 He also stated that the SB knew all the key personnel in communal organizations in the city, but chose to do nothing because he and other police officers were reassured that nothing would happen in Ayodhya.

In his cross-examination of Deshmukh, the Shiv Sena's counsel, Balakrishna Joshi (a Shiv Sena MLA), followed a course he had pursued throughout the hearings. Instead of challenging the evidence of Shiv Sena involvement (which would have been a futile exercise), Joshi focused almost exclusively on alleged aggression and attacks on the police and Hindus by Muslims. During the riots, rumours were ripe that Muslims collected arms in mosques and that their loudspeakers were used to incite attacks on Hindus. But Deshmukh stated that the SB did not recover any weapons from mosques. Questioned by Srikrishna about why the SB had failed to monitor the activities of the Shiv Sena more closely, Deshmukh answered: 'The SB received reports on December 10 that masjids maybe were used to instigate violence, but issued no instructions in this regard ... nor did it act against two Muslims who gave provocative speeches in November 1992'. Deshmukh's reaction revealed that he subscribed to the widespread notion of communal violence as an enactment of retributive justice, where killings on each side cancel each other out and make the two sides even. Similarly, the grave failure of the SB to monitor the Shiv Sena can be counterbalanced
by its equally culpable leniency towards Muslim communal organizations. One inaction makes another inaction acceptable.

The perception that Muslim anger or ‘aggression’ justified police brutality and later Hindu ‘retaliation’ also informed the testimony from Shreekant Bapat, the former Commissioner of Police in Mumbai. Bapat was widely believed to be sympathetic to the Shiv Sena and BJP and he had submitted a 175-page affidavit. For over a week, he was cross-examined by five counsel, including Mr Hudlikar, who represented the police force. According to the clerks outside the courtroom, Hudlikar only appeared when high-ranking officers were giving testimony. Hudlikar was generous in his questioning and gave Bapat ample time to expand on what he had stated in writing. Bapat was particularly adamant in rejecting the charge of anti-Muslim bias. ‘According to me the larger number of minority community casualties during December 1992 can be explained on the basis of the much greater aggression of the minority community mobs’. Shortly after Mr Muchalla, the soft-spoken counsel for the Milli Council probed further into this, Bapat said angrily: ‘It is not true that action against the minority community in December 1992 was wholly unjustified’. Muchalla then confronted Bapat with the police’s own statistics, which showed that in January 1993, when Hindus led by Shiv Sainiks were also the undisputed aggressors, most of the victims of police firings were Muslims. Bapat replied: ‘I cannot comment on that’. Then the commission’s own counsel took over and when he asked why his affidavit never mentioned even once the role played in the riots by the Shiv Sena, by then well-established, Bapat replied: ‘If there is reference to Shiv Sena it should be there. If there is no reference, there is none’. He continued: ‘The police is concerned with offence, not with political affiliation’.

At this point, Justice Srikrishna lost patience, and asked Bapat why the issue of organizational involvement in the riots was omitted. Visibly disturbed, Bapat assured him that the police before the riots ‘had taken action against organizations known to be violent’.

Srikrishna : If this was done, why is there no reference to organizations in your affidavit?
Bapat : We had no material at hand at this point in time, indicating that any organization was involved in the riots.
Srikrishna : Were you not aware that Shiv Sena leaders claimed that their volunteers had demolished the Babri Masjid? [This news item was splashed across front pages of newspapers in most of the country a few days after the demolition.]
Bapat : No, I was not aware of such statements being made.

Here the judge sighed, leaned back and said ‘Thank you, sir’.

The politics of balancing guilt

The interpretation of communal riots in terms of apportioning and ‘balancing’ collective guilt and responsibility among faceless and abstract communities, which emerged from the commission hearings, clearly reflected a dominant and widespread politico-moral discourse. But it did not produce material suitable for prosecuting individuals for specific crimes committed. As the Commissioner of Police, A.S. Samra, stated emphatically a few days before he was appointed:

Our penal code and our idea of justice revolves around the idea that individuals commit crime and are punished, whereas political parties as a whole do politics. There might be individuals within these parties who commit crimes, even leaders, but they must be punished as individuals ... what can we do to an organization? Ban it? That is difficult to do more permanently in a democracy.

When appearing before the commission in April 1997, Samra reiterated this point of view, and declined to name particular organizations responsible for violence. When Justice Srikrishna pointed out that a range of organizations, such as the Shiv Sena, Vishwa Hindu Parishad and various Muslim organizations, were listed in the government of Maharashtra’s ‘Guidelines to handle communal riots’ issued in 1986, Samra said: ‘It is true that they were active in social activities, but it did not come to my notice that they as organizations indulged in illegal acts. Some of their members have done so’ (Mid-Day, 12 April 1997). Like other high-ranking officers, Samra appeared to be mainly concerned with protecting the police force. In his deposition, Samra depicted the police as the protectors of society by conveniently blaming the riots on Dawood Ibrahim and other criminal networks and ‘landgrabbers’. These criminals felt threatened after the crackdown on illegal constructions by the Municipality and the police force in the preceding year and, Samra stated, ‘they hit back by exploiting the feelings of the people after the demolition of the Babri Masjid’ (Mid-Day, 16 April 1997).

Yet the public nature of the Srikrishna Commission’s proceedings turned it into a running tribunal that inadvertently exposed the complex links among political parties, the state and the legal system. This became particularly evident when the main perpetrator of violence, the Shiv Sena, assumed office in the state government in 1995. The principal area of contention between the government and the commission concerned the release of documents and files related to the inquiry. The commission had to seek permission from the Advocate-General for the release or declassification of documents. In some cases, this was refused on the
basis of 'interest of the state' or other compelling reasons, but generally (according to the Public Inquiry Act) the state could not in principle claim privilege and refuse to hand over the required documents. After the Hindu nationalist coalition government came to power in Maharashtra in March 1995, twelve of more than twenty pending cases against Thackeray for incitement to violence were withdrawn or 'classified', by being made into security questions which could not be the object of public prosecution or scrutiny by the commission. After a protracted legal tussle, the state government agreed to hand over the files of four of these cases to Srikrishna.11 The commission could now show that no government agency had dared to take action for years and that Shiv Sena leaders had almost openly tried to threaten previous Congress governments into withdrawing the cases. Police Commissioner Tyagi stated that if the government decided to withdraw the cases 'in the interest of communal peace and social justice' it would be understandable and the police force would have no objections (Times of India, 4 April 1997). It should be added that Tyagi, after his retirement from the police force in 1997, was nominated as a Shiv Sena candidate in the 1998 general elections but failed to win a seat.

When the Shiv Sena and BJP came to power in Maharashtra in 1995, the new government began a process of obstructing the course of the investigation. Papers and documents were not released or were delayed. As mounting evidence pointed to the Shiv Sena’s crucial role in both rounds of violence, as well as the many links between the party and the police force, it was decided on 23 January 1996 to dissolve the Srikrishna Commission. While the state in a strict sense had the legitimate power to dissolve the commission, and the Shiv Sena had sworn to do so during the election campaign in 1995, there were very few precedents for dissolution, none of which involved such blatant and transparent mala fides as in this case.

It was nonetheless clear that the issue of legitimate authority was at stake. Could the state actually sustain a credible myth of impartiality when, in such an unmitigated manner, it was exercising a clear ethnic-majoritarian form of justice? In the ensuing debate, activists, intellectuals and political figures argued that the commission should be reinstated to consolidate communal peace and harmony, whereas questions of justice and prosecution of the perpetrators of violence played a very minor role. After pressure from the short-lived BJP government in Delhi in May 1996, it was decided to restore the commission but with an expanded mandate. It was now decided that the commission should include the bomb blasts in March 1993 'to give a clearer and more comprehensive picture of the patterns of violence and civil disturbances in the city', as argued by the Advocate-General (Indian Express, 29 May 1996). Including the bomb blasts was a rather transparent attempt to deflect the course of the investigation, but it nonetheless enjoyed considerable support in the public debates following the move. This reflected the widespread currency gained by the dominant, and official, interpretation of the riots as irrational excesses spontaneously committed equally by faceless Hindu and Muslim communities (but not organizations or individuals) in extraordinary situations. The government's decision actually authorized the formula of 'balanced and equally apportioned guilt': that every murder by Hindus could be ethically neutralized by demonstrating a corresponding atrocity committed by Muslims. The logic of 'retributive justice', which the Shiv Sena's counsel and the Shiv Sena-led government had been at pains to establish in order to exonerate itself, was slowly imposing itself on the commission's work.

There was a glaring contrast between the slow, contested and in many ways academic character of the work of the Srikrishna Commission, and the simultaneous prosecution of those accused of responsibility for the bomb blasts in March 1993. In the weeks following the bomb blasts, more than 200 people, mainly Muslims, were rounded up and detained under the stringent Terrorist and Disruptive Activities Act (TADA), an anti-terrorist law passed in the 1980s and designed to combat Sikh militants in Punjab. As many as 189 persons were accused of complicity in the conspiracy. Most of these detainees were subjected to the most humiliating and brutal forms of interrogation, and only few of them were granted bail. Even those who were accused of playing minor roles in connection with the arms consignments landed on the coast of Maharashtra in February 1993 were kept imprisoned for more than two years, before they were released because of lack of evidence. A brand-new, high-security TADA court was erected in Mumbai, and the police displayed unusual diligence in producing and gathering a massive amount of evidence in the cases. Before the Central Bureau of Investigation in Delhi took over the case, the Mumbai Police had charged all the accused with one of the most serious offences in the Indian Penal Code, 'the waging of war against the state'. These charges were withdrawn only after a much delayed intervention by the Attorney-General (Visvanathan 1998b: 127-8). Most of the evidence gathered by the Mumbai Police to indict this large number of innocent people on such flimsy grounds was either irrelevant or of low quality. By contrast, corrupt officials in police and customs departments, who had made the entire import of advanced explosives into Mumbai possible, had not even been questioned.13
The proceedings of the TADA court went on at a brisk pace and they were closed to the public because of the allegedly sensitive character of the evidence presented there. Individuals were targeted for prosecution and the Shiv Sena government had on several occasions stated explicitly that it wanted to speed up the process against what it called 'Muslim gangsters' responsible for the blasts. Some of the accused were sentenced to ten or twenty years of imprisonment. A number of the key accused, connected in one way or another with Dawood Ibrahim, are still on the run. Although the case was not fully concluded at the time of writing, it appears unlikely—given the strong political pressure on the TADA court—that those sentenced could expect a new trial or that the government would be willing to concede that many people have been convicted on questionable grounds.

Diagnostics, prescriptions and state spectacles: the report of the Srikrishna Commission

The status and authority of a report of a commission of inquiry are always precarious. Such a report is not just an expert's opinion or a piece of research commissioned by the government. Whether the government agrees with the conclusions or not, the report is inevitably an authoritative statement on the matter under scrutiny. However, the government is not compelled by law to implement or even accept the commission's findings and recommendations. The complicated and contested trajectory of the Srikrishna Commission—more clearly than for any other commission I know about in India—had sometimes turned this inquiry into a spectacular clash of radically different notions of the state. On one side was the decent High Court judge, supported by human rights activists and large sections of the press, defending the idea of the state as impartial, above society, and committed to a universal form of justice. On the other side were the administrative machinery, the police employing its own armory of techniques to delay, obstruct or influence the inquiry to protect its own 'secrets' and cover up its failings, and the political forces governing the state, committed to a majoritarian notion of 'retributive justice', and bending and threatening the administration to serve its ends. Although public in its form, this debate on state power remained internal to the state, both in terms of its mandate, resources and method, and of its authoritativeness. It was not a citizens' tribunal or an independent investigation.

I would argue that both the Srikrishna Commission and the TADA court should be seen as state spectacles, public displays of the state as a producer of impartial and universal justice. At the same time, the very simultaneity of the two proceedings—one indicting Hindus and the police, the other 'Muslim goondas'—was also a spectacle representing the discourse of 'retributive justice'. Both proceedings were marked by the crucial duality inherent in the representation of the state. The Srikrishna Commission revealed numerous examples of the profane sides of state power: the deplorable quality of policing and police intelligence, the partial, biased and brutal conduct of the police force, and a series of blatant attempts on the part of the government to obstruct the proceedings and to prevent powerful political figures such as Bal Thackeray from being prosecuted. At the same time, the very existence of the commission, the tenacity and integrity of Justice Srikrishna, and the public exposure of misconduct, corruption and liaisons between politicians and the police force, have also provided a site for a certain process of public catharsis.

In this capacity, to Muslims as well as to concerned citizens, the commission has become a symbol of the resilience of a higher and more benevolent form of justice, and thus a sign of the permanence of the sublime dimension of the state. In a sense, this duality was also represented in the very choreography of the proceedings: before the bench were a string of counsel seeking to extract their particular, interested and intensely politicized claims from the stream of witnesses passing through, while the judge, positioned three feet above them, concluded each cross-examination with a summing-up supposed to extract the reasonable and the factually plausible—the negotiated truth—from the maze of interpretations before him.

The commission's final report adopts a medical language; like a doctor, Justice Srikrishna diagnoses and prescribes a possible cure for what he terms the 'communal malady': 'Communal riots, the bane of this country, are like incurable epileptic seizures, whose symptoms, though dormant over a period of time, manifest themselves again and again. Measures of various kinds suggested from time to time dealt with symptoms and acted as palliatives without effecting a permanent cure of the malaise.' The judge argues further that until there is a complete change in social outlook and the level of education, 'communal riots must be treated, perhaps, as an incurable disease whose prognosis calls for suitable measures to contain its evil effects' (Srikrishna 1998: 4). In keeping with this diagnosis, the judge is brief in his examination of the causes behind the riots, admitting that they grow out of complex dynamics of demography, class and the political discourse of organizations. Mumbai had an unfortunate combination of an increasingly impoverished and isolated Muslim community and a set
of very aggressive Hindu organizations (Ibid.: 25–9).

Srikrishna is emphatic in his statement that no known Muslim individuals or organizations were responsible for the riots', and equally emphatic in pointing to the responsibility of Shiv Sena, not as an organization per se, but because 'the attitudes of Shiv Sena leaders (as reflected in) its doctrine of "retaliation", were responsible for the vigilantism of Shiv Sena'. (Ibid.: 30).

Srikrishna regards communal riots as incurable, and he notes in a more poetic vein that because 'the beast in man keeps straining at the leash to jump out' (Ibid.: 63), effective measures are of paramount importance. The most interesting part of the report is the judge’s diagnosis of the structure and shortcomings of the police force in Mumbai, and the string of recommendations he makes to remedy these (Ibid.: 31–62).

Srikrishna paints a gloomy picture of a complacent, biased, disorganized force where even everyday routines like filling of cases, physical training and discipline are, incoherent if not absent. Returning to the diagnostic mode he sums up: ‘Despite knowledge of the fact that the force had been infected by communal virus, no effective curative steps were taken over a large period of time as a result of which, communal violence became chronic and its virulent symptoms showed up during the two riot periods’ (Ibid.: 35).

The entire report maintains this measured distance from the interested parties and it gives critical and considered summaries of the events unfolding around each police station. The judge examines the depositions by leading police officers and political leaders, former chief ministers and the former Minister of Defence, Sharad Pawar.

Reading through these pages one gets an ever clearer picture of the theory of the state to which Srikrishna subscribes. The tone is not legalistic but moral. He is highly critical of non-adherence to rules and regulations in the police force, but even more critical of the ostensible lack of commitment and moral outlook that he detects in leading police officers and many political figures. Srikrishna’s view is clearly that a sense of duty towards the nation and an ethical view of life must be the basis for the representatives of the state. Srikrishna’s formula seems to be ‘the higher the rank, the deeper the commitment’—a formula that resonates with the dominant discourse of the post-colonial nation state in India. The idea of the state as a moral entity, once again enunciated in an official report, remains exactly its most unattainable and, therefore, most precious and sublime dimension.

In the case of the TADA court, the representation of the state was slightly different. Here, the rhetoric of secrecy and the practice of classifying even the most banal piece of evidence to protect the supposed interest of the state contributed to create a sense of urgency, that something larger threatening the nation was at stake. The Mumbai police eagerly projected the enormous amount of material it had gathered to generate the same illusion of effectiveness and ubiquity in the state’s knowledge and capacity for taking on public enemies. The profane dimensions were equally obvious in the brutality and partiality of the police investigations and in the harshness of its treatment of the detainees. However, the serious character of the crimes, the alleged connections of the ‘Muslim gangsters’ to Pakistan, and the secrecy surrounding the case meant that these obvious abuses and human rights violations never generated the kind of public concern and debate which have surrounded the Srikrishna proceedings, not least in the English-language press catering for an educated middle-class audience. In a conversation in 1997, a liberal Hindu businessman expressed quite succinctly how the scale of knowledge and violence at the disposal of the state acquire sublime dimensions: ‘See, many of the accused in this case are well-known criminals. They have committed a terrible crime—even Muslims admit that. We should not be soft on them. Besides, there are so many things we are never told. The government has a lot of information it cannot disclose’.

The deep divide between the social worlds of Hindus and Muslims today traversing the city seems not only to have affected the sense of public justice, but also the public interest in these two sets of proceedings. Many educated people from all communities have taken a keen interest in the Srikrishna Commission. A series of independent reports documenting suffering and abuse have emerged from NGOs and civil rights activists. Many ordinary Hindus, nonetheless, according to my impressions from discussions and interviews over the last four years, seem to approve of the formula of balanced apportioning of guilt and responsibility for the riots. This is a convenient non-legislative framework that enables the ordinary citizen to bracket these events as ones without actors, which were an unfortunate aberration from the normal order of things. To most ordinary people I met, the Srikrishna Commission appeared as a somewhat inconsequential sign of ‘the state’, a manifestation of authority that was simply expected to restore the public order upset by the riots. But the rhetoric of the state as a moral entity, as well as the legal intricacies of the proceedings, were mainly directed at the educated, literate middle class, which always has been the primary constituency and concern of the post-colonial state.

Among ordinary Muslims in central Mumbai whom I got to know, the commission figured less prominently, although Srikrishna was praised as a ‘secular person’, in the sense of being highly educated, impartial and critical of the Shiv Sena. The Muslim social world in Mumbai is not only
spatially separated from that of the Hindus, but is also demarcated by the existence of a local Urdu public sphere with its own newspapers, journals and cable television. To the ordinary Hindu conversant with Marathi and Hindi, this world appears closed and even threatening, and the Urdu press is routinely accused of spreading anti-Hindu propaganda. Such accusations were also presented to the Srikrishna Commission, but they were never substantiated. Rather than being a vehicle of sectarian ideology, however, the Urdu press seems to be strongly introverted and preoccupied by issues internal to the Muslim community. It was unsurprising, therefore, that the TADA case was attributed more importance and concern than the proceedings of the Srikrishna Commission. Muslim organizations documented the harsh treatment of the predominantly Muslim detainees under TADA, which became a symbol of the inherently anti-Muslim bias of the state. Calls to stop the case, and to dismantle the TADA laws altogether, have for some years been high on the agenda of local organizations and several Urdu newspapers, and the issue is often raised in campaigns by local Muslim politicians. As we shall see, the TADA proceedings resonate with a long tradition of enmity between Muslims and the police in lower-class neighbourhoods in central Mumbai.

Governing the Muslim badmash

Colonial rule in India organized its object of governance, the natives, into two categories. On the one hand was the huge mass of ordinary people, peasants, artisans—in brief, subaltern groups—regarded as irrational, passionate and traditional and, therefore, in need of firm governance as subjects of the colonial state. On the other hand, there were the educated middle classes, literate elites in provincial towns, zamindari landlords, and ‘natural’ leaders of sects, castes, petty kingdoms and religious communities, who were considered amenable to reasoned persuasion and negotiation. These latter groups were the pillars of colonial rule, entrusted with the local administration below the district level, revenue collection, the management of affairs ‘internal’ to communities and so on. It was also these groups which, from the late nineteenth century onwards, were accorded certain rights to political representation and a public space wherein a rich and diverse range of cultural and civil associations arose within vernacular public spheres.

The uncontrollable, deeply-rooted religious sentiments that made the Orient oriental, however, existed more among the ‘masses’ than the reasonable ‘educated sections’. During the Hindu-Muslim riots in Bombay in August 1893, the Times of India observed ‘a disturbing and most dangerous element in the riots—that the mill-hands responded in large and apparently well organised gangs’ (14 August 1893). However, the Bombay Gazette reported on the same day that ‘one gratifying circumstance in this outbreak of lawlessness is that amongst the hundreds that have been arrested, there is not a single respectable Hindu or Mahommedan’. Press, police and officials agreed that the cause of the riots was incitement of the ‘lower classes’ and instigation by criminal badmash residing in the slums (Krishnaswamy 1966:39). The Police Commissioner decided to call a meeting of ‘representatives and respectable members of the communities’ to discuss how normality could be restored and how the corrupting influence of the badmash on the lower classes could be curbed (Ibid.: 29).

As industrial capitalism developed in the Bombay region in the first decades of the twentieth century, the mill districts and adjoining popular neighbourhoods developed quickly afterwards. The Bombay Police had for several decades tried to decipher the dynamics of the working-class neighbourhoods they tried to police, but with little success. The theory of ‘hooliganism’ relied on by the police was that ‘it is not generally speaking, the ordinary resident with a home and an occupation who keep the police and the military busy. It is the riff-raff, the scum of the city that gives the trouble’. During the prolonged disturbances in 1929, which took the form of a ‘low-intensity riot’ marked by scattered and recurrent episodes of killings throughout the central parts of the city, ‘the hooligan became the universal embodiment of “the other”’ (Chandavarkar 1998:174). These events further entrenched anxieties about the ‘roughs’ from the working-class neighbourhoods and paved the way for the emergence of the Muslim badmash as the most dreaded figure in the city.

The 1930s and 1940s saw an incipient isolation of the Muslim working class in the economy as well as spatially in the city, and the process became even more pronounced after Independence. The big naval strike launched against the British in Bombay quickly spilled over into a full-scale Hindu-Muslim riot in February 1946, which left 250 people dead and more than 1,000 wounded. Concerns were expressed regarding the ‘alarming degree of instigation by goondas (criminals)’ which, according to the editorial in the Bombay Chronicle (28 February 1946), meant ‘widespread involvement of domestics and paupers in looting and arson’. Newspaper editors were, however, critical of the brutal conduct of the police and troops in quelling the riot, and activists of the Indian National Congress launched the so-called ‘Peoples’ Peace
Brigades'. Brigade volunteers, who dressed in shorts, white blouses and caps, patrolled the streets in open lorries and sought to intervene to stop violence. Police officers did, however, express concern over the large number of casualties among these volunteers (Bombay Sentinel, 25 February 1946).

After the riots, the Congress set up an inquiry committee and urged the police to cooperate. Police Commissioner Butler was unwilling to do so and felt threatened by the political interest in the work of the police. Testifying before the Municipal Corporation, Butler issued this unveiled threat: 'You must trust your police. If you push me down, if you don't stand by me, so help you God'. The tough line of the police against 'goondas and troublemakers' from the lower classes was, however, supported by most members of the Municipal Corporation. One of them, Mr Sabawala, stated: 'No [sic] government that does not fire and resolutely restore order, ceases to be called a government' (Bombay Chronicle, 8 March 1946).

As already mentioned, the position of the Muslim community in Mumbai since Independence has been marked by an increasing level of socio-economic isolation (Hansen 1996). This has been combined with an intensified level of policing in the Muslim areas, which have more police stations and 'chowkeys' than non-Muslim areas in the city. ('Chowkeys' are police posts on strategic street corners, which are built in stone; as in the colonial period, they are equipped to be barricaded and turned into bunker-like structures.) As we saw in the depositions from police officers at the Srikrishna Commission, in Muslim areas the 'police machinery must be alert around the year'. In spite of all the assurances about a change in the police attitude after the 1992–3 riots, the policing infrastructure in these areas was expanded considerably in the next four to five years. The practice of making 'preventive arrests' of what the police term 'notorious characters' or just 'rowdy young men' prior to festivals, elections and so on, is widespread and widely accepted as legitimate. It is no exaggeration to say that for young Muslims in these areas, the police force is the ever-present, dreaded representation of the state.

The police force in Mumbai is overwhelmingly Hindu and is recruited from the social groups and caste communities from which the Shiv Sena's masculine Hindu chauvinism has also emerged. In the predominantly Muslim areas in Mumbai where I worked, I frequently went to two police stations and met officers and constables there, as well as in their chowkeys. Inside each of the compounds of what is supposed to be the strong arm of the secular state, I found two or three small temples devoted to Ganesh or Hanuman (the monkey-god associated with courage and fighting spirit). These had been financed by donations from officers and constables and constructed within the past decade. 'Some of us have questioned whether it is appropriate', an officer from a Christian background told me, 'but my superior simply replied that if there were more Christian officers and constables, he wouldn't object to us having an image of Virgin Mary in one corner of the compound'. I must have appeared unconvinced by the officer's demonstration of secularism because a few days later, another policeman offered to take me to the police station in nearby Dongri, another 'notorious trouble spot', as he said. There a Muslim dargah (shrine) had been built inside the police compound back in 1923, and later a small Shiva temple had been placed next to it. After the riots in 1993, a senior police inspector initiated renovation of the dargah and invited both Hindus and Muslims to cultural programmes involving devotional gawwalls and bhajans. This initiative has really improved the relations between the police and the general public here', a police officer explained to me. Talking to policemen, I got a clear sense that the earlier 'vulgar sociology' of the 'hooligan', which had earlier informed police work in Mumbai's Muslim neighbourhoods, had evolved into a certain simplified 'sociology of Muslims', based on a mixture of stereotypes, rumours and stories, many of them modified versions of those actually circulating in the neighbourhoods.

Consider the following example, based on the stereotype that Muslims divorce their wives and abandon their children all the time. An officer explained: 'One reason for the high level of crime is that all these young boys grow up without a proper father—this is because there are so many divorces and the men just leave their families behind'. The following 'off-the-record' statement by a young and inexperienced officer testifies to the enormous gap between the social worlds of the predominantly Hindu police and the Muslims:

In the beginning when I came here, I was nervous when we went on patrol, especially at night. This hostility was something I never experienced before ... but then after some time I started to look them right in the eyes and pretend that I was indifferent to them. I also learned more of the dirty language they used around here ... that helped a lot. Now I get answers to my questions and I feel more respected.

Generally, postings in the Muslim areas are considered strenuous, full of hard work and dangerous, but there are also considerable rewards and bribes from the brisk flesh trade and drug economy in parts of central Mumbai. As a rule, officers are rarely posted for more than twelve
to eighteen months in one police station, while constables typically serve two to three years. The police force, therefore, vitally depends on its neighbourhood network of informers, which is created and maintained through flows of *hafiza* (bribes and pay-offs) and other economic transactions.

It is noteworthy that all of this resonates remarkably well with methods of colonial policing. The low quality of policemen recruited into the force in the city was a constant source of worry to colonial officers. Bombay was a difficult place to police, densely populated, full of hooligans, prostitutes and other temptations for the constable. The authorities were constantly worried by the low quality of information being received and they obviously had an uncanny sense that they did not know what was happening in their areas (Chandavarkar 1998: 187–219).

In his deposition before the Srikishna Commission, the Special Branch chief in Mumbai revealed that there had been a so-called 'Communal riots prevention scheme' in existence for the last thirty years. Under this scheme, police stations in sensitive areas are supposed to keep track of communal organizations with a capacity for violence, as well as of their leaders, and are required to arrest these individuals whenever the situation so demands. It was, however, indicative of the distance between the police leadership and the lower ranks that virtually none of the sub-inspectors and responsible officers at the police stations scrutinized by the commission were able to define the precise criteria for identifying persons labelled as 'communal goondas'. Leading police officers had also shown very little interest in implementing the prevention scheme. Instead, the provisions for carrying out 'preventive arrests' were often employed according to the will and whims of commanding officers, or at the behest of local political forces.

The depositions before the commission also revealed some of the many ties between the police force and local political organizations, particularly the Shiv Sena. It is important for the police not to destroy the intricate web of *hafiza* and the tacit understandings between local operators and *dadas* (strongmen-cum-politicians), upon which daily police work depends. These multidimensional webs were very fluid; they cut across lines of caste and religion, and operated on the basis of rumour and gossip. Thus the identity of an 'informer' was never based on solid facts, and claims by policemen that someone 'works with us' were often made strategically and themselves became rumours floating around in the clan-like binders networks. I only got to meet the 'public' friends of the police, men who trade openly with policemen, drink with them, 'fix' various things for the officers and walk in and out of the police station. Many of these helpers were men at the margins of the powerful networks, often small traders from low-status families, some of them with criminal records.21

One of the more arresting paradoxes of the relationship between a brutal, incompetent and biased police force and the Muslim communities in central Mumbai was the reconciliatory gestures and signs of respect displayed by Muslims towards police officers. During the 1st festival in early 1994, senior police officers, determined to renew their relations with the Muslim community, waited outside several of the large mosques in central Mumbai, and distributed flowers and greeted hundreds of men and boys as the congregations left after prayer. Rumours of this gesture spread like wildfire and the officers were soon surrounded by massive crowds, initially hesitant but increasingly enthusiastic. I heard dozens of accounts of this incident, which in spite of its obvious banality, 'had a soothing effect. It made possible the process of reconciliation that followed. What impressed people was that these were not local officers from our police station, but the top-brass people who stood there', as a local imam of Madanpur explained to me. In the following years, new connections developed between leading police officers and Muslims. The relationships of patronage and recognition between the Congress government and the Muslim community were ritually confirmed each time Congress leaders and ministers came as honoured guests at cultural events and religious festivals in central Mumbai. After the riots of 1982–3, there was a strong sense of betrayal by the Congress and no dignitaries were invited during 1993–4. When the Shiv Sena and BJP came to power in 1995, the sense of alienation from ruling political parties became even more pronounced. 'We don't regard these people [Shiv Sena] as worthy representatives of the Indian state. They may be ministers of my state, but they are not my ministers. Why should we honour them by inviting them here?' asked Maulana Kashmiri, a well-known conservative figure among the Bohra Muslims, when I interviewed him in 1996. Instead of ministers, senior police officers were invited to honour religious events, not because the police as such was trusted, but because these officers, owing to their seniority and rank, represented 'the state' rather than the government. Thus the police could perform the function of officially confirming that the Muslim community was integral to the larger Indian society—a function which, needless to say, was crucial at this juncture.

Another dimension of this paradoxical relationship between Muslims and the police is the way in which local politicians and businessmen in central Mumbai strive to establish good relations with the police force, not tacitly as a decade ago, but as publicly as possible. One finds, for instance, well-constructed Chowkys carrying a plate saying 'donated by
the honourable Shri— Member of Legislative Assembly', as well as small structures at street corners providing shade for police constables, which carry conspicuous advertisements for the local shops, restaurants and firms that have sponsored them. Why has this happened? Basheer Patel, one of the influential politicians known for such donations to the police said rather bluntly:

In 1993, we paid the price for our bad relations with the police. We Muslims have always blamed the police for everything, we never tried to understand their point of view. Now, I realize that working with the police is the way to prevent another riot here. I represent this area—it is my responsibility to protect my people ... before I was treated with suspicion when I took a complaint to the police. Now all that is much easier.22

I can only make guesses about the complex alliances and strategies developed by a skilful, shrewd operator like Basheer Patel. Today, Patel has emerged as one of the most powerful operators in central Mumbai, because he has forged all these links and appears to recognize that in his area the police are the foremost representatives of the state. Not that the police necessarily control the neighbourhood, because there are other contenders for dominance over these areas, such as criminal outfits as well as religious and ethnic organizations. Patel's point, however, seems to be that the strong presence of the police in the area means that it is much easier to work through them than outside them.

State spectacles and politics in the mohalla

In 1994, mohalla committees were set up throughout the areas affected during the riots. These were launched to create 'communal reconciliation' in the city, as well as to facilitate the future governance of the urban territories in central Mumbai. Peace committees are hardly a novelty in the city, as we saw above, but are as old as communal disturbances themselves. After the riots in Thane in 1984, which also affected large parts of Mumbai, peace committees were formed in a number of mixed neighbourhoods such as Mahim, Bandra and Byculla. Over the years, however, they evolved into platforms for local politicians, who saw the committees as an opportunity for forging ties with the police, as well as strengthening their position in the neighbourhood. None of these committees played any role in preventing violence in 1992-3, and they were dissolved quickly afterwards.

Police Commissioner Sahani, known for his inclinations towards what one officer disapprovingly described to me as 'intellectual policing', launched a new reconciliation scheme after a series of unprecedented initiatives. Thus, for example, police officers were told to cooperate closely with social activists, and to attend long sessions where riot victims gave detailed and moving accounts of their loss of children and spouses at the hands of the police; they were also made to sit through week-long courses on Islam and Muslim culture conducted by people such as Asghar Ali Engineer, a well-known activist and vocal critic of the police force. The action plan implemented in 1994 required the police to initiate the formation of mohalla committees at every police station in the so-called 'problem areas', almost all of which turned out to be areas with substantial Muslim populations. The initiatives had many parallels with similar techniques of governance employed over the past century: bodies of concerned and 'respectable' citizens from all communities in a neighbourhood were called upon to take responsibility, to calm down sentiments and to assist the police in taking preventive action. Just as importantly, the committees aimed at 'recreating confidence in our institutions and in our democracy among the Muslims in this city', as one of the driving forces behind the initiative expressed.22 When the mohalla committees were set up in 1994, they mainly recruited members from the Muslim middle classes. Many committee members were known in their localities as respected figures, who were often involved in voluntary work and were in close contact with institutions of the state. A young progressive lawyer, known for her controversial support for divorced Muslim women and active in the committee in Nagpada, stated:

The fear of the intentions of the police was the biggest problem, and then the fear of attending meetings inside the police compound itself. Only educated people who knew they enjoyed some respect among constables and officers were willing to do that in 1994. You can imagine how the atmosphere was at that time.22

Among police officers it was broadly assumed that the Muslims, especially the poor and the uneducated badmash, constituted the main problem. In the police analysis, riots started when such people were incited and manipulated by local political leaders and their imams. The police saw the committees as a way to 'depoliticize' and contain communalism, by reducing it to occasional outbursts of irrational social behaviour and by removing the element of 'political manipulation' which, according to standard common sense among police officers (and many social scientists) in India, is the main reason behind riots. Members of political parties and politicians elected in the area were not admitted into the committees. Based on their earlier experience, the police wanted to remain firmly in control of these committees, to keep politics away
in order to curb the divisive effects of partisan interests', as a high-ranking officer put it. The objective this time was more ambitious, for, as he said, 'we want to create a new leadership among Muslims'. The police wanted to bypass and exclude the established 'brokers' and dadas in the mohallas, so that Muslims would instead be represented by 'civilised' citizens. These citizens, according to the standard assumption so central to governance in India for a century, would be Muslims who, by virtue of their education, had abandoned primitive beliefs and had become amenable to reason and persuasion. The entire community could then be addressed and governed through these representatives.

Mohalla committee members told me that initially the meetings were tense and serious. A retired judge who served on a mohalla committee related:

In the beginning, all the top officers from the station were present at the meetings. On Fridays when the streets were full of people assembling for the Friday namaz, we would all come out with the officers and stand around the crowd, very alert, watching passers-by and making sure that no one made any provoking moves. There were tense moments, but I think we were successful.

As political attention faded in 1995–6, the committees were subtly transformed. At the initiative of the new and flamboyant Police Commissioner Tyagi, the committees were enlarged from a maximum of fifty members per police station to as many as two hundred. Many of these were the 'marginal men' used by the police to know the neighbourhoods. They desired some recognition and standing in the community, and the police rewarded their loyalty by conferring on them an official status as community representatives. The effect of this expansion and inclusion of larger groups of people in the committees has been several. First, the social prestige of sitting on the committees was immediately reduced. For example, the Nagpada mohalla committee included a rag merchant, who had become rich by buying from and exploiting the rag-pickers in the area. He was a big hefty man known for his violent temper and the long whip he carried when ordering his many workers around; he was feared but not respected. Another new face was that of a man known as a supplier of all kinds of goods to the police. He walked in and out of the station, was always excessively servile to commanding officers, and was constantly joking with the constables. He had a small office in the building opposite the police compound, with nothing but a table, a telephone and a chair. From there he could fix anything, he boasted: 'Just tell me, you are my friend, I will get it for you.'

When the campaign for the municipal corporation elections started

in January 1997, many of those recruited by the police because they claimed to be non-political actually tried to convert their new-found visibility and public standing into a bid for a political career. As a result, a large number of committee members, strictly speaking, had to be excluded because of their 'pollution' by the political world. This was, however, of little consequence, because many political figures had already begun to attend the meetings after the committees were enlarged. On several occasions, prominent political figures not only attended meetings, but even began to preside over functions organized by the mohalla committees. Very few of those who were politically involved actually left the mohalla committees, whose increasingly infrequent meetings at police stations began to resemble public functions, often lavishly hosted by the 'helpers' and friends of the police.

Another consequence of the committees' expansion was that certain police stations began to assume new functions of brokerage and 'fixing' local problems, which ran parallel to the activities of the local politicians they had sought to marginalize and also resembled the tangible service provision which local Shiv Sena branches had made their trademark throughout the city. An officer at the Agripada police station told me enthusiastically about his new-found role as 'fixer':

Now many people come to us with their usual problems—sewage, water, telephone connections, school admissions, etc. For us it is very easy to solve—we just make a few phone calls. When I present myself to these lazy bureaucrats at the Municipal Corporation, things start to happen [nodding towards a line of people waiting in the compound]... So, as you can see with your own eyes, people have gained confidence in us. They can see that we actually solve their problems.

The mohalla committees, and the newly assertive friendliness of the police, have indeed reduced the level of tension in Muslim areas, but they have removed neither the mechanisms producing communal enmity nor the organizational structures that perpetrate violence. On the contrary, the committees have in many ways merely provided the police with a set of new techniques for keeping order in 'trouble-spots', using a network of underworld operators, liaisons with political figures, and direct intervention in the distribution of public services. The mohalla committees are, in many respects, just the most recent means of governing the badmash.

Whither the state?

The many continuities in how to govern the badmash in Mumbai show that the post-colonial state in India continues to represent itself as a locus
of higher rationality, outside and above the complexities and
irrationalities of the lives of the masses. Both the Srikrishna Commission
and the mohalla committees were interventions and spectacles that
supported this style of governance. In both cases the 'sublime' dimensions
of the state—fairness, reasonableness, tolerance and justice—were being
represented to its preferred audience, the educated middle class.

As relative peace began to prevail in central Mumbai in the late
1990s, middle-class society—the high-ranking officers, the educated and
the activists—washed out from the mohalla committees, so that more every-
day, profane forms of governance and networking were reconstructed.
The public spectacle of the Srikrishna Commission also came to an end,
and the report can be found in libraries and in limited circulation among
intellectuals and political activists. At the time of writing in 1999, it still
remains the task of those most strongly indicted by the report, the Shiv
Sena and the Mumbai police, to decide whether and in what form the
commission's recommendations about reform of the police should be
implemented. The political world in Mumbai appears, in other words,
to be conducting 'business as usual'. This raises the question of whether
the 'state spectacles' analysed above have actually been able to resusc-
titate the myth of the state.

The answer cannot be precise but let me by way of conclusion offer
a few reflections. The Shiv Sena's hold on Mumbai points to a transfor-
mation in the aura of the state as a site of neutrality and a certain pre-
dictability, based on impersonal rules and laws and technical expertise,
which both the colonial and post-colonial state painstakingly sought to
construct and maintain. This transformation not only occurs in the prac-
tices of governance but also in popular political imaginaries. Listening
to the maze of rumours and tales of conspiracy that constitute an im-
portant part of the popular debate on government and state, one gets a
sense that politics is widely understood as a game, and that control of
government institutions and their resources is the prize to be won by par-
ties and the communities they are believed to represent. The prevalence
of such political imaginaries has made the Shiv Sena's style of governance
possible. On the one hand, the party celebrates its conquest of the state
government on behalf of the majority of ordinary Hindus, and enacts
this in grand populist spectacles and equally grand promises of employ-
ment or free housing to the slum-dwellers. On the other hand, from the
top leadership to the local shakha pramukhs (local branch leaders), there
has been an indulgence in corrupt practices, land speculation and overt
criminal activity unprecedented even in a city like Mumbai. All these
activities have enabled the party to extend its complex networks of

patronage, dependence and alliance across all levels in the city and the
state. Moreover, Bal Thackeray's continual assertions about his au-
tonomy, as well as his contempt for the judiciary and the Srikrishna Com-
misson, remain central to his popularity and to his attempt to construct
himself and his movement as a site of authority that openly defies and
challenges the state's authority. Whether this defiance militates against
the desire for social respectability that is equally strong among Shiv Sena
supporters, so that it will rebound on the party at future elections,
remains to be seen. Nevertheless, the older myth of the state as the
uncontested centre of society does indeed appear enfeebled in contem-
porary Mumbai.

It is significant that many Muslims do not look to the government,
but to Dawood Ibrahim and the powerful, legendary big dadas for pro-	ection from the Shiv Sena. I suggested above that the attribution of
sublime qualities to the state is linked to its capacity for violence. As
older myths of the state and its monopoly of violence seem to crumble
in Mumbai, competing myths of authority and tales of fear cluster around
the 'real perpetrators of violence in the city—the Shiv Sena, the police
and the underworld. The paradox of this process of segmentation of
authority is, however, that each segment remains dependent on the con-
tinued existence of the state—as a pool of resources, as the source of
legitimate violence, or as an order to be defied and opposed. Even while
effective state governance crumbles and fragments, the myth of the unity
and coherence of the state must still be kept alive

Notes

1. I happened to be present in the city during the riots and on several occasions
observed policemen literally protecting arsonists, and turning their backs
on rampaging mobs. Similar incidents all over the city were reported widely
by journalists of the English-language press, especially the Times of India.

2. In the official report of the Srikrishna Commission inquiring into the riots
as well as the bomb blast in the city, it is stated that 'a grand conspiracy was
hatched at the instance of the notorious smuggler Dawood Ibrahim Kaskar,
operating from Dubai, to recruit and train young Muslims to vent their
anger and wreak revenge by exploding bombs near vital installations and
also in Hindu dominated areas so as to engineer a fresh bout of communal
riots' (Srikrishna 1998: 60). Justice Srikrishna further expresses his satisfaction
with the effective police investigations revealing this conspiracy (Ibid.: 61)
but fails to mention the vital role played by corrupt customs and police
authorities in the entire operation. The complicity of high-ranking officials
in an operation that was intended to cover most major cities in India, but
failed to do so because 'Tiger Memon', the main accused in the bomb blast trial, panicked, has recently been documented by Visvanathan (1998b: 118-28).

3. Just as the domain of the sacred is fraught with ambivalence, with bliss as well as horror, so the sublime dimension of the state is also dependent on its dark sides. The fascination with spies and secret services, from James Bond to Nigita to Men in Black, to mention some recent films, is premised on awe of the state and fear of its brutality and ruthlessness. The state appears sublime because of its inordinate power to condone, redeem and even purify violence, as René Girard (1977) has also pointed out in the context of violence and sacrifice in religious rituals.

4. The commission was also asked to recommend steps to be taken to improve the performance of the police force and to recommend administrative measures that could reduce the likelihood of such incidents repeating themselves. The task was in other words daunting and deeply controversial, as it was bound to collide with entrenched political and bureaucratic interests in the government and the police force.

5. It is indicative of the perception of the Congress, among its own leadership and in the press, that it saw itself as represented through the state. After the party was ousted from the state government in 1995, it did not seek representation. 'We are represented in the spirit and mandate of the commission which we created. The commission has its own able counsel. There is no need for us to be there', as a Congress MLA told me in 1996.

6. This draws on my own presence at hearings in November 1996 and February-March 1997, as well as on written affidavits from a range of police officers and civilians obtained from court officials.

7. Summing up on the low morale of the police, Justice Srikrishna writes: 'The police, by their own conduct, appeared to have lost moral authority over the citizens and appeared to evoke no fear. ... The criminal elements were emboldened to hurl a crude bomb at the Police Commissioner and hack constables to death without fear. The police developed a psychological fear about attacks on them' (1998: 34).

8. I was fortunate to be able to attend most of these hearings and the quotes and observations in the following are all from my personal notes and not the official transcript.

9. Maha arti is mass prayer on streets and footpaths around temples; it was invented and organized by the Shiv Sena and other radical Hindu organizations in this period in order to mobilize Hindus against Muslims.

10. Interview, 18 February 1993.

11. The legal intricacies of this unprecedented move are outlined by R. Padmanabhan in Frontline, 18 April 1997. An important part of this process was that the High Court in Mumbai actually rejected the government's request for withdrawal and furthermore sentenced Thackeray to a week of 'simple imprisonment' on the grounds of contempt of court. Thackeray was forced to appear in the magistrates' court in the Mumbai suburb of Bandra on 17 February where he was released on bail. Meanwhile, the court was surrounded by thousands of angry Shiv Sainiks shouting slogans and demanding the immediate release of the Senapati, the commander of the army, as he is known among the rank and file (Mid-Day, 18 February 1997).

12. The terms of reference of the commission were expanded to include an investigation of 'the circumstances and the immediate cause of the incidents commonly known as the serial bomb-blasts of the 12th March 1993, which occurred in the Bombay Police Commissionerate area', and further whether these were linked by common causes or 'a common design' to the riots investigated by the commission (Srikrishna 1998: 58).

13. For an overview of the proceedings of the TADA court, see the article 'Justice for Whom' in HumaneScope, December 1995.

14. The secrecy of the TADA proceedings has produced the interesting paradox that the Srikrishna Commission has encountered many difficulties in fulfilling its revised and expanded mandate because it has been impossible to get access to the many classified documents used in the TADA court.

15. An independent human rights group organized the 'Indian People's Human Rights Commission', which shortly after the riots set up an inquiry headed by two retired judges of the Bombay High Court. Their report, The People's Verdict, was published in August 1993 and concluded that the main responsibility for the riots should be laid on the Shiv Sena and a partial and incompetent police force.

16. For a richly textured analysis of these areas, see Chandavarkar (1994: 168-238).


18. See the excellent piece on police practices concerning arrests of young 'rowdies', their subsequent classification as 'rowdy-sheeters', etc., by Vivek Dhareshwar and R. Srivatsan (1996).

19. During the municipal elections in Mumbai in February 1997, the supposedly 'reformed' gangster Arun Gawli, who had been befriended by leading Shiv Sena men, created an independent political party, Akhil Bharatiya Sena, to contest the elections and threaten the Shiv Sena's position in the Agriupa working-class area in central Mumbai. One week before the election, Gawli was picked up and detained under the prevention scheme and released the day after the elections were over.

20. In the predominantly Muslim neighbourhoods where I worked, most families come from north India. For them, biraderi networks in which there are durable relationships of trust among families mostly (but not always) of the same caste, are of paramount importance when it comes to mutual help, getting jobs, arranging marriages, recruiting new labour from the villages, lending money, etc. However, in the urban economy, other relationships and economic networks cut across the biraderis, which often seem to function as defences of last resort in times of crisis or serious decision-making.
21. A large number of the residents in these areas are Muslim weavers of north Indian descent, mostly from the Julaha community, a low-status, lower-caste community which higher-status Muslims did not recognize as proper Muslims. The Julahas began in this century to claim recognition by calling themselves Ansaris, the Arabic word for 'helper', referring to those who helped the Prophet flee from Mecca to Medina. The contempt for Julaha/Ansaris still prevails. A high-status Muslim in the neighbourhood said this about the police informers: 'Some of these people call themselves Ansaris. But who are they helping? The police! These men are Julahas, we know who they are'.


24. S. Bhave (see n. 23) confirmed this view when she said, 'See, respectable people are not very interested in working with the police. The tout will always come forward, but we did not want that. So we worked really hard to find good people with constructive views. It was very difficult'.

25. Tyagi also started a range of slightly more creative initiatives, such as regular sports days where police teams would play cricket against the local Muslims, or where a team of Hindus would play against a Muslim team, as was done in Agripada, which has long been almost ritualized clashes between Hindus and Muslims after cricket matches between India and Pakistan. In this neighbourhood, where the Hindu side is known as Jammu and the Muslim side as Kashmir, the concept worked quite well. 'Now they fight it out, but we are there watching them so it does not go out of hand', an enthusiastic police constable told me.

References