

4. Organised 'communal violence': Report of fact-finding investigation into Ram Navami violence in Bihar

April 2018

1. Background

Ram Navami - the celebration of the birth of Lord Ram, the Hindu god, incarnation of Vishnu, who descended the Earth to show all the path of truth and righteousness, and to ensure the triumph of good over evil - is a festival of celebration. This year, it left in its trail, large scale violence and destruction, stretching through broad swathes of the country. Starting with Raniganj and Asansol in West Bengal (25-03-18), mobilisation around local Ram Navami celebration processions resulted in deaths and injuries and largescale arson of shops and homes in several districts of Bihar – Aurangabad, Samastipur, Nalanda and Nawada. Similar violence, around Ram Navami processions and “Veer Hanuman Vijaya yatra” also occurred in Nirmal district in Telengana, and Vadodra in Gujarat. Earlier, Kasganj in Uttar Pradesh had been

wrecked by violence around Republic Day¹⁰⁰ (26-01-18); and Bhagalpur in Bihar around Vikram Samvat¹⁰¹ celebrations (17-03-18).

Common to all these violence episodes was the use of large processions, by youth belonging to Hindu right-wing groups – the Bhartiya Janata Party (BJP), Vishwa Hindu Parishad (VHP) and particularly Bajrang Dal, the youth wing of VHP – armed with swords, stick and machetes, and guns and country made bombs in some cases; raising slogans and playing songs loudly, derogatory to Muslims, in an attempt to provoke Muslim residents; and the targeting Muslim shops, residences, and places of worship. At most places, public celebrations of religious festivals and national days, in the form of armed aggressive processions targeting the minority Muslim population, was a completely new phenomenon.

The loss of life and property in this round of targeted violence was low (with 5 persons reported killed between Bihar and West Bengal), compared to past cases of what are called 'communal violence' in India, with their tens of hundreds

100 Celebrated to mark the day when India adopted the constitution, 26th January, 1950

101 Hindu New Year, added recently to festivals celebrated with a show of strength, through processions

killed and largescale destruction of property mostly Muslim.¹⁰² Loss to social harmony; the loss of trust by Muslims in the state administration's ability to protect their life and property; and particularly the feeling of insecurity among Muslims, has increased manifold, coming as this string of violence was, so close to recent attacks on Muslims, again across the country, in public lynchings and vigilantism. When last counted, 30 Muslims had been killed in provinces up and down the country, in acts by youth groups, calling themselves Gau Rakshak Dals, professing allegiance to the same Hindu rights wing parties.¹⁰³ Muslims in India today are a community under siege!

This report summarises the findings of investigation into communal violence in Bihar, also looking at neighbouring West Bengal, around recent Rama Navami festival (2018), conducted by Citizens Against Hate and other like-minded civil society groups, as well as media reports. We ourselves visited Aurangabad, Nalanda, Nawada, Rosera in Samastipur – the sites of the major conflagrations in Bihar. At these sites we spoke to a cross-section of people, as well as opinion makers and government officials, besides victim families. We also made ample use of media reports and reports of fact findings by groups, although these were not plentiful. We also examined legal documents – First Information Reports (FIR) mostly, but also list of property loss submitted to authorities. First we provide a snapshot of the incidents by state. Then we catalogue the patterns emerging. First is about the planning and coordination involved in the violence; second is the use of religious processions as vehicles to provoke and trigger violence. We then look at the role of Hindu right wing organisations fomenting the trouble in these violent episodes, and finally try to shine a light on the role of Local Administration, trying to understand what their preparation was and whether they did enough, not only to contain the violence but also what efforts the 'duty bearers' were making post-violence to provide justice and ensure the rule of law. We conclude with a set of recommendations.

102 Among the ones with highest casualties are: Rourkela, Jamshedpur, Kolkata (1964, 2500 killed); Ahmedabad (1969, 512 killed); Moradabad (1980, 2000 killed); Nellie (1983, 1800 killed); Delhi (1984, 2733 killed); Bhagalpur (1989-90, 896 killed); Surat, Bhopal, Mumbai (1992, 1300 killed); Gujarat (2002, 2000 killed); Kandamahar (2008, 38); Muzaffarnagar (2013, 52 killed)

103 Citizens Against Hate. 2017. Lynching Without End. Report of Fact finding into religiously-motivated hate crime in India.

Box 1: Violence Timeline

On March 17, 2018, clashes erupted in Bhagalpur between two communities during an unauthorised procession taken out by BJP, Bajrang Dal and RSS activists. The procession was led by Arijit Shashwat, son of Union minister Ashwani Choubey. Over 35 people including policemen were injured and several shops and vehicles were set afire.

On March 24, a clash broke out in Siwan between two communities following an alleged effort by some people to stop a Ram Navami procession at Hassanpura. Both sides indulged in stone-pelting, three vehicles were burnt. Six people were arrested.

On March 25, clashes erupted in Aurangabad following a stone-pelting incident during a Ram Navami procession. Clashes continued for two days, leaving over 25 people injured and 50 shops gutted. Curfew was clamped in the town and internet services were withdrawn. Police arrested 122 people.

On March 27, in Samastipur, members of two communities clashed and a mosque was vandalised in Rosera. Some people forcibly hoisted a saffron flag on top of a minaret of the mosque. These incidents took place a day after a slipper was allegedly thrown at a Ram Navami procession. Ten people, including a probationary IPS officer, were injured and three vehicles were set afire. Curfew was imposed. Three people were arrested.

On March 27, in Munger, clashes broke out between two communities after some people protested against a controversial song being played and inflammatory slogans being chanted during an immersion procession of Chaiti Durga. Stones were pelted and shots were fired by both sides at a thoroughfare. Violence spread to several parts of the town. Property and vehicles were set afire.

On March 28, in Silao (Nalanda), there was heavy stone-pelting after a dispute over the route of a Ram Navami procession, and police had to resort to mild use of force besides firing tear gas shells to quell the mobs. More than 20 people, including a policeman, were injured. Fourteen people were arrested.

On March 28, in Sheikhpura, participants of a Ram Navami procession clashed with police after their demand to use a route other than the permitted one in Girhinda area of the district was disallowed. Police resorted to baton charge.

An FIR was lodged. There were also communal clashes earlier on March 17th, in Bhagalpur district after Arijit Shashwat son of Union Minister Ashwini Kumar Choubey took out an armed rally shouting provocative slogans through multiple Muslim neighbourhoods.

Sources:

Catchnews - 29 March 2018 - <http://www.catchnews.com/india-news/ram-navami-communal-violence-3-states-reveal-common-patterns-of-hindutva-instigation-105288.html>

Daily O - 31-03-18 - <https://www.dailyo.in/variety/bihar-nawada-ram-navami-hindutva-ram-lalla-muslim-hate-songs-nitish-kumar/story/1/23184.html>

Newslick - 31 March 2018 - <https://newslick.in/swords-cds-and-pen-drives-how-riots-9-bihar-districts-were-planned-and-executed>

News18 - The Truth of Bihar. Manufactured riots fractured community - <https://www.news18.com/news/immersive/truth-of-bihar-riots.html>

The Indian Express - 29 March 2018 - <https://www.newindianexpress.com/nation/2018/mar/29/bhaagalpur-to-sheikhpura-timeline-of-communal-clashes-in-bihar-in-march-1794381.html>

2. Violence trends and patterns

Media reports during the violence; those and the detailed fact-finding investigations by civil society groups after¹⁰⁴, covering all recent cases, and an examination of FIRs registered by the police, reveal a clear pattern.

2.1 Planning and coordination

These are not spontaneous acts of violence by mobs, rather there is evidence of systematic planning behind the series of violence. There seems to have been a clear attempt by Hindutva outfits to use Ram Navami processions to create communal tensions in at least three states in India: West Bengal, Bihar and Telangana. Communal polarisation during Ram Navami, the emphasis on armed processions and the use of common provocative songs and speeches are common threads that run through the violence in the three states.¹⁰⁵

Speaking of Bihar, where nine out of 38 districts were affected, the violence appears to have been pre-planned with the aim to polarise society on communal lines, hence 'manufactured' to achieve "political gains". Newslick reported that

¹⁰⁴ United Against Hate, and PUCL reports, on violence in Bihar

¹⁰⁵ CatchNews, 29-03-18

people from neighbouring states (eastern Uttar Pradesh, particularly) had been called in to take part in processions and who were instrumental in the violence. "New and common faces have been spotted in different districts, leading the processions and instigating people to indulge in violence," the report noted, quoting two high-ranking officials of the state police).¹⁰⁶

Another report, by News18 (04-18), reported that three persons had been identified in mobs in 3 separate districts – Aurangabad, Samastipur and Munger. Two vehicles were also identified used in all three districts. The report also claimed that Dhiraj Kumar, Bajrang Dal convenor from Silao in Nalanda, as being involved both in Nalanda and Nawada violence episodes. The FIR registered by Silao police station in Nalanda mentions Bajrang Dal members using walkie talkie sets to mobilise their ranks and coordinate attacks on the police. (Case no 50/18, dated 29/3/18).

All reports referred to distribution of material - CDs and pen drives containing abusive and objectionable songs; and weapons, including swords - well in advance of the violence in all affected districts. United Against Hate (UAH) team investigating the violence, claimed to have found that a businessman in Patna alone had bought 50,000 swords, for distribution. Speaking to the coordinated nature of the operation was this finding of the UAH investigative team: "There are reports that around 2 lakh swords were procured from outside the state. Orders were placed on an online shopping portal, which connected the buyers with supplier who delivered the consignment through a courier service in different districts of the state"¹⁰⁷. Bihar Home Secretary, in an interview to United Against Hate, confirmed that the administration was "aware of swords being present at the processions in large numbers. Don't know exactly how many. It is hard to track sales online. Swords never been seen before at the processions".¹⁰⁸

Another report quoted a senior journalist claiming no one came this time round, asking for donations normally needed to organise Ram Navami processions, as in the past, raising doubts about "who funded the event and from where it came?".¹⁰⁹ And in Asansol, police are reported to have started investigation into the role of anti-social elements from Bihar and Jharkhand behind the violence.¹¹⁰ Clearly this was an orchestrated act, with planning, marshalling resources, funding and inter-state movement of actors, all to foment trouble.

106 Newsclick, 31-03-18

107 United Against Hate (2018:3)

108 Ibid

109 Newsclick, 31-03-18.

110 The Telegraph, 04-02-18.

3. Religious processions: Armed and offensive

This year Ram Navami festival was used by various Hindutva outfits to create communal polarization. Armed processions, in the garb of religious celebration, often named as local puja or celebration committee, insisted on taking out noisy marches, shouting anti-Muslim slogans, terrorizing residents, clashing with police and often ending up with a clash.¹¹¹ This was the pattern in West Bengal, in the two cities of Raniganj and Asansol, which experienced largescale conflagrations. In Bihar, these has similar outcomes in Bhagalpur and Aurangabad, Rosera, Nalanda and Nawada, with tension in several other districts. In several parts of UP, Rajasthan and Maharashtra too, similar reports emerged, though these did not break down into violence.¹¹²

The pattern of the processions was similar in all the states: large processions, in many cases armed, were carried out and made to pass through Muslim-dominated areas. Local Administration's directives were violated, either in the carrying of arms or in the route passing through Muslim areas. Provocative, anti-Muslim songs were played. In all the three states, violence began with stone pelting, either by people in the procession or those residing in the areas it was passing through.¹¹³

What ensued was characteristic:

Hindutva thugs run amok. Mobs parade through Muslim-majority neighbourhoods, attack Muslim-owned businesses and property, attempt to set mosques alight, and plant saffron flags atop them. One of the videos seems to show uniformed policemen joining mobs and chanting along.
(Business Standard, 30-03-18)

West Bengal has seen Ram Navami processions growing in number and significance in recent years. As with Bihar, these rallies are marked by sword and trident-wielding demonstrators, including young children. According to Scroll.in, in 2017, over 200 processions coursed through Bengal to "unite the Hindus" against "growing jihadi activities in the state". Largely organised and attended by members of the BJP- ruling in the centre and the main contender in the state - they resemble the area domination exercises of a party keen to establish itself.¹¹⁴

111 Newslick, 27-03-18

112 Newslick, Ibid

113 Catchnews, 29-03-18

114 Scroll.in, 28-03-18

A peculiar although not entirely new phenomenon was the playing of provocative songs by 'DJs', as they are called in local parlance, with sound boxes atop mini-trucks and vans, at the head of the procession, taunting Muslims. Once such, reported by witnesses as played at processions in various sites across the states, has the following lyrics:

*"Jis din jagega Hindutva to yeh anjaam bolega, ki topi wala bhi sar jhuka ke Jai Shri Ram bolega;
Jis din khoola khoon mera dikhladenge aukat teri, phir to hum nahi bolenge bas bolegi talwar meri;
Ki Har Har Mahadev ka nara Hindu- stan bolega, ki topi wala bhi sar jhuka ke Jai Shri Ram bolega"*

[The day Hindutva awakens, such shall be the end, cap wearers too will say Jai Shri Ram as their heads bend; The day my blood boils I will show you where you stand, it will not be my voice talking to you but the sword in my hand; The day India will chant har har Mahadev to no end, cap wearers too will say Jai Shri Ram to no end.]

This song was reported to have been played in Ram Navami processions in Asansol, and at many sites in Bihar.

Another taunted Muslims as 'aasteen ke saanp':

'Pakistan mein bhejo ya qatleam kar dalo, aasteen ke saanpon ko na dugdh pilakar palo' anised nal

[Send them off to Pakistan or ensure you kill them all, don't feed milk to these snakes hiding in your sleeves]

Yet another, threatened Muslims to vacate the Babri Masjid

'Dur hato Allah walon, kyun janmab- hoomi ko ghera hai, masjid kahin aur banao tum, yeh Ram Lalla ka dera hai'

[Move away you Allah worshippers, why have you surrounded the birthplace? Build your mosque elsewhere, this land belongs to baby Ram]

Other provocative slogans at all sites, all directly aimed at Muslim residents, included:

*'Pakistan murdabad'
'Miyon log Pakistan bhago'*

*'Bharat mein miyan ko nahin rehne denge'*¹¹⁵

"Hindustan mein rehna hai toh Jai Sri Ram bolna padega",

"Musalman ka jagah, ya Pakistan ya kabristan",

*"Hum ailan karte hain danke ki chot par, mandir banega har mod par".*¹¹⁶

[If you want to live in India, you must chant Jai Shri Ram; The only place for Muslims, Pakistan or the graveyard; and We declare, we will build a temple at every corner].

Bihar Home secretary, responding to questions on why, despite advance intelligence inputs on possible troubles, the Administration did not take preventive action, noted:

"A day before Rama Navami, peace committee meetings were held and cooperation of both communities was sought. Revised and updated guidelines were sent to district headquarters ahead of the celebrations. All material for the processions such as CDs containing songs meant to be played through loud speakers were checked to make sure there were no offensive songs or tableaux involved. Strict guidelines were given regarding routes etc. Unfortunately, all these terms and conditions were violated. Objectionable and loud musics were (sic) played. (United Against Hate)

Underlining the role of BJP leaders, in Aurangabad, where the procession turned violent, he added:

Political leader of a particular party - who was present at the (administration organised) committee meeting and gave assurances that everything would be peaceful - was seen instigating the crowd. (United Against Hate, 2018: 4)

4. BJP and 'Sangh Pariwar' leading the assault

This connects to another common aspect of the violence in all three states: that leaders of the BJP have been reported to have played a role in spreading communal tensions. Babul Supriyo - the sitting BJP Member of Parliament from Asansol in West Bengal - is reported to have made incendiary speech when he was prevented by the police from visiting Asansol, where violence had erupted and administration had invoked preventive orders (u/s 144). He was also reported to have assaulted police officers on duty, whereby the police filed two FIRs against

¹¹⁵ Source: FIR, Silao PS, FIR no 50/18, dated 29/3/18

¹¹⁶ Source: eyewitnesses in Raniganj and Asansol. (Scroll.in, 28-03-18)

Supriyo.¹¹⁷ Supriyo was scheduled to be part of the central akhara (Ram Navami youth group) which, along with different akhara committees, had organised the procession in the first place.

In Bihar, it was Arijit Shashwat of the BJP, son of union cabinet minister, Ashwini Kumar Choubey, and himself an unsuccessful BJP candidate for the state assembly seat from Bhagalpur, who led a violent procession through Bhagalpur, through multiple Muslim localities, on 17th March 2018, on the occasion of the Hindu new year. The police filed criminal cases against Shashwat; warrants were issued by courts for his arrest, but it was only after much drama that Shashwat surrendered to the police in state capital Patna on 31st March 2018. This was after his father, the central Minister, had spoken to the media, standing by his son.¹¹⁸

Finally, in Telengana, BJP MLA from Goshamahal in Hyderabad, T Raja Singh was booked by Police for provocative speech.¹¹⁹ A video went viral in which Singh can be seen threatening to "rewrite the history of Telangana" if the Administration disallowed loud- speakers on Ram Navami. Two cases were filed against Singh, for making provocative speeches, including under sect 295(A) of IPC for "deliberate and malicious acts, intended to outrage religious feelings... by insulting its religion or religious beliefs".¹²⁰

These were only the more famous BJP names to have been highlighted in the violence. There were others too.

- Aurangabad, Bihar: BJP MP from Aurangabad, Sushil Kumar Singh and BJP's former state minister, Ramadhar Singh, both led Ram Navami processions on 26th March 2018¹²¹ that later targeted mosques in its route and led to large scale arson and destruction of property, selectively of Muslims.¹²² Another BJP member, Anil Singh, leader of Hindu Seva Samiti, and the prime accused in Aurangabad violence, was booked along with 148 others for inciting and leading violence. Singh escaped from police custody, on 31st March 2018, and it was only later that he surrendered.¹²³

117 The Wire, 30-03-18, Catchnews

118 Indian Express, 29-03-18

119 Catchnews, 29-03-18

120 Catchnews, 29 -03-18

121 Indian Express, 31-03-18

122 Ramdhar Singh, who was the state Cooperative Minister, had to resign in 2011, when he was declared an absconder by courts in Aurangabad, on hate speech cases lodged against him in 1992. (Economic Times, 19-05-2011)

123 Indian Express, 28-09 -18

- Rosera (Samastipur), Bihar: BJP leaders, Dinesh Jha and Mohan Patwa, along with 10 others, were arrested on the basis on CCTV footage in Rosera town, booked for inciting the violence.
- In West Bengal, in Purulia district, armed processions of BJP, VHP and Bajrang Dal cadres were seen shouting slogans and trying to create trouble, though most of these processions did not have any permission from the Administration. The incidents which followed, led to stone pelting and a scuffle between Bajrang Dal cadres and Police, claiming the life of a person.¹²⁴ Violence in Bihar
- Bengal state BJP chief Dilip Ghosh was named in FIRs registered by police for carrying weapons in religious processions both in 2017 and 2018.¹²⁵

Apart from the BJP, members of sister Hindu right-wing groups – euphemistically called the Sangh Pariwar – were involved at every site.

- Police FIR in Silao (Nalanda, Bihar) mentions Dhiraj Kumar, local Bajrang Dal convenor, as well as Shubham Singh Rajput, Bajrang Dal convenor from Biharsharif, as named accused in the case, of the 69 total identified. (FIR 50/18, dated 28/3/18, Silao PS).
 - Police FIR in Rosera (Samastipur, Bihar) mentions Bajrang Dal members, along with other local leaders, all unnamed, as raising provocative speeches, inciting crowds to violence against Muslims, and generally leading the rioting. (FIR no 99/18 dated 27/3/18, Rosera PS).
 - FIRs in Aurangabad (99/18 and 101/18, dated 30-03-18) records some of the accused belonging to Bajrang Dal as well as (Gandhinagar Ward 33) Vanar Sena Samiti.
 - Bengal's child rights commission had summoned two Bajrang Dal members over the participation of children in these armed marches.¹²⁶
- Fact Finding Investigation

¹²⁴ Scroll.in, 28-03-18

¹²⁵ Scroll.in, 28-03-18

¹²⁶ Scroll.in, 28-03-18

5. Role of the State Administration

State administration, including Home and Police departments, as well as District Administration, play a crucial role in preventing communal violence, or if the violence has sparked off, in containing it, preventing loss of life and property, restoring social harmony, and especially, in ensuring that the perpetrators of violence are prosecuted and victims able to access justice, also provided relief and rehabilitation. It is the state – as the duty bearer – that must ensure life and security of all without discrimination, and the enforcement of the rule of law. Our review of media reports, fact finding investigations and analysis of FIRs and other documents reveals that across the sites, role of the state left much to be desired, although there is a much variety on this count, across violence sites.

In Bihar, the inability of the Police in Bhagalpur to ensure a peaceful passage of the 'Vikram Samvat' procession on 17th March 2018, led by BJP member Arijit Shashwat, and rein in violent processionists, and later state administration's inability to arrest Shashwat, the prime accused, showed the first signs of weakness of the state administration in the face of Hindutva assault on communal peace. Despite warrants of arrest having been issued by courts, police were unable to apprehend Shashwat, who eventually surrendered, over a week later, after much posturing by BJP leaders, including his father, Ashwini Choubey, a minister in Prime Minister Modi's cabinet. This weak show of law enforcement set the tone for much of the blatant disregard for law that Hindutva mobs demonstrated during Rama Navami processions, two weeks later.

Despite the signs of what was to come – also in terms of intelligence that senior state government officials admitted to having of a very organised attempt by Hindutva groups to foment trouble – Local Administrations at various sites that experienced violence were not prepared as well as they should have been. Aurangabad's case is particularly instructive. Clashes first erupted in the town on 25th March 2018, when a large sword-wielding 'bike rally' shouting offensive anti-Muslims slogans forced its way through Muslim dominated areas of Nawadih area of the town.¹²⁷ According to residents of Nawadih, the fact finding team spoke with, Police presence was minimal, making a clash between the offensive bikers and residents, inevitable. According to testimonies by residents of the talab area of Nawadih, backed by YouTube videos, Hindu youth also desecrated that day, the Muslim cemetery in the area, and police merely looked on.¹²⁸ The bike rally,

127 https://www.youtube.com/watch?v=f_MgYsotvog

128 https://www.youtube.com/watch?v=f_MgYsotvog

which was meant to be a build-up for the main rally the next day, was organised by Shri Ram Navami Puja Samiti, that according to reports, has members from parties across the political spectrum — the BJP and ABVP, Congress, the Janata Dal (United) and the Rashtriya Janta Dal — as well as local organisations such as Hindu Sewa Samiti.¹²⁹

Despite these clashes the previous day, the district administration allowed the Shri Ram Navami Puja Samiti to take out its Ram Navami procession on 26th March 2018 to march through Aurangabad's main roads. BJP MP, Sushil K Singh, threatened retribution if anyone tried to prevent the rally from taking place.¹³⁰ Video footage available on the net show thousands of youth armed with swords and similar weapons, shouting offensive slogans and playing derogatory songs, with senior BJP and other political party leaders participating. Available video footage shows only small police presence, and feeble attempts to keep the aggression of the processionists in check. By the end of the day, the rallyists had destroyed in largescale arson, scores of shops and business establishments, selectively of Muslims.

Elsewhere in Bihar, where Police and Local Administration did try to contain the violence, such as in Nalanda, Nawada and Rosera, Police became the object of much of the ire of Hindutva mobs. FIRs reveal that at those places, police personnel suffered serious injuries.

But it is really in, how the state authorities are dealing with the aftermath of the violence, in terms of investigating crimes committed, with an eye to prosecution – something still playing out, given how fresh the violence is – that we are hearing of police slacking off again, and falling into the old trap of discriminating against the weak, while protecting or at least going soft on the powerful. This story starts with the registration of FIRs, that provides the basis for much of the working of the criminal justice system. FIRs relating to Rosera, mentions rioters being led by Bajrang Dal members and local leaders, but does not name them. No mention is also made of the extent of the provocation that the procession on 26-03-18 made. And notable is the case of Nawada, where the FIR, in describing the violence by Hindu groups on 30-03-18, nowhere mentions Muslims as contributing to it, and yet names 20 Muslim youth as accused along with another 200 unnamed Muslims. Exactly 20 Hindus too are named in the FIR as are 200 unnamed Hindus. Quite similar to this gratuitous 'balancing act' that authorities seem to have played

129 Indian Express, 31-03-18

130 <https://www.youtube.com/watch?v=8OgN64FPhhg>

is the registering of FIRs in Aurangabad, all based on complaints by the police. There are multiple FIRs registered of the violence in Aurangabad. We have been able to access 4. According to FIR # 93/2018, 28 Muslim youth have been named as accused (along with 150-200 unnamed), for pelting stones at the Ram Navami procession on 25-03-18. There is little mention in the complaint or the FIR of the aggressive posturing by the processionists that resulted in the pelting.

In Aurangabad, FIR # 95/2018 (of 26-03-18) and FIR # 99/2018 and 101/2018 (both of 30-03-18), similarly are quiet about the provocative slogans and show of arms in the Ram Navami procession on 26-03-18, resulting in the largescale arson and destruction later in the day. Only 8 properties are named as having been destroyed. Scale of the destruction was greater. Leaders, including BJP leaders, or organisers of the procession are not named in the FIRs, although a total of 121 Hindu youth do find mention. Only the last FIR makes a mention of 3 Bajrang Dal members. 13 Muslim youth too are named accused, including 5 ward councillors. Given the clear attempt by organisers throughout the episode to offend and provoke Muslims, booking community leaders including ward councillors both in the violence on 25th and 26th March, seems like local authority's attempt to silence the witnesses to the violence, and forestall attempts by the victims to demand action against the perpetrators.

In West Bengal, we are hampered in our analysis by the lack of legal documents – FIRs for eg. – and therefore, have had to rely on media reports, and the occasional victim accounts. According to these reports, in Asansol, there were several problems with the local authority's response to the mobilisation and the violence.¹³¹

- Lack of planning. Although there were signs of build-up by Hindutva groups planning disturbances in the guise of Ram Navami processions, police failed to fathom the extent of mobilisation, and to plan for diffusing it adequately
- It was also late in responding to cries of help, once violence had been sparked – many hours later
- The deployment of force too was inadequate, given the size of the processions and the manner of organisation of the attackers
- The Asansol municipal corporation issued large number of permits for Rama Navami processions, (146, according to one account), but rather than

131 Scroll.in, 08-04-18

pressing for the condition of not allowing weapons or loudspeakers to be used, Police and Local Administration was content with taking only oral consent from the organisers. Neither were these conditions mentioned in the permits issued for processions, nor were these conditions taken as written acceptance by organisers. The naivety of the Administration was revealed quickly.

6. Conclusion

Communal polarisation in Bihar has increased since the BJP-JD(U) alliance assumed power in July 2017. Since January 2018, communal tensions have affected several districts of Bihar including Gaya, Arrah, Champaran, Muzaffarpur and Vaishali during festivals like Durga Puja, Saraswati Puja, Mahabiri Jhanda etc. In 2017, there were 85 incidents of communal violence in Bihar that left three persons dead and 321 injured, while in West Bengal, there were 58 incidents that left nine persons dead and 230 injured. Similar attacks against minorities, particularly Muslims have intensified everywhere in recent times. These include targeted violence of the kind we just examined as well as provocations and harassments, such as those recently in Gurgaon (against prayers in the open) and against Aligarh Muslim University, as well as the many untold and unreported cases of everyday harassments and attacks that Muslims face.

Political observers see this trend accelerating in the near future, arguing that this is because BJP has incentivised aggressive/ provocative behaviour, aimed at Muslims, with an eye to polarising society for electoral gains. It appears that it pays for aspiring BJP leaders to try to better their contenders, in provocative behaviour, for electoral ends - a ticket here, a place on the high table there.¹³² If this conclusion is true, what this means is that targeted violence against Muslims has now become, in a perverse sense, 'democratised', in a way even cow related lynchings could not be, with every aspiring leader rushing in to manufacture a conflict situation, hoping to cash in electorally. With RSS and Sangh Parivar groups having spawned multiple organisations of the youth - themselves jobless and hopeless - taking chances against Muslims at every opportunity, there will be no shortage of the opportunity for violence.

¹³² The fact finding team heard stories of the power struggle between the sitting BJP MP from Aurangabad, Sushil K Singh, a floor crosser from Janata Dal (U) and Ramdhar Singh, four-time BJP MLA and a past minister in the state cabinet, in the context of the 2019 Parliamentary elections, and speculations of the Ram Navami violence also playing an instrumental role in the tug of war between the two.

What does this mean for access to justice for victims? While Justice system has always been subverted for the weak and poor, what we are seeing in these recent cases, is a systematic capture of the institutions of the justice system by hate-filled ideologies, so that it is communal considerations that determine actions of Police and Prosecution and Judiciary at the local level; and critically, an encouragement, indeed license for this subversion of the rule of law, by a political class that benefits from polarisation and conflicts. We saw this in Khatua and Unnao, and we are seeing this in the lynching/vigilante violence and fake encounter cases in Haryana and UP. In our current fact finding of targeted violence in Bihar, time and again we came across a Local Administration, helpless in the face of aggressive posturing by senior BJP leaders and those affiliated to Sangh Parivar, to prevent violence. Post violence, FIRs and investigations are showing how political interference of an ideological kind, is resulting in a large number of the innocents, in Aurangabad or Rosera for eg., booked and incarcerated, while known hate mongers and perpetrators remain free, or only have weak charges made against them. This is increasingly becoming a generalised, not one-off, failure. Fact that violence episodes are also taking place with greater frequency and across states, makes this a real threat to the criminal justice system and the rule of law, and especially to hope for justice for vulnerable minorities.

Regarding the media coverage of the violence, it must be noted that the media has chosen to focus on the reaction of the minority community to the processions rather than the aggression of these processions, and the provocative songs and slogans there. An example is this passage from the media on Aurangabad violence.

'Clashes erupted in Aurangabad following a stone-pelting incident during a Ram Navami procession. Clashes continued for two days, leaving over 25 people injured and 50 shops gutted. Curfew was clamped in the town and internet services were withdrawn.' (News18, 30-03-2018)

What we are getting is a very partial account of the incident, that does mention the stone pelting, but does not mention, either in the headline or indeed in the main body of the piece, the context in which this took place. This latter is about the nature of the processions, that these are in essence, area-domination exercises by Hindutva groups, patronised by elected representatives, where those in the rallies are armed, shouting blatantly anti-Muslims slogans, and are also playing provocative anti-Muslims songs. This failure of the media is also reflected in the writing of the compliant by the Police on duty, that later gets documented into the FIR that is recorded.

7. Recommendations

The spread of violence in Bihar and West Bengal since the Bhagalpur incident is worrisome. Citizens Against Hate (CAH), a collective of concerned citizens, believes these acts of violence are targeting minorities and creating an environment of terror. Such communal polarisation goes against the ethos of the nation and swift action should be taken by authorities to stop further spread of violence and hold the guilty to account. Below are our demands

1. Judicial enquiries, separately in Bihar and Bengal, to:
 - Identify the culprits behind the instigations and the conduct of the string of violence in the states
 - Understand the organisational support they enjoy, their funding and outreach, and their modus operandi to foment targeted violence, including use of media, and social media.
 - Understand the failures of state authorities in the face of majoritarian aggression targeted at minorities, to plan adequately for preventing violence, respond to calls for help, and contain the violence when it occurs; as well as in the aftermath of the violence, to robustly investigate and prosecute the guilty and provide reassurance to targeted communities
 - Fix accountability for the failures of omissions and commissions of state authorities, and on the non-state parties directly involved in the violence
 - Recommend, guidelines and procedures for police and magistracy, to deal with regulation, licensing, management and control of mass processions
2. Speedy investigation and prosecution of the instigators and perpetrators of the violence.
3. Reassure minority communities of the just and non-discriminatory working of the criminal justice system. Avoid the convenient resort to targeting weaker sections in arrests and incarcerations, whilst culprits remain free to challenge the rule of law and intimidate victim communities.
4. Adequate compensation for victims – especially those killed, injured, as well as those whose property has been destroyed, and their rehabilitation
5. A public programme of social harmony and inter-community dialogue, to restore peace, and rebuild community cohesion.

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