

Ways of Remembering

Ways of Remembering tells a story about the relationship between secular law and religious violence by studying the memorialisation of the 2002 Gujarat pogrom—postcolonial India’s most litigated and mediated event of anti-Muslim mass violence. By reading judgments and films on the pogrom through a novel interpretive framework, the book argues that the shared narrative of law and cinema engenders ways of remembering the pogrom in which the rationality of secular law offers a resolution to the irrationality of religious violence. In the public’s collective memory, the force of this rationality simultaneously condemns and normalises violence against Muslims while exonerating secular law from its role in enabling the pogrom, thus keeping the violent (legal) order against India’s Muslim citizens intact. The book contends that in foregrounding law’s aesthetic dimensions we see the discursive ways in which secular law organises violence and presents itself as the panacea for that very violence.

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A map of the state of Gujarat pasted on a wall in Gulberg Society, Ahmedabad
Source: Photo by author.

Ways of Remembering

Law, Cinema and Collective Memory in the New India

Oishik Sircar



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To

*Misha, for making me experience the joy of the unconditional
Maa and Babi, for everything you do and don't for love*

What matters is not the fact that we remember ... but the way in which we remember.

—Asmal et al., *Reconciliation through Truth:
A Reckoning with Apartheid's Criminal Governance* (1996)

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Acknowledgements

May I live conscious of my debt to all the people who make life possible.

—Audre Lorde, *Zami: A New Spelling of My Name—A Biomythography* (1982)

The writing of this book began during my doctoral work at the Melbourne Law School (MLS) in 2012. However, it started its life in 2002—unbeknownst to me that it will ever become a book—when as a law student at ILS Law College, Pune, I went to Ahmedabad, the capital city of Gujarat, as part of a fact-finding team put together by the South Asia Human Rights Documentation Centre to record survivor testimonies in the wake of a pogrom directed singularly at Muslims. I was 21 years old and it was my first ever ‘field’ visit as an aspiring human rights lawyer and campaigner. Every day I would take an autorickshaw from the Judges Bungalow Road—an upmarket and Hindu part of the city that represented the advances of modern India—and arrive at the visibly Muslim Shah Alam Dargah (a shrine converted into a makeshift refugee camp), whose squalid atmosphere of grief and devastation was a study in cruel contrasts between two diametrically opposite worlds in the same city divided by a river. These auto rides back and forth comprise one of the most abiding memories of my time in Ahmedabad—although I never thought about them at that time. Every autorickshaw that I would take inevitably had interiors decorated with big hand-painted images of Bollywood stars who became my daily companions alongside a really heavy hardbound copy of *Criminal Major Acts*.

I returned to Ahmedabad (and Vadodara) in 2014 during my research. I wanted to come back to the city to see if there were public remnants of the 2002 pogrom. I thought that it would be ethically wrong to write a thesis on ‘Gujarat 2002’ without gaining some affective sense of how memory resides at the scenes of violence. During this visit, too, the numerous autorickshaw rides I took provided the companionship of hand-painted Bollywood stars. The only difference was that alongside the veterans now the insides of the autos were adorned by many new faces. It struck me, quite serendipitously, that the remote connection between Bollywood cinema and law that began as a subliminal one in

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those auto rides in 2002 has now become a palpable one in my research that aimed to read the texts of judgments and cinema as a shared narrative of collective memory of the Gujarat pogrom.

After completing my trip to Gujarat, I was returning to Calcutta through Bombay. This was a few months into the Bharatiya Janata Party's (BJP's) win in the national elections in 2014. On the way to Santa Cruz airport, I passed a huge procession of the Bajrang Dal—the militant youth wing of the Sangh Parivar (Collective Family of Hindu Right Wing outfits) of which the BJP is also a part. A resounding slogan in Hindi being shouted on loudspeakers by those in the procession was *Katwa pachtayega Ram Ram chillaye ga*, which translates as 'Circumcised Muslims will repent; they will have to cry out Lord Ram's name'. The fascist insinuation was unambiguous, and in several more recent incidents of anti-Muslim violence, variations of this slogan have become chillingly common.

*

As this book goes into print 20 years after the Gujarat pogrom and two decades of my life as a scholar-activist that was fundamentally shaped by my visit to Ahmedabad in 2002, it is important that I tell you the names of those without whose mentorship, friendship, companionship and solidarity this book would not be possible.

*

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*

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This journey of ours has a new member now in a mini monarch called Misha whose crying commands rule our lives! We are overwhelmed with joy and fatigue in equal measure but are loving—despite the sleeplessness—every bit of this life-altering experience called parenting. Misha, our dear daughter, has come into this world and to us at a time when the planet is in an intensified state of crisis and devastation in unprecedented ways. D and I marvel at her mischievous smile, and I hope against hope of being adequate to the task of protecting and preparing her for the promises and perils that our futures hold. Giving the final touches to the book in Misha's presence in my life makes this an especially happy moment. I dedicate this book to Misha, with all the love from her Abu.

I also dedicate this book to my parents—Anjana Sircar (Maa) and Anjan Sircar (Babi)—for things that they have taught me, consciously and unconsciously, through active directions and impositions, and wise and troubling silences. I owe my love for watching films, reading and writing to them. When I was growing up, I do not know of any child who was taken to see as many films as they took me to watch at movie theatres. Since I was an introverted child, my mother gave me a writing pad for my sixth birthday and told me that I could write stories for myself. My father's voracious appetite for reading passed on to me through the delight of just watching him read. I have grown up not seeing eye to eye with them on many crucial things, and yet I cannot not acknowledge my contradictory inheritances of their many selves that have fundamentally shaped who I am. My parents have been flawed, inspirational and beautiful. This book is a tribute to their love for each other, the love with which they fill up my life. I know it is an inadequate reciprocation, but it is a heartfelt one.

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It is a cruel coincidence that I am publishing this book at a time when the regime under whose watch the Gujarat pogrom was orchestrated is now the democratically elected ruling government in India—in its second term. In the current climate in India, where anything remotely critical of the state is being labelled 'seditious' and a new normalisation of gender-, caste- and religion-based violence has emerged, I wonder whether to think of this moment of publication as an achievement or a curse. It has been a privilege to have carried out this research in relative safety, especially given how, under grave threats to their life and work, lawyers, academics, writers, journalists, students, filmmakers, peasants and labourers in India are continuing the good fight—failing, sustaining, resisting, repairing, repeating. This book draws 'dark hope' from their fragility and resilience.

Abbreviations

BJP	Bharatiya Janata Party
CBFC	Central Board of Film Certification
CBI	Central Bureau of Investigation
CJP	Citizens for Justice and Peace
CM	chief minister
FIR	first information report
FTC	fast-track court
INC	Indian National Congress
J-A	jurisprudential-aesthetic (approach)
NHRC	National Human Rights Commission
RSS	Rashtriya Swayamsevak Sangh
SIT	Special Investigation Team
SLP	special leave petition