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Secularism and the Gujarat State: 1960–2005[1]

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Abstract

Secularism has been a defining norm for the modern, liberal Indian state. The constitutionally secular Gujarat state is believed to have undergone a paradigmatic shift in 2002, when it supported a massacre of Muslim citizens. This article investigates the empirical as well as normative state in situations of inter-religious violence. It traces the journey of the secular norm over a 45-year period, in the context of contests over identity, political ideology and socio-political dominance. The picture that emerges is much more nuanced than that projected by stark pronouncements of paradigm shifts and the inauguration of a Hindu *rashtra*.[2]

Introduction

The state enjoys a unique conceptual status in the study of politics. It is pre-eminent in political life, and is simultaneously located in two realms: the normative-theoretical and the descriptive-empirical (Jayal 2001). At the normative level, the Indian state is based on liberal democratic constitutional principles that centrally include secularism.[3] The term 'secular state' describes the relationship that exists, or that ought to exist, between the state and religion (Smith 1963: 177). The secular state guarantees individual and corporate

[1] Dr. Edward Simpson, Dr. Rochana Bajpai and Mallarika Sinha Roy read and commented on a draft of this article. Professor Megan Vaughan was the discussant in the panel on 'Norms, Ideologies and Identities' at the 50th Anniversary Conference of Queen Elizabeth House, University of Oxford, at which the paper was presented in July 2005. I alone am responsible for any remaining inconsistencies. Email: nikita.sud@qeh.ox.ac.uk

[2] Nation-state.

[3] The word 'secular' does not appear in India's Constitution till 1976. However, the ideal of the secular state was embodied in this document from the inception of the republic in 1950.

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freedom of religion, it strives to deal with the individual as a citizen irrespective of his or her religion, and it is not constitutionally connected to a particular religion (Smith 1963, cited in Galanter 1965: 234). The scope for interpretation in these features has led to a lack of consensus among academics, the judiciary, politicians, etc. over the implications of state secularism. Debate revolves around whether the secular state implies a severe aloofness from religion, a benign impartiality towards it, a corrective oversight of it or a fond and equal indulgence of all religions (Galanter 1971: 268). Yet, many agree that public life is not to be guided by religious doctrines or institutions.

Indian secularism of course is not without its detractors. Criticism of the concept in its present normative form comes from scholars such as Chatterjee, Madan and Nandy who believe that secularism has failed to protect minority religious groups or check fundamentalism; it may even have exacerbated the problems it set out to overcome (Bhargava 1998). From a very different standpoint, extreme Hindu nationalists who were at the fringe of Indian political thought at independence, and are now much more politically prominent, openly advocate Hindu *rashtra* or a Hindu nation-state. According to Hindu nationalist ideologue Golwalkar, '[Hindu] Religion . . . cannot be ignored in individual or public life. It must have a place in proportion to its vast importance in politics . . .' (1939: 23–24). More recently, some Hindu nationalists have been building the word 'secularism' into their discourses on state and religion. But the implications of this 'secularism' are very different from the secularism of the Indian Constitution. Thus, a Hindu nationalist mouthpiece proclaims: 'secular India cannot accept Jinnah (the founder of Pakistan), Hindu India too cannot, and the secular India is the Hindu India' (Balashankar 2005: 2). The building of a Hindu *rashtra* or the inconsistent 'secular' Hindu supremacist India would require key amendments in India's Constitution. Similarly, a re-conceptualisation or abandonment of current secular ideals as suggested by academic critics would involve a normative-intellectual exercise, which is not the brief of this article. Indeed, at independence in 1947, state secularism may have been imperative for India. The country was faced with a society where ascriptive identities of caste, religion and region ran deep. The only way the modern state could have functioned in this empirical set-up was if it rose to function and govern above India's various social distinctions. At the normative level then, the conception of secularism adopted by the Indian state conveyed an implicit denial of the state's embeddedness in society (Jayal 2001: 9, 102).

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A conceptualisation of the state benignly disposed towards, but equidistant from all religions, informs the idea of secularism adopted in this article.

In stark juxtaposition with this normative conceptualisation of the state, are reams of commentaries on the empirical role of the state in the massacre of up to 2,000 people,[4] predominantly Muslims, in the western Indian province of Gujarat in February–April 2002. Many perceive 'Gujarat 2002' as a turning point. This is not necessarily because the province witnessed widespread, systematically organised communal[5] violence. Post-independence, India has seen several bouts of Hindu-Muslim violence in Jabalpur (1961); Bhiwandi, Jalgaon and Malad (1970); Jamshedpur (1979); Moradabad (1980); Jaipur (1990); Ayodhya, Bombay and other Indian cities after the destruction of the Babri Mosque by Hindu fundamentalists (1992), etc. To many, the distinguishing factor of the Gujarat violence is the openly partisan role of the state, headed by a Hindu nationalist BJP Government.[6] The communal actions of the Gujarati state are seen as a threat to the concept of the modern secular Indian state established at independence (Mehta 2002). Gujarat 2002 is even perceived as

[4] The Gujarat government claims there were 851 deaths during the riots. Unofficial, but widely accepted estimates, put the toll at more than 2,000 (Human Rights Watch 2004: 1). Recently, the Congress Government in Delhi declared in Parliament that 1,044 people—790 Muslims and 254 Hindus—were killed in the 2002 violence (Times of India, May 13, 2005a).

[5] Here, 'communal' does not imply belonging to a body of citizens, which has positive connotations. 'Communal' in the Indian context generally refers to the exclusive identification with and commitment to one's religious or social community (Rudolph and Rudolph 1987). Despite problems of essentialisation, the word is used because of a discursive history unavailable to other words.

[6] The BJP (Bharatiya Janata Party/Indian People's Party) is ideologically and organisationally affiliated to a large complex of Hindu Right organisations. The Sangh Parivar (family of organisations) includes at its core the centralised and authoritarian RSS (Rashtriya Swayamsevak Sangh/National Volunteer Corps, founded 1924). Mid-twentieth century, the RSS created several off-shoot organisations such as the women's wing—Rashtriya Sevika Samiti (1936), the ABVP (Akhil Bharatiya Vidyarthi Parishad/All India Students Federation, 1948), the Jan Sangh (1951)—the political-parliamentary arm of the Hindu Right and precursor of the current BJP (1980), and the VHP (Vishwa Hindu Parishad/World Hindu Council, 1964), the cultural-political mobilisation wing. The Hindu Right is driven by the Hindu nationalist philosophy, 'Hindutva', highly visible in India from the 1980s. Hindutva is predicated on the idea that the Indian state, social formation and civil society should be reorganized along exclusively 'Hindu' precepts. Resurgent Hindu nationalism, which asserts the need for non-Hindus to demonstrate unconditional obeisance to the strong Hindu nation, has resulted in highly organised violence against Muslim and Christian minorities in India from the 1990s (Bhatt and Mukta 2000).

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representing a 'paradigm shift' in the nature of the state (Bidwai 2002). While the unsecular role of the state in Gujarat 2002 has been portrayed as unprecedented, a cursory survey of recent history leads one to qualify this claim. The post-colonial Indian state has not constantly practised secularism. Literature on police partiality and administrative leniency to co-religionists in different parts of India, especially in times of communal violence, abounds (Engineer and Shakir 1985; Engineer 1988, 1991; Akbar 1991; Basu 1997). This article then asks: How is Gujarat 2002 paradigmatic?

The article adopts a socio-historical perspective of the Gujarati state and politics. In tracing the progress of the secular norm, it studies the state's behaviour in episodes of communal violence. The period being examined is from 1960, when Gujarat was carved out from the larger Bombay Province, Saurashtra and Kachchh, to the present. Throughout the article, I analytically differentiate between the Gujarati state at the normative and empirical levels. The former includes pronouncements of state actors on subjects related to secularism and religious identity, as well as categorical conceptualisations of the 'communal'. Labels and pronouncements about secularism and communalism deserve academic attention for two reasons. One, they represent what state actors think and believe, and may reflect underlying principles. Two, formal statements about communalism, declarations before judicial commissions, government affidavits explaining communal violence, etc. are in keeping with the official face the state would like to project. This image would correspond to what the state ought to be like—that is, the normative state. A study of the empirical state traces the state's actions in situations of communal violence. The state unpacked along a not necessarily contiguous empirical-normative dimension will bring out the continuities as well as significant changes in the Gujarati state's relationship with the constitutional secular ideal over five decades. The picture that emerges is much more nuanced than that suggested by stark conceptualisations of the radical shift from state secularism to communalism that have been drawn by most journalistic and even academic writing emerging from the carnage of Gujarat 2002. On the basis of DPhil fieldwork in Gujarat between December 2003 and January 2005, my data sources include communal riot[7] reports

[7] The word 'riot' implies spontaneous violence between two groups. Often, 'riots' in India are systematically organised programmes by a more powerful group against another. Yet, the discursive history of this problematic term describing inter-religious violence keeps it in circulation.

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produced by judicial and citizens commissions, media accounts of the state's role during communal violence, interviews with politicians, bureaucrats, journalists, academics, social activists, and members of caste and religious associations, as well as Hindu nationalist propaganda documents. Owing to the sensitive nature of much of the data presented in this article, the identities of some of the interviewees has not been revealed in the following pages.

The 1969 Hindu-Muslim Violence: Event, Empirical Practices and the Normative State

Gujarat was not affected by post-partition violence that hit northern and eastern India around 1947. Government sources record 'minor incidents involving Hindus and Muslims' in 1958, 1963, 1965, 1966, 1967 and 1968, but the state witnessed its first major communal conflagration in September 1969 (Reddy *et al.* 1970: 46). The violence involving injury and destruction of life, commercial and residential property, and religious places, lasted from September 18–30, 1969. After the riots, the Government of Gujarat constituted a Commission of Inquiry. According to the Reddy Commission, named after the Supreme Court Judge who was the Chair, the violence was triggered off by an alleged attack on the Jagannath temple by Muslim worshippers at a nearby *dargah* (shrine). The latter had been disturbed by animals that belonged to the temple. Preceding this incident, several 'minor incidents', such as a rally by Gujarati Muslims to protest Israel's desecration of the Al Aqsa Mosque in Jerusalem had created some tension in the province. This tension was exacerbated by the exaggerated reporting of 'communal incidents' by vernacular newspapers, as well as by propaganda pamphlets published by Hindu nationalist organisations. In fact, during the build-up to the violence, the Jan Sangh supported the founding of a Hindu Dharma Raksha Samiti (HDRS, Committee for the Protection of the Hindu Religion). Many HDRS members, who were usually also Jan Sangh and/or RSS members, were involved in the ensuing 'riots'. At least 660 casualties are officially recorded for this period in Ahmedabad city alone. A total of 6,742 properties were attacked; of which 671 were Hindu properties and 6,071 belonged to Muslims. Ninety-three Muslim places of worship were damaged or completely destroyed (Reddy *et al.* 1970: 179–180). The violence of 1969 was grave enough for the commission to state that 'the damage caused to life and property by

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the holocaust borne of communal hatred . . . is unprecedented' (Reddy *et al.* 1970: 211).

In discussing the empirical role of the state in the 1969 violence, the Reddy Commission concentrated on the generally 'infirm and indecisive' behaviour of the police (Reddy *et al.* 1970: 153). Police failed to turn up when asked to stop or arrest marauding crowds, usually citing lack of forces. When the police did arrive, they either dispersed crowds or curiously found that large mobs sometimes numbering 2,000 and more had 'disappeared'. In the case of the complete destruction of a Muslim commercial establishment situated opposite a police station, for instance, even senior police supervisors failed to make arrests. Nor did they use firearms to prevent the crowd from burning property. The Deputy Superintendent of Police and his troops made a *lathi* (baton) charge, and being outnumbered, withdrew (Reddy *et al.* 1970: 152). Police inaction in 1969 becomes even more apparent when one notes that curfew was imposed two and a half days after the beginning of mass violence. Even after this delay, which is severely criticised by the Reddy Commission, it was observed more in the breach. The commission's evidence revealed 'a picture of roaming crowds of hundreds and thousands doing mischief without hindrance' (Reddy *et al.* 1970: 126). In the few arrests that were made for breach of curfew, Muslims outnumbered Hindus. For instance, on the night curfew was first imposed—September 20, 1969, 50 Hindus and 82 Muslims were arrested (Reddy *et al.* 1970: 127). These figures are grossly skewed given that in the 1961 census, Muslims were 8.1% of Gujarat's total population of 20.63 million, whereas Hindus were 88.9% (Census of Gujarat 2001). In its critical conclusion about the role of the police in the 1969 violence, the commission stated

> The lack of firmness . . . to deal with rioters and crowds, the failure to round-up and arrest miscreants, . . . political workers and communal minded persons . . . the ineffective manner of counteracting rumours, ineffective patrolling and the lack of timely information of mobs poised to create riots, the break-down of the Special Branch to get information . . . the reluctance . . . to use effective force and fire power on the crowds who were indulging in riots, failure to appreciate the need to call the army earlier . . . when it became evident that sufficient force was not available . . . . *The police, in our opinion, were caught napping and became confused and had misappreciated . . . the seriousness of the situation* . . . . Whilst stating so, we cannot also countenance the suggestion that all this was permitted to be done either by the Government or by the police deliberately to enable the . . . genocide of Muslims. (Reddy *et al.* 1970: 214, emphasis added)

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Recorded above is the empirical performance of the state in 1969. The Commission of Inquiry criticised the pro-Hindu stances of some police officials, including a few who allegedly deliberately shot at Muslims (Reddy *et al.* 1970: 193). However, it was firm that the state and police *on the whole* were not biased. It can be culled from the above that the commission did not see the empirical state as having strayed from the secular norm. Whether it could enforce this norm on people in the maintenance of order in a multi-religious society is another question. Viewed in a wider theoretical framework, the Reddy Commission was pointing towards the 'softness' of the Gujarati state. That is, a state in which 'policies decided on are often not enforced, if they are enacted at all' (Myrdal 1968: 66). The authorities in a soft state may frame policies or declare norms that must govern the state. However, they are then reluctant to place the obligations of these frameworks on the people of the nation.

The Commission of Inquiry based its conclusions on physical evidence and state actions. The testimonies of state and other witnesses are relegated to several appendices. These, however, tell an important story. Part of this story is the selective inclusion of events as having contributed to the 1969 violence, and the labelling of certain phenomena as 'anti-national', which illuminates the nature of the normative state. When the Advocate General opened the case of the government regarding the 1969 violence, he set out certain incidents that immediately preceded it. The RSS camp in December 1968, attended by 1,600 people including organisation head M.S. Golwalkar, is not one of these. Nor is the controversial speech of Jan Sangh leader Balraj Madhok in September 1969, which had called for the 'Bharatiyakaran' (Indianisation) of Muslims. In fact, the government submitted a ten-page note to the Reddy Commission indicating the 'perversity' of believing that Madhok's speech added to communal tensions in Ahmedabad (Reddy *et al.* 1970: 71). Like the Advocate General, in later cross-examinations, senior police officials expressed no knowledge about the general anti-Muslim activities of the RSS, Jan Sangh, etc. It even took the Reddy Commission to point out that enough evidence existed to suggest that RSS and Jan Sangh members had been seen before and during the riots with voters' lists that were used to target Muslim properties (Reddy *et al.* 1970: 51, 196). In comparison with this nonchalant attitude towards highly communal Hindu Right organisations, representatives of the police, the ruling political party and the Advocate General repeatedly termed activities of Muslims 'aggressive' and their activities 'anti-national'.

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The discussion before the commission about the nature of the Al Aqsa procession in Ahmedabad city is a case in point. The procession was taken out in Ahmedabad on August 31, 1969. It was the case of the Advocate General (and of the right-wing Jan Sangh) that the shouting of 'anti-national slogans' in it created tension that contributed to the September 1969 violence (Reddy *et al.* 1970: 55, Appendix III: 21). Even K.G. Prabhu, a leader of the Congress Party, indicated to the commission that the Al Aqsa slogans were 'anti-national' and the procession created doubts in the mind of the majority (Hindu) community about 'the way the government is leading us' (cited in Reddy *et al.* 1970: 55). The 'anti-national' nature of the Al Aqsa slogans was refuted by Subodh Mehta of the Communist Party of India (Marxist) and by the Police Commissioner of Ahmedabad, both of whom had witnessed the procession (Reddy *et al.* 1970: 55). According to them, the slogans that were shouted were 'jo Islam se takrayega dunia se mit jayega' (whoever confronts Islam will be obliterated from the world), 'Muslim ekta zindabad' (long live Muslim unity), 'ham masjido ki towhin bardasht nahin kar sakte' (we cannot bear the insult of mosques) (Reddy *et al.* 1970: 54). The commission agreed with the latter interpretation, adding that the procession was peaceful.[8]

In the Al-Aqsa case, some officials at decision-making levels of the police evinced an anti-Muslim bias, whereas others chose to project a more balanced opinion. The space for open disagreement is evident. The latter is also visible in differences of opinion between field and supervisory police officials over the 'role of Muslims' in the 'attack' on the Jagannath temple, which supposedly set off the riots. In their testimony before the commission, three sub-inspectors who were in the vicinity of the temple on the day, gave highly exaggerated accounts of Muslim 'aggressors' pouring acid on priests and attacking them with knives, scythes, etc (Reddy *et al.* 1970: 85–86). The Inspector General of Police and the Superintendent of Police of Ahmedabad refuted this

[8] The illiberal views about the Al Aqsa incident held by many state actors and politicians are reflected in an article that appeared in a widely circulated Gujarati newspaper on September 7, 1969, 11 days before the start of the 1969 violence. Titled 'Al Aqsa Episode and the Muslims of India', it indicated that Indian Muslims had expressed greater anger about the Al Aqsa incident than had Muslims in Islamic countries such as Pakistan. This was undesirable and Muslims in India should 'understand the limitations as citizens of a secular state like India'. Moreover, 'while different Indian citizens—Muslims, communists have international loyalties, Hindus have none. *Hence their citizenship is superior*' (Vasudev Mehta in Gujarat Samachar, cited in Reddy 1970: 56, emphasis added).

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'evidence' on the basis of forensic reports and first-person accounts. They also issued a press statement to quell rumours about the 'Muslim attack' on the Jagannath temple, which some police field officials were propagating along with Hindu fundamentalists (Reddy *et al.* 1970: 84–90). Even as many individuals, at different levels of the state hierarchy showed anti-Muslim biases, the state as a whole, especially senior officials and politicians, seemed keen to publicly project an image of secular equidistance (siding with one or another community is more evident in documents such as affidavits, which are not easily accessible to the public). For instance, when the holy book Ramayan was allegedly desecrated by a Muslim police officer in September 1969, some priests approached the Congress Party and the Jan Sangh for support in launching a campaign to suspend this official from service. A larger case was made about the general 'insult' to Hinduism through this incident. However, both political parties were reluctant to get openly involved. While the Jan Sangh helped set up a front organisation—the HDRS—to conduct the Ramayan campaign and support the ensuing riots, individual members from the Congress encouraged priests and HDRS activists on protest fasts. As a party, the Congress stayed away (Reddy *et al.* 1970: 57–58). The existence of the constitutional secular norm seems to have dissuaded political parties and senior state officials from openly siding with one or other religion.

To conclude, both at the empirical and normative levels, different actors in the Gujarati state appear more or less committed to secularism around 1969. Some were clearly biased in favour of Hindus. Yet, the Reddy Commission did not proclaim the state to be unsecular, even as it universally reprimanded it for negligence in preventing and controlling the communal riots. There are several reasons for this. (a) The multilayered nature of the state leads to differences in perception depending on the facet of the state that one chooses to observe. The state can be analysed at an empirical and/or normative level. The Reddy Commission chose to concentrate on the former. Thus, its findings tended towards physical evidence of state failures, which were then construed as inefficiency and softness, rather than complicity and lack of commitment to the secular norm. (b) The commission perceived the pro-Hindu biases of state actors as individual aberrations, not systematic maladies. 'The state as a whole' was deemed secular. After all, it was not the Reddy Commission's brief to question whether India is a secular state or not. The point from which the commission proceeded was that it is. (c) Despite evidence of embedded unsecular biases, a case can be

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made that the formal existence of secular norms prevented the state and political parties from publicly projecting the communal biases of individual members. Given this formal adherence to secularism, the commission's conclusion is not entirely incorrect. (d) The commission would have been aware that the secular norm lent legitimacy to several state actors' practice. This is so for the state during communal riots and in everyday situations. As an illustration of the latter, my interviews with district-level officials indicate that in the 1960s and 1970s, they could insist that pictures of Hindu deities be removed from the walls of public offices in Gujarat without being attacked for being 'anti-Hindu' or 'anti-Gujarat'. This space to put secular equality into practice in a deeply religious society and a highly embedded state was possible because of the legitimacy provided by secular norms. This space shrank in the 1990s, as is discussed later. These four points indicate that the Reddy Commission's conclusion of state inefficiency despite commitment to secularism can be problematised through nuanced analysis; however, it cannot be rejected as completely inaccurate.

On receiving the report of the Commission of Inquiry, the Government of Gujarat refused to accept the specific empirical findings that suggested that the police had failed in its duty to prevent riots or protect Muslims during them (Government of Gujarat 1971). It would appear that just as the existence of the norm enabled some state actors to build secular principles into their administrative practices, the state's formal commitment to secularism provided it with the leeway to not investigate suggestions that state secularism was not always evident during the violence of 1969.

Between Fuzzy Secularism and Hindu Rashtra: Political Tumult, Identity-Construction and Effects on the State

By the 1990s, the previous, fuzzy commitment to secularism had given way to a shrinking space for secularism in the vision and programmes of the state. To appreciate this shift, studying the 1970s and 1980s is crucial. One will see struggles over identity, political dominance and socio-political ideology that have set the context for attempts to turn Gujarat into a Hindu rashtra. The 1970s and 1980s were a period of intense political turmoil for Gujarat, with significant consequences for the nature of the state. In 1969, the Congress Party, India's main democratic political formation, split. In Gujarat, the division

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was between the upper caste, conservative old guard of the Congress (Organisation) and Mrs. Indira Gandhi's ostensibly modernising, secular, socialism-professing Congress (Requisition). With much of the established leadership in the Congress (O), Mrs. Gandhi set about building a mass-based party through populist appeals. She coined the brilliant slogan 'garibi hatao' (remove poverty) that brought her to power as prime minister in 1971. From the mid-1970s, under her guidance, a distinct pattern of putting forth populous backward caste and minority religious candidates on Congress tickets emerged in Gujarat. By the 1980 State Assembly elections, this strategy was called 'KHAM', a winning coalition of Kshatriyas,[9] Harijans,[10] Adivasis[11] and Muslims. The Congress (I) put up KHAM candidates in 111 of the 182 available seats, and got 96, or 86.5%, elected. In June 1980, a Congress (I) government was sworn in under Madhavsinh Solanki, a backward caste Kshatriya. Only five Solanki Cabinet members had previous ministerial experience, and many represented hitherto disadvantaged groups. KHAM leaders also dominated the ninety-five patronage structures such as government boards and commissions (Sheth 1998: 27). KHAM of course, was more than just an electoral strategy engineered in Delhi or the Gujarat capital. It represented the widening of political space through the democratic electoral process. It reflected as well as encouraged the aspirations for socio-political mobility and power of several groups.

A sense of alienation created by three phenomena—loss of political power, perceived potential loss of social dominance and loss of control over state structures of economic and political patronage—propelled Gujarat's savarnas (upper castes), hitherto divided politically, to aggressively support two anti-reservation agitations in 1981 and 1985. These were elite revolts against the Congress-led state government's decision to implement 21% reservation for Dalits and 28% for Other Backward Castes (OBCs) in government jobs and education. The

[9] The 'Kshatriya' group was actually an electoral combine of higher caste Rajputs and Darbars, and numerically powerful lower castes such as Kolis.

[10] Harijans, 'the children of God', are India's former 'untouchables'. Also known as 'Dalits' (downtrodden), they are recognised as Scheduled Castes (SCs) by the state. The British Government first prepared a 'schedule' of socially deprived 'untouchable' castes in 1935 to increase representation in legislatures, government employment and university placement.

[11] Adivasi, 'original inhabitant', refers to India's indigenous communities. Many Adivasi communities are part of a 'schedule' that entitles them to compensatory treatment similar to SCs.

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violence of 1985, for instance, began as an agitation of upper caste college students against reservations for OBCs. It was soon taken over by the student wing of the Sangh Parivar—the ABVP, and by other upper-caste Hindu groups. It then became a general movement against lower castes and Muslims. To instigate members, upper-caste associations such as Patel sabhas issued circulars to members to attack lower castes and Muslims and 'teach them a lesson' for daring to aspire to positions that had until then been the domain of the Brahmins, Banias and Patidars (Narayanpura Patel Yuvak Mandal 1985, cited in Dave 1990: Annexure VII 22). We also know that prominent members of the Gujarat BJP were actively involved in initiating violence against Dalits in 1981 and Dalits and Muslims in 1985 (Dave 1990: 139). The idea of the anti-reservation agitation was not just to persecute a supposedly aggrandising 'other'—Dalit in 1981, Dalit and then Muslim in 1985, but also to oust the KHAM government from power. The 1985 'riots' that killed 210 Dalits and Muslims subsided only with the forced resignation of Chief Minister Solanki.

During both the 1981 and 1985 anti-reservation agitations, the Brahmin-Bania-Patidar combine acquired a savarna unity. The latter had become important in the face of the KHAM groups' social and political mobility, and because rapid urbanisation and the breakdown of traditional settlement and occupational patterns had reduced the social security offered by individual caste associations (Nandy *et al.* 1995: 103). The Sangh Parivar, with its unifying Hindutva ideology, as well as political ambition to oust the Congress, became an anchor for the savarna combine. It soon realised that savarna identity politics would not attract more than a quarter of Gujarat's votes.[12] The KHAM identity on the other hand united 70% to 75% of Gujarat's population (Sanghavi 1996). Clearly, the savarna identity would be inadequate for taking over political power. With this realisation, the Parivar started promoting an alternative socio-political identity—based on a constructed 'Hindu' unity that included lower castes, former 'untouchable outcastes' and Adivasis. This new identity poached on a large part of the KHAM constituency. Several methods were used from 1983 to 1984 to build a wide Hindu constituency. For

[12] At the turn of the twentieth century, Brahmins, Banias and Kanbis/Patidars numbered 5.75%, 6.06% and 15.62% of Gujarat's population respectively (Bombay Gazetteers 1899, cited in Sanghavi 1996: 64). Since no caste-based censuses have been carried out in independent India, only approximate caste figures sourced from earlier censuses are available today.

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instance, Dalits were invited to attend Hindu religious programmes such as 'rath yatras' (chariot processions of deities), till then closed to 'untouchables'. Youth groups were organised in which the VHP asked young people to dedicate themselves to the abolition of untouchability and to work for the all-round development of their 'economically and socially backward Hindu brothers' (VHP 1986). Schools began to be built in remote Adivasi areas to propagate Brahmanical Hindu culture. In fact, towards the end of the 1985 'anti-reservation' agitation, under the orchestration of the Sangh Parivar, most of the victims were Muslims, not Dalits or OBCs. That the Hindu unity strategy was being operationalised is also evident from a bout of communal violence during a rath yatra in 1986 in Ahmedabad. This episode witnessed Dalits and Muslims fighting each other, a significant change from the 1981 anti-Dalit violence in which they had shown solidarity. One of the reasons for the Parivar's success in mobilising lower castes could be the apparent capacity of Hindutva to provide an easy channel for upward social mobility and respect *within* Hindu society (Nandy *et al*. 1995). Electorally, given the BJP's political success from 1990, the Hindu unity strategy had paid off. Quite on the other hand, after the death of Indira Gandhi in 1984 and the sidelining of KHAM leaders from 1985, the Congress entered a new post-KHAM phase. Its new leadership pandered to the interests of Gujarat's upper castes and middle class to stay in power. There is little evidence of political ideology or concerns about social uplift in the 'new Congress'.

The struggle between the political dominance of the KHAM and the Hindu identities, and the elite revolt this generated, is only one part of the story of Gujarat in the 1970s and 1980s. Another part of this story is the changing nature of the state at the local and central legislative levels, as well as at that of bureaucratic administration. It is well accepted that Indira Gandhi's Congress underwent a process of de-institutionalisation in the 1970s and 1980s (Kohli 1990). Party election candidates and leaders were chosen not by consensus, as in previous decades, but based on the party president's preferences. The over-centralisation and de-institutionalisation of politics in the ruling party had a significant impact on the wider state apparatus. Bureaucrats serving in Gujarat in this period recall that many of the Congress party's legislators were without local political roots. They needed to dispel much more state patronage in order to keep their electoral majorities. One such form of patronage was the granting of secure government jobs in local offices, corporations, etc. and the transfer of unyielding officials away from a particular legislator's

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or party worker's constituency. In turn, the shaky state leadership was compelled to agree with many more 'unofficial' requests from local politicians and party factions than before. The increase in arbitrary grants of state patronage to political supporters, as well as caste and community campaigners, paved the way for the takeover and further development of de-institutionalised, arbitrary, quid pro quoist channels of state functioning by Hindutva groups when they came to power.[13] Interestingly, Hindu religious sects were significant recipients of state patronage in this period. For instance, newer sects that target middle castes and some lower castes in the latter's search for social mobility, were used to campaign in elections—though not on as large a scale as they are today under the BJP. In return, the religious groups got state land at highly subsidised rates, ready access to the corridors of power, etc. The de-institutionalisation of politics and administration further reduced the ability and willingness of the state to operationalise norms such as secularism in everyday governance.

Supported by the Sangh Parivar, the BJP made significant inroads into the local power structures of the Gujarati state apparatus from the early 1980s. This provided the base for the party's complete takeover of political and state power in the 1990s. The infiltration of Sangh Parivar ideology and people into the local power structures of Gujarat began with the party's first major electoral triumph in 1983 when it captured the Rajkot Municipal Corporation. Then, after the anti-reservation riots of 1985 and communal riots of 1985 and 1986, the BJP gained control of the Ahmedabad Municipal Corporation in 1987. The infiltration of local power structures did not happen overnight of course. In the 1987 District Panchayat elections, the weakened Congress was still able to win 50.7% of the votes, whereas the BJP got 14.4%. Only after 1995 did the BJP make a clean sweep of elections in local self-government institutions ranging from municipalities to district, block and village panchayats (Yagnik and Sud 2004: 5). However, the placing of Hindutva supporters as personnel in different levels of the state apparatus (and in para-statal organisations such as cooperative societies and banks) had begun from the early to mid-1980s. It is not just that the BJP appointed new people when it took over power in local government bodies. The 1981 and 1985 anti-reservation agitations had turned a lot of upper caste government

[13] Based on interviews with five Indian Administrative Service officers, on Indian Audit and Accounts Service officer, and two RSS office bearers in Gandhinagar, Ahmedabad and Surat, July 2004–January 2005.

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employees against the Congress Government, as well as its apparent support for social justice and secularism. In fact, upper- and middle-caste government employees had gone on mass strike in 1985 against the reservation policy (Dave 1990). Many of these employees became supporters of the BJP from the mid-1980s and willingly implemented its anti-secular policies.

Communal Violence in 1985–1990: The Complicit Inefficient Empirical State and Ostensible Normative Secularism

The Sangh Parivar and its ideology of Hindutva—the anti-thesis of secularism, began to take over Gujarat's state and politics from the mid-1980s. Hindutva programmes, popular from circa 1982, became a primary means of ascent. Most Parivar mobilisations—celebrations of festivals such as Ganesh Chaturthi, youth conventions, Hindutva camps and yatras—resulted in Hindu-Muslim violence. For instance, Hindus and Muslims clashed in 1986 during the Rath Yatra, and in 1987 over the Ram-Janki Shobha Yatra. The 1987 violence spread from Ahmedabad city to Kheda and Sabarkantha districts—an indication of the widening reach of the Parivar. 1989 saw Hindus-Muslim violence in Banaskantha, Panchmahal, Mehsana, Kheda and Bharuch districts over the Ramshila Pujan Shobha Yatra. This yatra involved the worship of bricks for the proposed Ram Temple at Ayodhya, in place of the Babri mosque. It was conducted even in remote parts of Gujarat (Nandy *et al*. 1995: 121–123). By one account, in the latter half of the 1980s, Gujarat witnessed around 1,000 small and large communal incidents, with almost 1,300 deaths (Desai 2002). While the Sangh Parivar grew from strength to strength, the Congress Government looked away. Even when violence broke out during Hindutva programmes, government interventions were largely ineffective. According to a media report from Virpur town in central Gujarat where 4 persons were killed and 120 houses and shops set on fire on April 10, 1987, in the wake of the Ram-Janki Shobha Yatra, 'a small posse of police personnel was hard pressed to control the violence'. In fact, 'the mob turned its wrath (on)to the police . . . . Fire tenders . . . were prevented from reaching the site of the arson . . . people erected barricades on the way . . . resorted to heavy stoning of the fire brigade personnel' (Hindustan Times 1987). Like the judicial commission's verdict about the role of the state in the 1969 violence, one can conclude that a weak Congress and a soft state

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did not have the wherewithal to stop mass Hindutva mobilisations that were openly anti-Muslim. This, however, will be a resort to the state 'inefficiency' trope, based only on a study of the empirical state. The next paragraph attempts to highlight the more complicit aspects of the state's role in the communalisation of Gujarat from the mid-1980s.

The violence of the mid and late 1980s was predictable; its occurrence was widely publicised by its orchestrators. Anti-Muslim and anti-state leaflets were openly distributed by Hindutva organisations such as the VHP and the Bajrang Dal before yatras and festivals, and deeply divisive speeches were made. Muslims were termed 'anti-national', 'treacherous' and 'aggressive', and people were asked to boycott them economically. Hindus were asked to unite and fight the anti-Hindu government and those who were constantly attacking Hindu society and culture (VHP 1986; Jat *et al*. 1987). What is more, before one of its largest mobilisation efforts- the Ram-Janki Shobha yatras of 1987, the VHP distributed pamphlets, openly challenging the Indian Constitution. 'Aa prashne Hindu samaaj bandharaniya maarge balidano aapva sajaj thayel che' ('On the question of building the Ram temple in Ayodhya, Hindu society is equipped to sacrifice the path of the Constitution') (VHP 1987). Despite these challenges to the state, as well as offensive propaganda against Muslims, the programmes that the latter pamphlets announced were allowed to go ahead. Even though the media regularly predicted violence in the wake of Hindutva events, the state apparatus at the highest levels repeatedly claimed 'lack of foreknowledge' (Chief Minister Amarsinh Chaudhary, quoted in The Hindu 1987). This implied that the police and local administration landed up at scenes of violence after much damage had been done (Indian Express 1987; Times of India 1987). During a particularly violent Ramshila Pujan in 1989, after 180 towns and villages had witnessed communal violence, Chief Minister Chaudhary of the Congress-I banned that particular programme. The ban was ineffective and communal tension followed in ninety-five more places (Nandy *et al*. 1995: 121–123). Yet, guided by the official constitutional norm of the secular state, media reports continued to describe the police and local state machinery as 'understaffed' and 'totally unequal to the task of controlling violence once it broke out' (Times of India 1987). Only in passing was the underlying cause of the 'inefficiency' mentioned—the Sangh Parivar had managed to convert most grassroots Congressmen and many local government officials to the Hindutva cause (Times of India 1987). This indicates

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not just inefficiency, but also complicity of the empirical state's official machinery and political supporters in anti-Muslim violence and Hindutva mobilisation.

In the late 1980s, actions of the empirical state further undermined Gujarat's fuzzy normative secularism. Two examples illustrate this. One, the state did not act against any organisation or individual for circulating offensive anti-Muslim propaganda documents, even though their authorship was clear. On the other hand, when an article was published in a scholarly journal in 1988 on nineteenth-century literature produced by one of Gujarat's most politically powerful Hindu sects, the state stepped in to initiate blasphemy proceedings against the author and journal editors. This was done because some priests complained to state authorities that the article was offensive to the sect's followers (Jani 1988, Jhaveri 1988). Two, while the state did nothing to stop potentially violent Hindutva processions and programmes organised by the Bajrang Dal and the VHP, the Chief Minister himself intervened to stop Muharram processions. In September 1986, he 'appealed' to (Muslim) citizens through the government's Department of Information, indicating:

> It has been the government's policy to let each community celebrate festivals according to their wishes. However, whenever celebrations are anticipated to obstruct everyday life, the government is forced to take unpleasant decisions. Since curfew has just been lifted from Ahmedabad (in July 1986, in the aftermath of violence because of the Jagannath Yatra), self-discipline must be practised to maintain harmony in Ahmedabad and Gujarat. I am appealing to you to ensure that Taziya processions are not taken out this Muharram. (Amarsinh Chaudhary 1986, translated summary of the original Gujarati document)

Taziya committees did not conduct Muharram processions that year (Information Department 1986). In the context of Hindutva mobilisation from 1983 to 1984, the 'state in action' had been soft and inefficient at some levels, complicit at others and discriminatory in its interactions with different religious groups at various rungs of its apparatus.

Even as the fuzzy secularism of the Gujarati state was undermined through its empirical actions in the late 1980s, the state continued to pay lip service to the secular norm. Thus, while following an inherently 'unsecular' policy of making Muslim groups refrain from festive processions, even as Hindu groups went ahead with similar programmes, Chief Minister Chaudhary emphasised state secularism. In his letter to Taziya committees discussed above, he

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began with the words: '*Sarvadharma Sambhav* (treating all religions equally) has always been the policy of the government. The state has always been *dharmanirpeksha* (independent of religion). This is because *lokshahi* (democracy, literally, the rule of the people), *samajwad* (socialism) and *bin sampradayikta* (secularism) are the principles on which this government and the nation depend' (Chaudhary 1986). Similarly, while expressing concern about allegations that the Gujarat state apparatus did not always act in a secular manner, a judicial commission of inquiry looking into the 1985 'anti-reservation' violence emphasised the normative secularism of the state. 'Even though our state is secular . . . . Ministers of government when performing public functions, such as laying of foundation stones . . . perform them with Hindu religious ceremonies . . . . In schools, children are made to offer prayers according to Hindu Gods . . .' (Dave 1990, Volume II: 25). Academics also continued to place the state in a normative secular framework in the late 1980s, while implying that the state in practice was not continually secular. Thus, after the state slapped blasphemy charges against some scholars in the case discussed above, several of Gujarat's leading academics wrote an open letter to the government. They indicated that 'secular values are integral to our democracy. Those who believe in these values deeply, condemn the actions of the state' (Joshi *et al*. 1988). Clearly, the state was being held up against secular norms, even as the digressive unsecular actions of the state were criticised. However, that the state is located in a secular framework and should be measured against it, was taken for granted.

Conforming to the framing of the Gujarati state in the secular norm by government representatives, judicial commissions and academics, Hindutva groups continued to work against the 'secular state'. These latter groups were not just contesting the empirical state. By the latter half of the 1980s, they had co-opted much of Gujarati politics, and a fair part of the grassroots state machinery. By the 1989 national elections, the Congress had been reduced to three of twenty-six parliamentary seats in Gujarat. Apart from these tangible victories over the weak and sometimes communal Congress party and its government, a major rallying point for the Sangh was the state's normative secular framework. Thus, a Sangh Parivar pamphlet from the late 1980s announces: 'In the name of secularism (*binsampradayikta*), the administration (*vahivatitantra*) has been taking Hindus for granted' (VHP 1989). Hindutva propaganda pamphlets from this period construe sharp distinctions between Hindutva versus the current politics of secularism. Thus, the Hindu Suraksha Samiti

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(1989) indicates: 'Today's politics (*rajkaran*) is greatly harming Hindu dharma, culture and Hindutva. This is why Gujarat's saints and priests and Hindutva supporters have formed this *samiti*'. Or, 'Who will you vote for? The BJP wants to do away with "false secularism" (*dharmanirpekshata*). That is the base of the Hindu people's problems' (VHP 1989). 'False secularism' and 'secular' parties such as the Congress are under constant attack in Hindutva propaganda. As we have seen empirically, however, the starkness between the non-sectarian actions of the state and the Congress and the communal actions of Hindutva is not so apparent. At the same time, at the level of framing principles, this sharp difference is sought to be constructed both by the state and by Hindutva groups. Normative secularism, however weak it may have been on the ground, seemed to offer both these groups a powerful legitimating discourse.

The last two sections explored the politics of identity construction and the growing power of the Hindutva ideology on society and the state. The elite revolt against the KHAM combine shifted savarna political opinion towards Hindu nationalism. From the mid-1980s, members of the empirical state increasingly condoned Hindu-Muslim violence that accompanied Hindutva mobilisation. At the same time, the formal secular norm continued being publicly emphasised by prominent state actors and in government documents. The only important political player questioning constitutional secularism and placing its politics in contradistinction to secularism was the Hindu supremacist Sangh Parivar. In 1990, the BJP entered state government in a coalition. By 1995, it was independently in power in Gujarat. The Gujarati state, which had undergone important empirical and informal normative shifts in the 1980s, now formally started propagating a Hindu rashtra.

1990–2002: The Practices and Norms of 'Hindu Rashtra'

From 1990, billboards started being erected in prominent locations in various cities and towns declaring Gujarat to be a 'Hindu rashtra'.[14] BJP-controlled local self-government bodies did nothing to remove them or question those who had erected them. Well aware of the state's favourable disposition to them, Sangh Parivar arms such as

[14] Written in Gujarati, these boards typically read 'Welcome to Karnavati Pradesh of Hindu rashtra' or 'You are now entering Vadodara Pradesh of Hindu rashtra'.

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the VHP and the Bajrang Dal that are responsible for the 'Hindu rashtra' boards are often heard declaring that now 'our government' (*amaari sarkaar*) is in power.[15] From the beginning of the process of the Gujarat state's formal 'Hindutvaisation' in 1990 till the state-sponsored massacre in 2002, Gujarat has travelled consistently on the path of Hindutva. This implies that the empirical Hindu rashtra has not just been ignoring, condoning or surreptitiously participating in acts that discriminate between religious groups. In the previous pages, members of the state have been shown to do all this from 1969 to 1989. In the last 15 years, in everyday governance and during communal violence, Hindu rashtra has gone further. Successive BJP governments have done little to distance themselves from the Sangh Parivar in everyday governance. In 1990, in a huge Hindutva mobilisation effort, national BJP leader L.K. Advani launched a Rath Yatra to popularise the cause of the Sangh Parivar-proposed Ram temple in Ayodhya. Communal riots between Hindus and Muslims followed in the rath's wake in many parts of India. In Gujarat, BJP state ministers escorted Advani's rath in their official vehicles. State devices such as police wireless stations were used to follow the progress of the yatra.[16] In 1990, quite literally, the constitutionally 'secular' state became a vehicle of Hindu nationalism.[17]

The empirical state—and not just its individual members as in previous years—became thoroughly enmeshed with the Hindutva project of building a Hindu supremacist India in the 1990s. In 1997–1998, for instance, the state took policy decisions that directly implicated it in Sangh Parivar–orchestrated violence against Christians that took place in Dangs, South Gujarat, in November–December 1998. Thirty-four churches and two missionary-run schools were damaged or destroyed in this violence, and many Christian Adivasis and priests were attacked and intimidated (Chenoy 1999). In November 1997, Gujarat's Social Welfare Minister sent a letter to the District Superintendent of Police (DSP), Dangs, asking him to conduct a census of the number of Christians in every village in the district,

[15] Interview with RSS leader, Surat, July 2004.

[16] Interview with Achyut Yagnik, political analyst, in Ahmedabad, November 2004.

[17] The BJP was not in power in Gujarat between 1991–1995 and 1996–1997. However, the 1990s have seen a general rightward shift in politics, with politicians switching parties with ease (interview with senior politician who has been in the BJP, the Rashtriya Janata Party and the Congress between 1990 and 2000, Ahmedabad, November 2004). The 1996–1997 non-BJP Government of the Rashtriya Janata Party (a BJP offshoot) was headed by a former RSS leader.

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as well as a survey of all of Dangs' churches. The DSP in turn issued a circular to local police stations, which asked village headmen to carry out the project. The Christian Adivasis and missionaries who were systematically targeted in the violence in Dangs in 1999 suspect that their assailants got their names and addresses from the government (All India Federation of Organisations for Democratic Rights [AIFOFDR] 1999: 29–31). Furthermore, in 1998–1999, when the VHP claimed that Hindu women were being kidnapped by Muslim youths, the state government set up a special cell to protect 'Hindu women from atrocities meted out by persons of other religions'. And, when missionary-run schools remained closed to protest attacks on Christians in December 1998, the Gujarat State Commissioner for Higher Education decided to stop all government grants to them (AIFOFDR 1999: 13). It cannot be said that all state actors had become supporters of Hindu nationalism by 1990. However, it can be suggested that Gujarat's Hindu nationalist government actively singled out and sidelined prominent state actors who did not conform to its unsecular agenda. This was not always a top-down process since Hindutva ideology was by then entrenched in the state. Thus, when a government official attempted to remove the pictures of Hindu deities from his office in the mid-1990s on secular grounds, the Parivar-controlled workers union of the state secretariat physically attacked him. He was then 'blacklisted' by the state's political executive; a process whereby it was ensured that people such as this official never occupied a position from which they would be able to obstruct the implementation of the Hindutva agenda.[18] Episodes such as this received little attention from Gujarat's media. It seems to have been accepted that a hardline Hindu nationalist government would not run an empirically secular state.

No event made the empirically unsecular nature of the Gujarati state more clear than the communal violence of 2002. The violence started in the aftermath of the burning of a train compartment carrying Hindu activists in Godhra town on February 27, 2002.[19] A recent interim report by an enquiry commission headed by retired Supreme Court Justice—U.C. Bannerjee proclaimed that the Godhra tragedy, in which fifty-eight people died, was an accident. On the day of the Godhra train burning, however, much before any systematic investigations had been carried out, the head of Gujarat's political

[18] Interview with civil servant, Gandhinagar, August 2004.

[19] See Bidwai (2002), Breman (2002), Human Rights Watch (2002), and IIJ (2003).

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executive, the extremist BJP Chief Minister Narendra Modi asserted that local Muslims had burnt the train compartment in collaboration with Pakistan's Inter Services Intelligence Agency (Puniyani 2005). The BJP then pledged its support to a statewide protest *bandh* (strike) call for the next day by the VHP. After this *bandh* call had been made, according to a Minister in the then-BJP State Cabinet, Modi called a meeting of senior police officers and bureaucrats on the night of February 27, 2002. At this meeting, he instructed the police to refrain from taking any action against the expected Hindu 'reaction'[20] to the Godhra tragedy. On that same evening, two cabinet ministers of the Gujarat Government had met senior functionaries of the Sangh Parivar. The manner and methods of unleashing violence on Muslims were planned in detail at this meeting. These included physical violence through burning, electrocution, crude and sophisticated weapons, sexual violence on Muslim women, the burning and razing of Muslim residential and commercial establishments, the destruction of livelihoods, economic boycott, etc. The Gujarat carnage destroyed life and property worth around rupees 3,800 crores.[21] In addition, 272 Muslim places of worship were damaged or razed (Iyer *et al*. 2002, Vol. II: 44, 48). Many actors in the Gujarat state apparatus—politicians, bureaucrats and police personnel—either participated in the violence or turned a blind eye towards it. The few police personnel or bureaucrats who did their duty in protecting Muslim victims, arresting Hindu attackers or condemning the violence, were unceremoniously shifted to inconsequential, powerless positions in the state hierarchy. In discussing the violence, policemen and local politicians often referred to the Godhra-revenging, attacking Hindus as 'us', with the Muslims under attack being referred to as 'them' (Nussbaum 2003). Based on this kind of evidence, a citizens tribunal comprising academics, retired civil servants and judges, proclaimed that 'it appears from what happened in Ahmedabad and its environs on February 28 and all over

[20] The chief minister's Newtonian stance of an action inviting an equal and opposite reaction has been criticised by many (Karat 2002; Sarkar 2002; Nussbaum 2003). By suggesting that the Gujarat violence of 2002 was a 'spontaneous reaction', Modi was undermining the detailed planning that went into the anti-Muslim pogrom. He was also suggesting that the Godhra tragedy was somehow the doing of all Gujarati Muslims who then had to face the 'reaction' of all Hindus. In this spontaneous mass reaction thesis, the state's inaction during the violence gets condoned. That is, the reaction was so sudden, emotional and widespread that the state could do little to bring about order; in fact, Hindu functionaries of the state themselves got swept into the 'spontaneous reaction'.

[21] £476,975,115.70, when £1 = 79.67 Indian rupees (1 crore = 10 million).

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the state on March 1, 2 and 3 and thereafter, was with the deliberate connivance and support of the Government' (Iyer *et al*. 2002, Vol. I: 249). Another commentator indicates that the unabashed articulation of a pro-Hindu position by the Gujarati state, and its concomitant implication at every possible level, makes the events in Gujarat (2002) different from previous communal riots in India (Kabir 2002). The state of Gujarat 2002 represents the very opposite of the idea of secular India conceived around 1947. Not only was it not attempting to engage with a fuzzy secularism as in previous years but also it was clearly acting and projecting itself as a Hindu state.

It would seem facile to wonder about the status of the secular constitutional norm in Gujarat's nascent Hindu rashtra. The actions of the empirical state, as well as the Hindutva ideology that drives its political executive, appear to have made constitutional secularism insignificant. This point was emphasised by a Gujarat bureaucrat when he said, 'In this state dispensation, it would be unthinkable to, say, give state land to a Muslim religious trust, if there is even a less eligible Hindu religious trust competing. Secular equality is not a consideration'.[22] These would also seem to be the sentiments of a retired High Court Chief Justice who regretfully told a citizen's commission after the 2002 violence: 'the Constitutional philosophy is now in the book only' (Ravani, cited in Chenoy *et al*. 2002: Appendix III). At one level then, the question that this article began with—does Gujarat 2002 really represent a paradigmatic shift in the nature of the state—holds true. The paradigm has not changed from secularism to communalism in the state apparatus as many accounts suggest. Instead, it would appear to have shifted from a fuzzy, contested secular state to an increasingly unquestioned assertive Hindu rashtra. On the other hand, the nature of the state is highly complex. The position of the secular norm, even in a state structure as empirically and normatively communal as that of Gujarat, should not be seen in stark black and white terms. The following points illustrate that secular principles still hold legitimacy for Gujarat, and for the Indian state in general.

(a) The state-supported offensives against Christians in south Gujarat in 1998 and Muslims in 2002 drew widespread condemnation from NGOs, academics and the national and international media. One of the primary frames through which this condemnation was channelled was the state's abuse of the

[22] Interviewed in October 2004, Ahmedabad.

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secular norm. Thus, a post-1998 violence report indicated: 'if any organisation or political party comes to believe, as the Sangh Parivar and the present Gujarat Government have, that they can attack and harass any community with religious impunity, the consequences for secularism and democracy in our multi-religious and heterogeneous country can be disastrous' (Chenoy 1999: 25). Similarly, before detailing minutely how Gujarat's state apparatus had participated in the violence of 2002, the report of the Concerned Citizens Tribunal began with the words: 'what a shock and shame that India's fair secular name should suffer dastardly disgrace through the recent government-abetted Gujarat communal rage' (Iyer *et al*. 2002: 5). These reports express no doubt about the gross violation, even disowning of the secular norm, by Gujarat's state. Yet, they hold the state up against this norm. The latter then, even in the highly communal Gujarati state, is not irrelevant. In the backdrop of the 2002 massacre of Muslims, it has become especially relevant. Even in 2005, in national and international fora, the Gujarat Government continued to be held accountable for giving up secularism in the violence of 2002.

(b) Several autonomous constitutional bodies with regulatory functions such as India's Election Commission, Supreme Court and the National Human Rights Commission (NHRC) raised serious questions about the Gujarat state's commitment to secularism in 2002. In a preliminary report, the NHRC for instance indicated that 'grave questions arise of fidelity to the Constitution . . .' (NHRC 2002: 20, xii). 'The Commission has . . . been struck by the apparent failure of the Government of Gujarat to follow vigorously the "Guidelines to Promote Communal Harmony" issued by the Ministry of Home Affairs . . .' (NHRC 2002: 44). Here, the state is being censured for actions it has been partially complicit in for decades. In fact, the Gujarat state has continued to be discriminatory on grounds of religion beyond 2002. However, the extent of the violation of the secular norm in 2002 made bodies such as the NHRC especially censorious of the Gujarat Government. Like the riot reports on Gujarat by non-state organisations, one of the frames through which the Gujarat Government's failures in 2002 were being measured by regulatory state bodies was constitutional secularism. Significantly, regulatory bodies such as the NHRC could censure the Gujarat state even as a BJP Government was

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in power in the Indian capital. They derived their legitimacy from the Constitution and from the continuing relevance of its normative principles.

(c) Drawing on criticism from non-state and national-level state bodies, senior members of Gujarat's administrative apparatus have spoken out against the 'unconstitutional' role of the state in the 2002 violence. A case in point is R.B. Shreekumar, an Indian Police Service officer who was in-charge of the Gujarat State Intelligence Bureau from April to September 2002. In March 2005, Shreekumar filed a petition before the Central Administrative Tribunal, as well as his third affidavit before the Shah-Nanavati Judicial Commission that is investigating the 2002 violence. A significant feature of these depositions is a register of 'illegal and unconstitutional' verbal instructions received by Shreekumar from the Chief Minister, senior bureaucrats and police officers during the Gujarat violence. For instance, he was asked to 'desist from collecting evidence about the Sangh Parivar involvement in the 2002 violence, shift Muslim victims of the riots out of relief camps, give false information to the Central Election Commission about the communal situation in Gujarat, conceal data on lapses by government functionaries in preventing the violence, submit intelligence reports against Muslim leaders, 'eliminate Muslim extremists' who were disturbing the communal peace of Ahmedabad, etc'. (BBC 2005; Indian Express 2005a; Sharma 2005). The Shreekumar case indicates that the national and international attention to governance lapses and the violation of the secular norm has even provided some renewed legitimacy to people inside the Gujarati state to hold up secularism in their everyday administrative practice. This is helped by the fact that there has been a Congress government in Delhi from May 2004, even though Gujarat continues to be governed by the BJP.

(d) Several victims of the 2002 violence have used the attention it has received to make clear their reservations about the Gujarat Government's handling of their complaints. In some instances, families of Muslims killed in the violence have pointed out to the High Court and the NHRC that the public prosecutors appointed by the government to fight their court cases are Sangh Parivar men (Indian Express 2005b). In the present political atmosphere, the government has been forced to re-appoint some public prosecutors. Under orders of the Supreme Court and the

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NHRC, it has also had to re-open cases of rioting and murder against Sangh Parivar members, which had earlier been pushed under the carpet.

(e) The aftermath of Gujarat 2002 discussed above, and the subsequent defeat of the BJP in the 2004 national elections, have renewed debate on secularism within the Sangh Parivar. One section of the Parivar has re-emphasised its anti-secular position. Thus, when Gujarat's Finance Minister, Vajubhai Vala, was appointed president of the state BJP, his inaugural speech stressed that 'party men must unite to face the challenge posed by *secularists*' (quoted in Times of India 2005b, emphasis added). This challenge was assumed to have diminished in the 1990s, but now may have renewed relevance. At the other end of the Sangh Parivar spectrum are attempts, albeit weak, by leaders such as A.B. Vajpayee and L.K. Advani to change the image of the BJP to a right-of-centre party. This is seen as imperative in a liberal democracy where extreme Hindutva postures, such as those shown by the VHP and the BJP-led state government in Gujarat in 2002, do not go down well with the electorate, or in international fora.

The preceding five points indicate that at several levels, the secular norm still carries legitimacy in the context of the Gujarati state. If Gujarat had started on the path of Hindu rashtra from 1990, 2002 was both a high point of this project and the point that suggested that the ideas and actions of the nascent 'Hindu rashtra' had gone too far. The BJP Government has been forced to show restraint in its anti-Muslim actions and rhetoric after 2002. At the same time, the Gujarat state is neither empirically nor normatively secular today—far from it. One can confidently say though that the 'paradigm shift' from secularism to communalism that some scholars suggested had been heralded by the state's role in the 2002 communal violence, is by no means complete.

Conclusion: 2002 and Beyond—Almost Hindu Rashtra, But Not Quite

The preceding pages have shown the Gujarati state to be multi-layered, complex and embedded in society to different degrees at different levels. Two dimensions have been used to reveal the complexity of the state: (a) a politico-historical dimension that brings out continuities as well as changes in the state over a 45-year

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period, and (b) an analytical differentiation between the empirical and normative state that makes the study of the latter more layered. This multi-layered methodology has been used to study the state in situations of inter-religious violence. The question the article asked was: Has the state's role in condoning and participating in mass violence against Muslims in 2002 heralded a shift from India's secular constitutional state to a Hindu rashtra? The answer one is led up to is—not really. This section briefly summarises and re-visits the nuances behind this conclusion.

From the 1960s to the 1980s, the Gujarati state more or less adhered to the secular constitutional ideal formally, even as individual members within it demonstrated wide empirical, and sometimes even normative divergence from the commitment to secularism. The existence of the secular norm restrained the actions of even those state actors who were deeply embedded in ethnic social identities. The state's fuzzy but significant engagement with secularism began to change in the aftermath of the KHAM versus savarna Hindu identity contest of the early and mid-1980s. This contest shifted the political support of Gujarat's upper- and middle-caste Hindus away from the Congress. They now found an anchor in the Hindu supremacist Sangh Parivar and the BJP. By the late 1980s, a weak state—deeply infiltrated by Hindutva ideology and supporters, and a de-institutionalised Congress party were increasingly indifferent, sometimes even complicit in inter-religious violence that accompanied Hindutva mobilisation programmes. At the same time, the rhetoric of secularism was kept up. By the late 1980s then, the gap between the actions of the empirical state and the rhetoric of the normatively secular state—never non-existent in independent Gujarat—had widened.

From 1990, and especially after 1995 when the BJP came to power in Gujarat independently, the state under a Hindu nationalist government stopped projecting normative secularism. It unabashedly supported Sangh Parivar affiliates in violence against Muslim and Christian minorities, and did nothing to change its image of being a Hindu rashtra in the making. It would appear that Hindu rashtra was achieved in 2002 when the state participated at every possible level in launching a mass offensive against Muslims. At one level then, Gujarat 2002 indeed represented a paradigm shift. This shift did not come about in 2002 alone. Throughout the BJP's rule, Gujarat's state disavowed the secular principle. Not only was this state empirically unsecular, as it had been on a much smaller scale in previous decades, but it even gave up on the secular norm. The latter—normative shift in the nature of the state—might be perceived as paradigmatic.

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At the same time, one would still hesitate to term Gujarat's highly communal empirical state of 2002 'paradigmatic'. After all, stark expressions such as the latter portray events without precedent. The 'paradigmatic' thesis for the empirical state encourages misconceptions about previous political-governmental formations and about the nature of the state, which is institutionalised. As another scholar of the Indian state has pointed out, 'the character of the state is neither firmly fixed nor constantly changing. Similarities and dissimilarities occur across both time and space (Jayal 2001: 104, fn5). Terms such as paradigmatic then do not have the scope to show extremely significant changes in degree and severity in an entity that also elicits structural continuity. They represent the black and white.

At another level, even the shaded 'paradigmatic shift' in the nature of the normative state portrayed above, needs to be qualified. Everyday instances of state biases against non-Hindus have continued. But, reprimands over the unsecular role of the state in 2002 have reined in Gujarat's government. The formal secular framework has acted as a check against attempts to portray Gujarat as a Hindu rashtra or carry out a massacre akin to that of 2002. Since constitutional norms are a continuing point of reference, Gujarat may have come close to seeming like a Hindu nation-state in 2002, but it cannot really be called a Hindu rashtra today. Then, the significant and important shift in the nature of the state that Gujarat 2002 represents is neither paradigmatic nor complete. The nature of the Gujarat state, as indeed any state, continues to be complex. The use of stark definitive terms for a highly nuanced entity is surprising.

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