



PART THREE

Shivshahi in Limbo The Violent Theatrics of Shivsena

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In issue Nos. 129 & 130 of MANUSHI, Julia Eckert's articles "The Charisma of Autocracy" and "Shivshahi in the Mohalla" described how and why the Shivsena has managed to entrench itself so deeply in the social, economic and political life of Mumbai and the complexity of the autocratic command structure that allows Shivsena supremo Bal Thackeray to reign unchallenged over his Party. In this third instalment, Eckert describes the inherent limitations of a movement which depends primarily on opening up corruption opportunities for its cadres by selectively placing them in power positions within the government as well as keeping the organisation constantly in fighting mode through high profile, violent confrontations against real or imagined enemies.

The Shivsena is faced with in soluble difficulties that derive from its hybrid organisational structure and mode of operation. These contradictions are inherent in its claiming to act as a legitimate parliamentary party contending for power in Maharashtra according to democratic norms, while simultaneously retaining its paternal populism and top down violent street activism. It is engaged in a search for dictatorial power and material gain for its leaders while seeking ever greater legitimacy and popular approval. It encourages spectacles of defiance of democratic norms and promotes rituals of charismatic deliverance from its own corruption and favouritism that challenge the legitimacy of its own parliamentary leaders.

The Party had to attain power to enable it to distribute fiefdoms. However, after attaining political power it also had to preserve its movement character in order to preserve the motivation of the movement's rank and file. The Party cadres are the basis for its power and the most important instrument to achieve it. The Party had always experienced severe tensions between the "rank and file" of the movement and those higher up in the

organisation who are vying for formal powers and its spoils (Heuzé 1995). The most severe internal crises have arisen not from discontent with the formalisation of power positions, but from disputes over which members are entitled to partake in the power and spoils derived from the newly conquered formal positions.

Electoral setbacks affect the motivation of the Party's members quite strongly, as the status and power which they gain through association with the Shivsena is closely connected to the success and strength of the electoral fortunes of the Party. Such setbacks trigger severe crises in the individual hopes and aspirations among the lower ranks of the Shivsena. The overall potential for Party expansion and thus of individual political career advancement are exposed as limited where they at first appear unlimited to many a *shakha pramukh*; at these times the *shakha pramukh's* hopes of rising to political office suddenly seem unlikely.

"I will never make it now. My one chance is gone," moaned one *shakha pramukh* after the electoral debacle in the 1998 Lok Sabha polls. "We will not have another chance. The voters have left us. As a corporator you will be rich.

There is corruption everywhere. But I have to look after my living. I don't go to the *shakha* much now. What's the use," he explained. After the Sena lost the Maharashtra Assembly in 1999 he considered leaving the Sena for good.

In general, solidarity becomes a more acute problem when those who hope to rise feel that the others who made it have no concern for them; for many cadres this justifies dispensing with Party loyalty. Once their prospects appear spoilt, they voice their perception that a rift has been created between those who had already made it and those like themselves who would like to make it one day:

"*shakha pramukhs* flash mobiles and cars, they get big houses. You never find a Minister in Mantralaye [State Secretariat, JE]. They think they have booked power. They do not work anymore now that they are here [in Mantralaya]. They let us [*sainiks*, *Shakha Pramukhs*] wait, you see, although they are there. He probably has a lady in there. He feels safe. He thinks now he has made it. Now they do not care about us anymore. But *we* got them where they are. Bal Thackeray knows it. And they do not work anymore. That's why Thackeray is angry" were the furious remarks of a

(*shakha pramukh*) while waiting for an audience with his' MLA.

Theatrical Performances

In such times of internal crisis Bal Thackeray acts swiftly. Thackeray's technique of saving the sinking boat is often repeated, and involves the same three strategies: he expresses his deep disappointment in the higher ups in the Party, he talks about the need for retribution, a reshuffle of office holders; and he renews public agitations. In his stylisation of disappointment, of the leader who proclaims he is hurt by the betrayal of his mission, outraged by the exploitation of power by those who only hold power by his leave, Thackeray re-establishes the division between the government and the movement. He takes up the role of a leader inspired by a vision of the Common Good who is opposed to the "wheeling and dealing" which dirty the sphere of politics. Thackeray acts out his role as the moral conscience of the Party, stands up as the chief *sainik* who will defend "his boys". He rejects his role as "remote control Chief Minister" and calls for civil disobedience against what he has previously called "his government". Time after time, Thackeray lays the blame on the Sena's government officials, who have allegedly "lost touch with the mass base" (quoted in Purandare 1999, 426).

This interpretation resonates well with many resentful *sainiks* and *pramukhs*. By being focussed on Sena governmental office holders, and by reaffirming the difference between the movement and the Party, the *sainik's* generalised disillusionment with the organisation as such is diffused and diverted from Thackeray and directed instead towards the existing hierarchy.

Recently, in 1998, Thackeray retreated into 'hibernation': "*Sanyas* (renunciation) is going to be my path of the future. I want to keep aloof from all the dirty things going on." This theatrical performance had been used

before as Thackeray's strategy to rally *sainiks* and Sena leaders behind him and bring them into line. In 1992, for example, his self-imposed exile lasted for only one hour, until allegedly "hysterical" *sainiks* had pleaded and threatened self-immolation if the leader left them. Time and again Bal Thackeray withdraws his resignation with words like: "It is your extraordinary love and affection that is forcing me to withdraw my decision."

These dramatic performances stress the direct emotional bond between him as supreme leader and his followers that bypasses the intermediary Party leaders. Such performances reconstruct his original charismatic relationship with his following. Thackeray relies on inspiring love and adoration when the personal aspirational calculations of his *sainiks* start to fail. Moreover, his role playing constructs the leader as the one who makes sure that the officials are serving "the people" – the rank and file and middle level *sainiks*. They frequently declare their certitude that Thackeray is unaware of the abuse of power by his Ministers – although, on other occasions, they might refer to the scandals his family is involved in as a critical matter. In his role as the spokesperson of the common *sainik*, when he publicly takes the side of the lower ranks against those established in power, he is believed by those "common *sainiks*"— if only because he upgrades their status within the organisation by establishing the rank and file *sainik* as the moral conscience, as the embodiment of the people, and therefore as the sovereign to whom the Sena politicians are answerable.

Agitation as Reproduction

Most of all it is public violence, however, which serves to rally *sainiks*. Violent agitations inflicting severe damages on the Sena's many and various types of victims have often been his device to overcome "the

contradictions which agitate the organisation" (Heuzé 1995, 215). They keep the movement moving – and thereby act to shake up the hierarchical stability presumably established by winning and wielding power.

The Power of Violence

The significance of violent action for the Sena and its members becomes apparent when we observe its timely coincidence with electoral setbacks or signs of dissatisfaction within its ranks or among its mass base. Back in 1973 Gupta already reported the Sena's Mumbai bandh as "an election stunt to revitalise the Shivsena's energy and image for the coming mid-term Parliamentary elections in 1974" (Gupta 1981, 171). Similarly, after the electoral setback in the Lok Sabha elections in 1998, the Sena command let loose a whole arsenal of agitations: *sainiks* stormed the concert of Pakistani Ghazal singer Ghulam Ali, they renewed their attacks on painter M.F. Hussain and supported the ransacking of his house by the Bajrang Dal, the youth organisation of the VHP. Thackeray made a big fuss about his plan not to let Pakistani cricketers enter India, Maharashtra, Mumbai. *Sainiks* dug up the ground in the Ferozshah Kotla stadium in Delhi. They also threatened to attack the newly established bus link between Delhi and Lahore which the PM Vajpayee had just inaugurated. They smashed the Bombay Cricket Club Building and disrupted screenings of the film "Fire" in Mumbai and Delhi.

As in the Bombay riots of 1992/93, the various agitational campaigns in the winter of 1998/99 were used explicitly to portray the Sena as the last resort of the 'Hindu nation.' Bal Thackeray claimed, for example, that the BJP, by permitting the Pakistani cricket team to step on Indian soil, had betrayed its people. In the loud campaign to hinder the tour, Thackeray took up the role of "the last staunch Hindu". As a result, the Shivsena was

able to expand its sphere of action not only regionally, as members of the Party in Calcutta, in Delhi, in Chennai and in Coimbatore became active, but also present itself — at least for a time — as an All-India champion of the radical Hindu right wing during the height of this agitation.

Thackeray's agitations, when justified by presenting them as acts of defence of the nation, have served the Sena by supporting its claim to be the chief defender of Hindu rights and Hindu culture. These performances are, in part, an attempt to make plausible the Party's ideological claim to be the people's chosen shock troops for defending their community.

However, what appears more important among *sainiks* than this ideological positioning is the recovery of their role within and for the organisation. *Sainiks*, in private interviews, never talked about the larger civilisational importance of smashing up a concert hall. They did talk about the threat to the Hindu nation posed by various dangers, and there was an explicit belief in an "obvious" fundamental conflict between Hindus and Muslims which concerned less everyday interactions but focussed on the alleged "essential character" of the conflict between the two religions a conflict they characterised as a struggle between tolerance and aggression. Members of the younger generation of *sainiks*, especially, expressed the feeling that it was their duty to stand up for Hindus and claimed this inspired them to become members of the Shivsena. But when they talked about their acts of violence they gave greater emphasis to how they were proving their prowess, proving their readiness to fight, proving what power and might the Shivsena has, not only against the victims of the moment, but also in opposition to the

agencies of the state. And they talked about the joy they experienced in their aggressive acts.

Politics of Direct Action

It is not the exceptionality of the agitations which determines their appeal. The agitations and attacks follow a certain more or less well known routine. However, there is a vital strategic gain for the organisation that results from these agitations: the 'movement' aspects of the organisation regain predominance. There is greater emphasis on accessibility of leaders, equality in action, and an increased importance given to active participation. The agitations, carried out by the members of the (*shakhas*), re-establish the predominance of the (*shakha*) activist cadres over the parliamentary Party cadres. It is during these agitations (such as those occurring during festivals) that the organisation renews itself and revives its unity, and the individual *sainik* can feel part of the larger movement. It is then — as in the rallies — that the *shakhas* are most united. In these actions *sainiks* do experience collective power, collective power of a sort, which is not merely handed down to them via the political power of their leaders, but which actually rests on their force, their numbers, and their muscle power. They sense in the politics of direct action the organisation's reliance on their participation and their fundamental role in the power structure of the Sena.

State Provides Ammesty

The organisation has so far been able to recreate at will its specific form of generating power, that is, the politics of violent action, its specific strategy for institutionalisation of its existence as a movement. This mode of regeneration has worked thus far, even if it might not be feasible to repeat it forever. For the politics of violence to succeed, however, the perpetrators need the room granted to the actions

of *sainiks* by the other parties, their various political opponents, and by the law enforcement and other agencies of the state. Since 1985 it has become rare for the law enforcement agencies to inhibit Sena agitations. Frequently no action is taken. If *Sainiks* are arrested they are quickly released on bail. They are seldom charged and if they are charged the cases remain pending in court (CPDR, 1997).

When 200 *sainiks* stormed and ransacked the concert of Pakistani Ghazal singer Ghulam Ali in May 1998 the police, which was present, took no action; it neither intervened nor arrested the assailants. Allegedly, the organiser of the concert asked the police not to intervene, saying: "I am a small man. I have to live and work in Bombay. What more can I say?" (ToI, 3.5.1998, p.6). Moreover, in the summer of 1998 the Manohar Joshi government passed a bill of "amnesty" for all cases of "political actions." (ToI 23.9.1997, p.9). This meant the withdrawal of all the cases registered against *sainiks* which were termed "political" by the Sena. Even Khairnar, a former Deputy Municipal Commissioner campaigning against corruption, who was once assaulted, says: "I have not followed up the case because I know nothing will ever come of it" (ToI, 3.5.1998, p.6).

Similarly, 2 of the 24 cases which were filed against Bal Thackeray between 1984 and 1997 are pending in court, according to police statistics; the other 22 stand withdrawn or are 'classified' [what does this mean?] (Report of the Srikrishna Commission, sec. 4.16, p.218). The state government having been under the "remote control" of Bal Thackeray obtained the withdrawal of cases against him, claiming to justify their action by referring to his right to freedom of expression (ToI 23.2.1997). Most of these cases relate to charges of

promotion of enmity between groups on grounds of religion, race, place of birth and residence, acts that are considered as offenses under Section 153 (A) of the Indian Penal Code. As recently as in July 1999 he was, after years of court procedures, banned from voting for six years, four of which have already passed with Thackeray continuing to participate actively in electoral activities. And when Thackeray was arrested on 25th July 2000 on the orders of NCP Home Minister Chhagan Bhujpal, erstwhile Sena member, along with the editors of *Saamna*, Sanjay Raut and Subhash Desai, the judge released them on the grounds that the charges no longer were enforceable under the statute of limitations.

Judicial inaction against the Shivsena as well as judicial bias in favour of it are all too obvious. Hansen reports how the sentences given for rioting in Maharashtrian villages against *sainiks* were far milder than those given to Muslim youths convicted of the same offence. (Hansen 1998c, pp. 59-60). Similarly, the legal procedures undertaken against those accused in the Mumbai bomb blasts of March 1993 seemed to show a stark bias: the perpetrators of atrocities in the Mumbai riots from the majority community were rarely brought to justice, while those held responsible for the bomb blasts of March 1993, seen by Muslims and Hindus alike as a revenge for the riots by the Muslim-led gangs, spent years in jail under the draconian TADA law. Most of those imprisoned were Muslims, although the bomb blasts could never have been organised without the assistance of numerous corrupt state officials like customs officers and others who are largely Hindu by religion (Visvanathan/Seth 1998, 118-128).

Police Complicity & Support

Often the lack of legal sanction against clearly illegal activities of the Shivsena starts with police inaction in registering offenses and preventing investigations of crimes committed by members of the Party. The initial explanation of police inaction against *Shivsainiks* is frequently that such action would lead to the escalation of violence. The refusal to enforce the law is described as preventive caution, a fear of arousing Bal Thackeray's anger and threats of reprisals. Additional Commissioner of Police V.N. Deshmukh revealed in his disposition before the Srikrishna Commission that despite the speeches of Bal Thackeray and other Sena leaders being actionable by law, no action was taken against them because of previous police experience that whenever Sena leaders were arrested, bandhs and violence followed. "The anticipated consequences were a deterrent to taking preventive action against leaders of the Shivsena Party," he stated. Bal Thackeray himself has frequently warned the authorities: "If you arrest me Maharashtra will burn." And whenever judicial procedures against him are discussed he publicly begs "his" *sainiks* not to take to the streets, thus hinting at (or threatening) a potential outbreak of public violence.

The reluctance of the police to take action against *sainiks* may also be further explained by the fact that many policemen sympathise with the Shivsena in private and are even members of the movement. Two explanations of the affinity of the police and the Shivsena prevail. One is that police personnel live and work under similar conditions as their fellow Maharashtrians, that they are similarly under-educated, underpaid and overworked, and thus receptive to the same forms of stereotyping and prejudice of other groups as those held by the *sainiks*. The other

explanation holds that the failure of the agents of the state to act as neutral arbiters is primarily due to the fact that the representatives of the state are, beneath their uniforms, also part of the communities from which the Sena recruits its cadres. These assessments disagree on the cause of communal prejudice, the former locating it in situations of deprivation, the latter in the community boundedness of every individual. The ideological affinity is often attributed to the lower ranks (e.g., Engineer 1996, 139).

However, the collaboration of *sainiks* and the police during the riots in 1992/93 (See Padgaonkar 1993, Daud/Suresh, 1993, Ekta Samiti 1993, Sharma, 1993, CPDR, 1993.), although practiced most visibly by constables and policemen, was not entirely limited to those lower ranks — the high ranks showed a considerable reluctance to intervene in the looting and killing. Director General of Police in 1993 Amarjeet Singh Samra stated that they considered the Sena's actions to be the "social work." of the political Party (ToI 14.4.1997).

Political Affinities

The generally lax attitude of the police towards rioting and other offences by *sainiks* thus suggest that such affinities are present also in the very well educated ranks of the IPS.]

This should not surprise anyone for another reason: governing parties have a crucial influence on the selection and posting of officers. The Shivsena, for example, continually quarrelled with its coalition partner, the BJP, over the appointment to the post of Commissioner of Police. Police Commissioner Bali of Thane felt that where political interference into police work was less frequent, the police acted more neutrally. Political interference is structurally encoded in the Indian Police Act (Section 3) that, by making the posting and sacking of police commissioners subject entirely

to state governments, encourages the use of postings as a tool of party politics. Since police officers and other public servants have frequently been transferred when they went against the interests of governing parties, favours in the form of biased police action are also career moves. "It has been observed quite often that an honest and efficient DM [District Magistrate] who wants to control riots effectively, faces the risk of being transferred, because the communal elements pressure the Home Minister or the Chief Minister to do so. Thus, non-communal officers sometimes find themselves penalized." (Engineer, 1996, 131).

This political control, of course, does not affect riot control only; it also affects other illegal activities — as the case of the transfer (subsequently cancelled) of Municipal commissioner Bhatia showed, who went against the interests of the Shiv Sena's Chief Minister Manohar Joshi's family in relation to some real estate deals in Pune in 1999.

Former Police Commissioner of Mumbai Ribeiro felt that "his is the type of problem that officers have to face all the time in the course of their careers. It is much easier, I think, for senior officers to resist such moves by their political masters... It is different in the case of junior officers, unless, of course, they are willing to quit the service" (Ribeiro 1998, 117). This does not entirely explain why some police act communally and others do not. Certainly, prejudice and communal attitudes play a vital part (Rai, 1996). It does, however, add the dimension of structural position within the police hierarchy to the analysis of police action.

Using Each Others

Not only the police, but other political parties have also found ways to avoid having to take action against Bal Thackeray and his organisation -

and even worse, they make use of the Shiv Sena enforcers for their own ends. The immunity awarded to Bal Thackeray by political powers does not rest solely on the alleged danger of riots and mayhem which a prosecution would possibly trigger, but above all on the Sena and its politics of violent action having been rather useful to other political outfits and interest groups that are supposed to be opposed to them, namely the Congress Party, as well as the industrial and business interests of Mumbai. The Party has often been employed to do "the dirty work" of other members of the power elite.

Individual (*shakhas*) have also been used to settle local rivalries and competitions; they have provided their services to 'builders' to clear land or intimidate residents; the Party's unions have been employed by the management of many a company to get rid of unfavourable unions. In many places the (*shakhas*) have become indispensable for certain unsavoury aspects of police work. The Party thus is useful to many powerful people and groups for many purposes. The Congress Party, e.g., especially the MPCC (Maharashtra Pradesh Congress Committee), took the support of the Sena not only to combat communist unions and parties in the 1960s and 70s (Gupta 1982, 176; Ribeiro 1998, 116). The Sena was also used by Congress politicians to settle their internal power struggles, as for example in the ousting of Nehru's erstwhile Defence Minister Krishna Menon (Lele 1995, 191; Purandare 1999, 67). Engineer alleges that the Bhivandi riots in 1984 were allowed to happen by the then ruling Congress government of Vasant Dada Patil because he needed the Sena's votes for a Rajya Sabha election against dissidents in his own Party (Engineer 1996a, 129; see also Ribeiro 1998, 214).

The space for illegal and undemocratic action has thus been provided by other parts of the power structure because of the usefulness of the Sena for their own ends; the Sena could expand its influence exactly because of this space granted to it which made possible its uncontested agitations, its networking and its local structures of power. These actions and structures are not merely supported through the use of violence but also gain acceptability and support within the context of a political sphere in which the rule of law is frequently replaced by the rule of force (or the rule of money for that matter). The support attained and the institutional expansion established finally went so far that it provided the Sena with the powers of government, so that it could grant itself the space for action.

Protected Stormtroopers

But its role as "stormtrooper" (Hansen 1998c, 16) has brought the Party not only the protection of the Congress, financing from business and the toleration of its activities by the state agencies, it has also affirmed the Party's own image building strategies. The cooperative relations which evolved from this between the Sena and its various partners thus have not only practical but also representational elements. This becomes particularly apparent in the Party's symbiotic relationship with the BJP. The division of labour of the two parties in Maharashtra (that also affects the national level) serves them both as a means of further mobilisation and expansion. Despite their conflicts with each other they are able to pretend they are complementary forces that stand for order and uncompromising militancy tied to each other within the same ideological fold.

For the BJP militancy and order are both essential ideological ingredients of Hindutva; (*militancy*) for creating the strife to realise an essentialist

vision of the Hindu nation; (*order*) in the vision of a harmonious “authentic” society replacing a corrupt establishment, replacing moreover the assertion of pluralist and antagonistic claims and related “western” disorders. The alliance makes possible the posing of the BJP’s brand of Hindutva as moderate, as creating order rather than disorder; as establishing harmony rather than riots. The outward moderation forced upon the BJP by its political compulsions and democratic claims are complemented by the militancy constantly threatened by the Shivsena.

When the strategies of the two parties conflict, the upholding of law and order does not take priority over the majoritarian impulses of Hindutva. The more radical and thorough, as well as far-reaching ideological positions of the BJP and the RSS are thus put forward in the guise of stability and moderation, while the constantly evolving forms of militancy of the Sena undertake dramatic agitations, creating again and again “States of Emergency”. The variable Sena stance needs the drama, at the same time that its radical stance needs support from a Party that claims an aura of orderliness and legal behaviour.

Public Acceptance

Those parliamentary political leaders who claim to be supporters of democratic government to stop the Sena’s illegal and brutal activities has produced a shift in what is acceptable. The amount of influence of the Sena is not only demonstrated in a count of its active Party membership or in its electoral support alone but also in the toleration and even adoption of its methods by other political and movement groups. Their tactics are increasingly seen as ‘normal’ and even ‘legitimate’ by the other activists, even those who are Sena opponents.

The transformation of the democratic idea into a majoritarian definition of citizens’ rights succeeded not simply via the electoral growth in support of the parties propounding such a vision of legitimate participation; rather, the spread of this logic of entitlement succeeded through its increasing ‘presentability’. This presentability was produced not simply by the increase in formal powers of the parties presenting it, but even more so by the fact that the limits to their control over the formal institutions of power did not affect them detrimentally.

For example, although the Shivsena failed to establish the legitimacy of its retaliatory acts during the Bombay riots within the report of the Srikrishna Commission, the inconsequentiality of the response to the Commission’s Report achieved the same result. The acceptability awarded to the Sena by their political competitors in effect tolerated the lack of sanctions against the Sena for breaking state law.

This “third Party acceptance” paved the way for the acceptance of a new conceptualisation of the relation of legality and legitimacy. It was not that the contending parties and institutions necessarily adopted the justificatory logic of the Shivsena. Rather, it is the failure of these groups to confront the Sena and its illegal acts, the strategy of avoidance mentioned above, and the contradictions arising from these other power seeking parties created their own compulsions which allowed the Sena space for action. Public acceptance, whatever its diverse reasons may be, opened the space for the attempt to revise public norms and ignore the law. Moreover, it entrenched the confrontational situation resulting from the practices of the Shivsena. Therein the widely

present themes of Hindu-nationalism and communalism were further reified and fixed. □

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