Collective Violence, Human Rights, and the Politics of Curfew*

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Every sovereign state and its subdivisions has at its disposal an armory of measures to preserve, maintain, and restore law and order and to protect the lives and property of its citizens in times of unrest when there is a high likelihood of violence or when violence erupts against the government itself or between large segments of the population. Among such measures are the imposition of martial law, restrictions on the right of habeas corpus, declarations of emergency that provide the government with extraordinary powers, and the imposition of curfew. Perhaps the least studied of these measures is the latter. Like all other measures just mentioned, curfew restrictions deny to citizens the everyday freedoms and rights to which they are normally entitled for the period of time in which such restrictions are imposed. During curfew hours, if there is a “shoot-at-sight” order in force as well, any person may be shot to death simply for appearing on the streets without official knowledge and permission. During less restrictive curfews, anyone appearing on the streets may be arrested and put in jail. Should crowds mass, police may attack, beat, and shoot persons at will. Violation of curfew restrictions is also punishable by prison and/or fine.

Curfew laws and practices follow a fairly uniform pattern but vary in some respects, all of which affect the extent of the restrictions imposed and their effects on the safety and well-being of persons living in the curfew-bound areas. But there are also significant variations in actual practices of curfew enforcement. The first step in the imposition of curfew is its announcement. The law may require only notice in writing and/or broadcast through the radio and/or announcement by loudspeakers mounted on patrol cars. Laws also require that citizens be given a minimum amount of time to reach their homes or otherwise remove themselves from curfew-bound areas, but the time allowed is usually quite limited. Once the narrow time frame has passed, persons who have failed to reach their homes in time may be subject to

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arrest or police harassment or violent criminal attack or rape on streets emptied of
witnesses.

Curfew may be imposed throughout a city or town or several towns or a broader
area such as a county. Statewide (provincial) curfews are rare, and countrywide
curfews are even rarer.

Curfew restrictions also vary with regard to the number of hours per day during
which movement onto the streets is not allowed at all, up to twenty-four. Twenty-
four–hour curfews are rare in most Western representative systems of government,
whereas “dusk-to-dawn” curfews are more common.

Curfews may or may not also come with provisions allowing movement of
persons to their place of work during the day or night. They may provide for
the movement of certain kinds of vehicles for public transportation or emergency
services or for the movement of persons “having business of an emergency nature”
(General Laws of Massachusetts, September 30, 2005). Schools may be kept open
or closed down.

Curfew durations also vary in law and in practice from a day or a few days
to weeks or even months. The curfew laws of Massachusetts state that no curfew
may be imposed for longer than seventy-two hours but may be reimposed. In
Los Angeles, in 1991 curfew was imposed for five consecutive days. In Israel’s
occupied West Bank territories and in Gaza, twenty-four hour curfews have often
been imposed for weeks at a time.1

The extent and type of forces provided to enforce curfews also vary. Depending
on the scale of actual or anticipated violence, it may be enforced by the local police,
reinforced by police from adjacent jurisdictions and/or by state (provincial) forces,
and even by the army.

Curfew restrictions ostensibly designed to prevent and control public dis-
orders, rioting, and violence are generally considered to be both desirable and
necessary or, at worst, a necessary evil. Media reports often associate the terms
“quiet” and “calm” with curfew. Curfew “brings” or “restores” calm to troubled
places suffering from “unrest.” (CNN 2003). However, the views of persons sub-
jected to curfews, especially highly restrictive and prolonged curfews, have hardly
ever—indeed perhaps never—been surveyed. Their effectiveness in achieving the
stated goals of restoring quiet and calm has also not been assessed, or their differ-
ential impact on communities in multiethnic multireligious societies. Least of all
has it been noticed that curfews may be used as means of control, victimization,
and outright violence against targeted groups rather than as devices to bring peace
for the benefit of all.

It is not my purpose here to argue that curfew is not a necessary instrument
for the restoration of peace, calm, and public order at times of severe threats of
violence and other forms of large-scale disorder. Indeed, it may often be necessary
for such purposes and may often also be effective. However, there are to my knowl-
edge no scholarly studies—or possibly any studies at all—that consider either the
effectiveness or the impartiality of the countless curfews that have been imposed
in most societies at some time or another everywhere in the world for decades,
perhaps centuries. For the most part, we have nothing but official and media reports that state arbitrarily either that curfew was imposed in such and such a situation and succeeded in bringing peace and calm or that it did not do so. How can we possibly assess such claims, empirically or scientifically? It is my purpose herein to raise the issue and to present ethnographic evidence from my own research and the reports of others that curfew has in fact often been used not to restore order but to victimize specific groups. I also suggest that it would be a worthwhile project for others to undertake a systematic comparative study of the uses and abuses of curfew in different times at different places.

In modern and contemporary times, the most restrictive curfews have often been imposed in colonial societies faced by unrest and violent disturbances from native populations and in postcolonial and other multiethnic societies faced by violent conflict between segments of its populations. Throughout much of its history, especially during the last century, cities and towns in the United States have made use of curfews to curb violence between blacks and whites or violence, arson, and looting engaged in by blacks and other ethnic groups against each other. Curfews were imposed in numerous cities throughout the country during the great disturbances of 1968–1969, but they have been imposed from time to time in particular cities until present times, usually as an aftermath of violence by police against blacks, which has been followed by rioting, arson, and looting by blacks. Numerous curfews in various towns of South Africa were imposed on black communities in the days of protest against apartheid. In 1990, the African National Congress declared that the imposition of curfew in the Reef was “not aimed at the perpetrators of violence but at the communities.” Further, it was charged that it gave “license to the police to hunt people as if they are game” and to vigilante groups to attack communities (African National Congress 1991). And in Israel, as just mentioned, curfews have been imposed on specific towns and also on the entire West Bank and Gaza during both intifadas and after suicide bombing attacks in Jerusalem.2

The imposition of frequent and prolonged curfews in the cities, towns, and regions of any country is a clear indication of political and administrative failure on the part of the authorities. It indicates failure to anticipate, prevent, and control large-scale violence. It may also mean that the state lacks legitimacy among a population under its control or jurisdiction. It may even indicate that the state itself is using curfew to prevent feared peaceful public protests against its authority or that the state is using curfew as a method of punishing a segment of its own population.

With the possible exception of curfews imposed on teenagers to prevent disorder on the streets or other forms of misbehavior by or against youth, curfew is a significant hardship that varies not only with regard to the type and length of time the restrictions are imposed, but also with regard to the general quality of life that exists in the countries in which it is imposed and the relative availability of conveniences of all sorts. By quality of life, I mean the possibilities for adequate access to the means of existence and the length of time required under which persons denied replenishment of such means will descend from inconvenience to
hardship to suffering to starvation and illness. By conveniences, I mean everything from running water and flush toilets to telephones (ordinary or cell).

Curfews are often imposed and enforced in a discriminatory manner: against Palestinians in the occupied territories of Israel, against colonial subjects, and against minority segments of the population in many countries. Yet it is a subject to which scholars, civil libertarians, and human rights workers have paid little or no attention. My purpose herein is to draw attention to the quite extensive hardships that curfew may inflict on the populations subjected to it and to the uses and abuses of curfew as a measure to control, subject, and even harm segments of society.

CURFEW AND HINDU–MUSLIM VIOLENCE IN CONTEMPORARY INDIA

India is among those countries in the contemporary world in which the imposition of curfew in many of its cities and towns has been frequent, recurring, and often prolonged. It is also a country in which those who are subjected to curfew have the most meager resources to cope with it. Moreover, it is a country in which curfew restrictions are imposed in a discriminatory manner between segments of its population. For this essay I draw from my interviews over the past several decades and from other sources on the differential application and enforcement of curfew during riots that have been called Hindu–Muslim riots in contemporary India but which have often been turned into police–Muslim confrontations or pogroms against Muslims. I present evidence on this subject primarily from my research in the three cities of Aligarh, Meerut, and Kanpur in Uttar Pradesh (U.P.). All three cities have had what I call institutionalized riot systems: for decades in the case of Aligarh and Meerut and since the late 1980s and 1990s in Kanpur. Kanpur, which experienced recurring riots during the early part of the twentieth century and one of the worst riots in pre-independence India in 1931, was not an institutionalized riot system site for some time after Independence. However, there was a major riot in this city in April–May 1990 during the Ayodhya movement, which preceded the quite spectacular and deadly riot of 1992, in the aftermath of the destruction of the mosque at Ayodhya. Both these riots occurred at a time when the Bharatiya Janata Party had displaced the Congress as the predominant party in the city. Moreover, Kanpur has remained an active site of riot production during the past decade (1998 and 2001), in contrast to Aligarh and Meerut, where riot activity has declined.

In cities such as Aligarh and Meerut, where riots have been endemic for decades, the populace must prepare for life under curfew as others do in different parts of the world for natural disasters. As in the case of many types of natural disasters, riots and the imposition of curfew during them are neither unpredictable nor unexpected. There are usually ample warnings that a riot is imminent, and it is universally known that curfew will be imposed as tension increases and when the initial rioting breaks out. Moreover, the police maintain a list of riot-prone localities, which the public also knows very well, where curfew will inevitably be imposed.
However, in comparison with natural phenomena, the disasters that are riots are more frequent and more prolonged, and the vast majority of the poor population of these cities have no resources—not to speak of the luxury of disaster insurance available in rich countries—to prepare adequately for life under curfew. In a city such as Kanpur, with a population above two million and less inured in 1992 to repeated riots than Aligarh and Meerut, the consequences may be even more dire than in cities where riots are endemic and people have become accustomed to them.4

The imposition of curfew in a country where even most poor people live in apartments or houses with air conditioning, drinking water, flush toilets, and stocks of canned food and medicine is quite a different matter from curfew imposed in the slum areas of a city in India. There, in the summer months of hellish heat and humidity, where often large families comprising three generations of persons live in tiny flats without running water or toilets, with minimal stocks of food, curfew is invariably a dire experience easily turned into a catastrophe. This is especially the case for daily wage-earners who have to feed large families from their income, who have no monetary reserves whatsoever, and who face hunger within two days and potential starvation when curfew is imposed for weeks, as it often is, with minimal hours when movement outside one’s house is allowed for the purpose of obtaining necessities. Although curfew may be somewhat more bearable in the winter months when water deprivation is less life-threatening, the deprivation in damp, cold, unheated rooms without the opportunity to move out into the sunshine during the daylight hours provides sufficient hardships of its own.5

The imposition of curfew in a country such as India is a hardship for the population. It is also a test of the competence, effectiveness, and impartiality of the civil and police administration in dealing with imminent public disorders such as large-scale riots. The imposition of curfew is the first administrative action that the authorities must take at the decisive point when rioting appears imminent. An effective curfew is, first of all, one that is imposed quickly enough to prevent or contain rioting. The authorities are open to criticism if they impose curfew too late, that is, after serious rioting has already begun. Nor is there the slightest excuse for a failure on the part of the authorities to impose curfew promptly because, as I have noted in my own work and Rai (1998b) has confirmed in his “novel,” riots are rehearsed6 and are preceded by rising tensions surrounding local quarrels in the mohallas (neighborhoods) of the city. Insofar as Kanpur is concerned, there were ample warnings there as well, and in any case, all civil and police administrations in all cities and towns in India should have been prepared for rioting in their cities in the aftermath of the destruction of the mosque in Ayodhya. Though the destruction might not have been predictable, the entire movement that preceded it was marked by violent disorders in cities and towns throughout northern and western India.

Once imposed, curfew must be enforced rigorously, with sufficient armed forces available to patrol and ensure compliance. Yet it is evident from numerous official and unofficial reports and personal accounts of rioting that, in some times and places, much of the destructive and murderous activity takes place after curfew has been imposed. An ineffectively imposed curfew is a license for murderers,
arsonists, rapists, and looters to roam freely throughout unpatrolled streets and attack people in their homes at will. Most serious are situations where the police are present at the scene of riotous activity but do nothing to stop it—in effect, therefore, sanctioning the very actions curfew is designed to prevent. Accounts of riotous activity in the many riots that have taken place in Aligarh, Meerut, and Kanpur during the past half-century, are replete with stories of massive destructive and murderous activities that took place during curfew.

In Aligarh, Meerut, Kanpur, and elsewhere in India during riots, the imposition and relaxation of curfew, its effectiveness when it is imposed, the availability and distribution of relief to curfew-bound persons, and the distribution of curfew passes are contentious issues. The effectiveness of administrative and police control of rioting comes under scrutiny by the press and the politicians according to whether or not violence continues or recurs when curfew is imposed or relaxed. It is evident here also that, in all these respects—imposition, administration of relief, relaxation, and distribution of passes—differential treatment is allotted to individuals and communities. In the limited space available here, I focus only on the issue of discrimination in the declaration and administration of curfew

**DISCRIMINATION IN THE DECLARATION OF CURFEW AREAS AND IN THE PUBLIC DISTRIBUTION SYSTEM DURING CURFEW**

Discrimination begins immediately with the first imposition of curfew in the city. In Meerut, the greater part of the mohallas identified as communally sensitive, riot hit, and/or crime prone, which are the ones in which curfew is usually imposed most promptly, are Muslim-majority mohallas: nineteen of thirty-four. In Aligarh, there has been no such imbalance, twelve of twenty-nine being Muslim majority and the rest Hindu majority. However, the mohalla figures alone do not reflect the differential treatment of the Hindu and Muslim mohallas in which curfew is imposed. Moreover, even in Aligarh most of the rioting takes place within a complex of mohallas, some of which are overwhelmingly Hindu or Muslim, others of which are mixed, but all of which are in the center of the old city where the Jama Masjid is located and where the Muslim population of the city has been concentrated. However, in both Aligarh and Kanpur, during the massive riots of the early 1990s, there has been a considerable spatial extension of rioting to outlying areas of the city.

The term commonly used by militant Hindus—and many ordinary Hindus as well—for the clustered Muslim-majority areas of the old cities of north India is “mini-Pakistan.” Vibhuti Narain Rai has captured the significance of this term at curfew time in his utterly realistic Hindi novel, based on real experience in north Indian riot-prone cities:

A great many other things happened on this occasion along with the imposition of curfew. For example, a section of the city became Pakistan and those living in it became Pakistani. … Matters had reached such a pass once or twice every year without fail when the people of
the remaining sections of the city declared the people of this section Pakistani. For the last several years, whenever curfew was imposed in the city, it was meant only to be curfew in this area. The city which was apart from this section, absolutely ignorant of these incidents, went on living immersed in their own lives. Those persons across from the junction to the Civil Lines side could not realize how much and how widespread was the fear on the Chauk side. Life remains full of bustle in the bazaars of Katra, Kidganj, or Civil Lines while in Chauk and Murthiganj, people wait for those few hours of the day when there is relaxation in the curfew and they come out like sheep onto streets that have been crackling with gunfire and feel as if they have been released from hell (Rai 1991 [1988]: 24, my translation).

Once the curfew areas have been established, there are two kinds of discrimination that take place. The first concerns freedom of movement in such areas. It has been repeatedly observed in different cities that Hindus move freely in their localities, provide sweets and other refreshments to the Provincial Armed Constabulary (PAC) *jawans* (youths),7 and even point out to them Muslim houses from which the alleged firing of rifles or other explosions have come. In contrast, in Muslim areas any person who shows his or her face may be shot at sight, and there have been numerous reports of police breaking down the doors and entering Muslim houses, allegedly in search of arms or in response to gunfire, and shooting the occupants. During the Kanpur riot of 1992, the Qazi Shahar (City Qazi) remarked to me as follows about this kind of discrimination.

More Muslims are killed [in riots] because the PAC sides with the Hindu community. When the Hindus come out during curfew time, they are told they can quietly go and buy vegetables, but when the Muslims come out of their homes, then they are forcibly and sternly asked to reenter the house again. So, the PAC, because it supports the Hindu cause, therefore, more Muslims are killed (Interview July 18, 1993).

Also in Kanpur during the 1992 riots I was told that the PAC forces occupied the rooftops in Muslim mohallas, from which they fired on people in the streets, who had merely come out to see what was going on (Interview, July 19, 1993).8 I was also told that in one mohalla (Babu Purwa) during curfew hours, a local subinspector of police allowed, instigated, and encouraged “hundreds of people to assemble, then attack, during curfew!” (Interview August 19, 1993; exclamation in original) In another mohalla (Chaman Vihar), thirty-four persons had to flee from their homes during curfew as a violent mob approached from a nearby mohalla. As they fled, they could see their houses being set on fire by the rioters. They also noted that in this Hindu-majority mohalla, the residences of Hindu neighbors were left undisturbed. They complained as follows in an affidavit:

That by taking precautionary and preventive measure, civil and police administration could have stopped the spread of rioting to the Chaman Vihar. The rioters were allowed several hours to loot and burn the Muslims and their property. From morning at 10.12.92 [December 10, 1992], the riot . . . has taken worst shape but the authorities remained criminally indifferent to the plight of the innocents (Kanpur affidavit 1992: AN-25).
Any Muslim who leaves his or her curfew-bound area does so at the risk of his or her life. For example, according to one affidavit from Kanpur, a Muslim gentleman left his house and his mohalla on the morning of December 10, 1992 to inquire about the well-being of his wife’s family in another mohalla. The affidavit does not state whether or not this took place during free hours, but it is likely to be the case because it would be extremely rash for any Muslim to do so during restricted hours. The man was murdered. The murder was witnessed by a Muslim Company Commander of the Home Guards on duty in the locality in which the incident occurred, who testified to the fact, which was “corroborated by two other persons.” A case was registered at the police station, but nothing was done to investigate it. The husband was said to be the sole support of his family (Kanpur affidavit 1992: AN-20).

The situation for Muslims becomes ever more serious the longer the curfew remains in effect, the more restrictive the curfew—that is, the number of hours of the day, if any, during which the inhabitants are free to emerge to purchase foodstuffs—and the effectiveness of the public distribution system when curfew is total, or nearly total, and is prolonged. I have reported from my own interviews situations in Aligarh where Muslim mothers have emerged from curfew areas during free hours with their children in search of milk and have returned without their children, who were instead burned alive by the police (Brass 2003: 211). Similar accounts to my own in other sites have been reported in the press. For example, during the 1982 riots in Meerut, the Times of India reported that “two men [from a curfew-bound locality] had gone to the nearby Ishwarpuri [locality] yesterday evening to fetch some milk for their children but only one of them returned in a severely injured condition. According to [informants], there was no trace of the other man” (Times of India, September 11, 1982). The name of the curfew-bound locality and the names of the men are not mentioned, but it is virtually certain that the men were Muslim.

Even without such extreme occurrences, there is confirmed evidence of total lapse on the part of the local administrations in providing any curfew relief to Muslim areas. During the 1982 Meerut riots, a member of Parliament, who had been part of the all-party delegation to the city in October, said that he “made enquiries over there with many people. They told me that no food-stuff whatsoever reached them, [they] went without food, without milk whatsoever in those areas” (Banatwala 1982). And this curfew had, until then, been in existence for a month. I had a similar report from one of my interview respondents whom I visited during curfew in the 1990 Meerut riots. Of course, it also goes without saying, as noted by another member of Parliament in connection with the 1982 Meerut riots, that in such curfew-bound areas, “The sanitary condition is such that anybody can go and find out” (Bhattacharya 1982). Yet during this same riot, a militant Hindu report on the developments during the riot, which contained a daily calendar of events, had noted with satisfaction that on September 23 curfew had been “relaxed from 6 a.m. to 6 p.m. . . . Relief operations were expedited. About 5041 cattle were also treated by veterinary doctors” (Nagrik Samanya 1983).
For those persons confined to their homes, curfew constitutes a hardship even in the absence of physical dangers from roaming crowds. Riots and the curfews associated with them often bring economic activity and production to a standstill. They break down further the already tenuous relations between Hindus and Muslims who retain bonds created by “economic necessity and interdependence.” Although Muslims suffer more physical harm and property damage in Aligarh riots than do Hindus, curfew is a hardship “for both Hindus and Muslims alike” (Mann 1992: 171). Mann describes some of the economic consequences of the November 1978 curfew in Aligarh:

Curfew was clamped night and day, with no one allowed out of their homes except for medical emergencies and to purchase essential commodities. Traders and industrialists closed their shops and factories, and remained closed even when curfew was lifted (Mann 1992: 178).

For the poor, especially those dependent on daily wages, curfew is an extreme economic hardship (Graff n.d.: 69–71).

But curfew, like the riots of which they are a part, also benefit some people, including politicians and businessmen. The former, it is said, “gain the sympathy of the people” during curfew by distributing food and cloth; that sympathy turns into votes in the next election (Interview, July 23, 1983). The latter testimony of a police officer is confirmed by my own interviews with politicians. For example, the defeated congressional candidate (a Hindu) for the legislative assembly in the 1993 election in Aligarh told me how he helped people (all Muslims) stranded in Sarai Sultani when curfew was imposed during the most recent incidents there in March 1996. When he “got the information” from their families, he “went there without any police assistance” and brought them out of the curfew area unharmed. In such ways, he remarked, his “credentials [had] been established in the city as a person who would help people irrespective of their community” (Interview, March 31, 1999a). Businessmen who use daily wage workers also benefit. Like the politicians, businessmen may help out their workers during curfew. When they return to work, the laborers must work off the debt incurred through reduced wages. Workers, it is said, may also be willing to accept lower wages at factories that are unlikely to be closed during curfew (Interview, July 24, 1983).

As elsewhere in the world, riots and curfews affect the poor and the rich differentially. In the Civil Lines areas of north Indian cities, curfew is almost never imposed (Interview, July 25, 1983). In the riot-prone mohallas of the old city of Aligarh, it is imposed whenever there are serious fracases involving Hindus and Muslims in which violence occurs or is threatened. Moreover, the imposition of curfew in such areas has not occurred only during the major riots that have drawn the attention of the press. The possibility of curfew is built into the normal expectations of people in the riot-prone mohallas.

My Muslim respondents in Aligarh confirm other reports cited above that curfew also operates differentially vis-à-vis Hindus and Muslims. Hindus go out
and meet people during curfew, I was told, “but the poor people who are the Muslims mainly, they stay at their home, . . . curfew is only for them” (Interview, March 31, 1999b). In my visit to Sarai Sultani, I was told that if “you go in any Hindu area, you won’t feel as if there is any kind of curfew” (Interview, April 2, 1999).

It is also during curfew hours when Muslims are confined to their homes in the curfew-bound areas that those with some means, such as small shop owners and house owners, face the prospect of destruction of their homes and livelihood. For it is during these hours that Hindu crowds may roam and burn Muslims shops and houses. In Kanpur, Hindu real estate speculators took advantage of the riots in several mohallas to burn down entire housing colonies in slum neighborhoods. One affidavit refers to the destruction of sixty-five such houses in a colony known as Vijay Ka Ahata (Kanpur affidavits 1992: AN-24). The residents of such colonies, who normally flee from them to safer areas when rioting breaks out, cannot then return. The property is taken over or bought for a pittance by the real estate speculator, who then builds a shopping mall or some other kind of development.

Militant Hindu activists seek occasions, religious or otherwise, to take out processions in Muslim areas that may lead to the threat of violence and the imposition of curfew. For example, in Aligarh, during the Hindu festival of Holi in 1983, there was a fracas involving Hindu processionists demanding the right to march through riot-prone areas from which the authorities had banned such processions because of the danger of provoking Hindu-Muslim confrontations. Incidents involving “a clash between the processionists and the police, and subsequently a Hindu–Muslim clash” took place. The son of the sitting MLA (Member, Legislative Assembly), Krishna Kumar Navman, then sought to push the authorities further by taking out a procession the next day, brickbats were thrown at the police, “a big Hindu crowd . . . gathered,” and a police firing occurred, in which one person was killed. Curfew was then imposed (Interview, July 30, 1983). Neither these incidents nor the curfew are generally included in lists of riots that have occurred in Aligarh. Such events are, however, part of the stuff of everyday life in the riot-prone mohallas of Aligarh.

An ineffectively imposed curfew, especially one that is imposed in a discriminatory manner, also may serve to prolong rather than to restrain and control rioting because it permits the circulation of rumors, which are a lifeline for riotmongers who seek to recruit popular participation in violent activities. There is some evidence that in the earlier post-independence years, the authorities used curfew restrictions to suppress and control the circulation of incendiary rumors. For example, during the Aligarh and Meerut riots in October 1961, it was reported that two hundred eighty-nine and three hundred fifty persons, respectively, had been arrested in those cities for curfew violations, including “spreading false rumours.” Notably mentioned “among the arrested persons” in Meerut was an RSS organizer, named Rameshwar Dayal (Times of India, October 8, 1961).

Far different was the situation in these cities in the riots of 1982 in Meerut and in 1990 in Aligarh. In Meerut, where there was a total failure of curfew restrictions to control rioting, members of parliament chastised the administration
for, among all their other egregious failures, to control the spread of rumors. One
member emphasized that three weeks after the imposition of curfew, including
twenty-four–hour curfews for long periods, rumors were still circulating and were
continuing to be printed in the newspapers, which were being sold in the black mar-
of India himself agreed that rumor-mongering had been continuing and needed to
be stopped (Sethi 1982: cols. 202–203). But the only reference I could find in the
press concerning the arrest of rumor-mongers during these riots was on October 2,
1982, the day after the final police massacre of some twenty-nine or thirty Muslims
in a structure known as the Feroze building, when it was reported that “two knifers”
had been arrested as well as “five others for circulating false rumours” (Northern
India Patrika, October 2, 1982). All concerned agreed that in addition to putting
a stop to rumor-mongering, effective lines of communication of correct informa-
tion needed to be established between members of the two communities, which,
of course, could not be done in the midst of curfew when such effective communi-
cation had been lacking beforehand. Sometimes, even the identification of alleged
rumor-mongers by the authorities and the media may be used in a discriminatory
manner. Thus, in these same riots, in which Muslims were the prime victims, the
press reported, citing “an official spokesman,” that it was a Muslim organization,
the “Jamait-e-Ulama” [sic], whose “members have spread out in the city and were
spreading rumours” (Times of India, September 12, 1982). Whatever the source of
the rumors, it was generally believed that “rumours played havoc” in these riots
(Indian Express, September 25, 1982).

What are these rumors that cause havoc? In this case and many others of which
I have personal knowledge, the most common type of rumor concerns the numbers
of persons killed, which are most often inflated by both sides. As soon as curfew is
imposed, those who flee to their homes may arrive with exaggerated accounts of the
numbers of persons massacred by the other community. The death toll is in any case
disputed during and after every riot in India. Other types of rumors are that members
of one community are massing and heading toward mohallas occupied by the other.
Still others are that Muslims in particular have collected or been provided with
“foreign-made weapons” (Northern India Patrika, October 4, 1982) (implying, of
course, that they have come from Pakistan), or that Pakistani agents have actually
been seen in the vicinity, or that a pig has been allowed to roam in or near a mosque.
But the most serious problem of deliberate miscommunication comes not from local
groups or individuals but from the vernacular press, which has repeatedly played
a malicious role in spreading false rumors during riots. I have noted elsewhere
that these papers must be considered a part of the institutionalized riot systems
of northern India (Brass 2003: pp. 400–406). Moreover, they have almost free
rein without competition during riots in which widespread and prolonged curfews
are imposed. For, at such times, the more respectable, less inflammatory, more
reliable English-language and companion vernacular-language presses associated
with them are not readily available in streets closed to newspaper vendors. But,
the vicious “yellow press” is circulated widely and freely. The worst example of
this kind of malicious rumor-mongering in my experience concerned the outright falsehood printed in a leading Hindi newspaper in the midst of the largest riot in the history of Aligarh in December–January 1990–1991, stating that Hindus had been massacred in the Aligarh Muslim University Hospital, which contributed to the prolongation of the violence and justified further killings of Muslims, already the principal victims in this riot.

Muslims especially fear the imposition of curfew and its consequences and dangers for their daily life and existence. Curfew, like killings and massacres, are among the hardships that must be endured when riots threaten and when they are in progress. It involves the “misery and pain” of fear of physical harm as well as denial of necessities of life, including food and medicine. In Sarai Sultani, I was told that during the 1990–1991 Aligarh riots, “continuously there was curfew for 21 . . . days, and there was no water, no electricity, no milk, and the children were weeping because they had no milk to take.” Desperate mothers who go out for milk or other necessities for their children at such times face the risk of death for themselves or their children, as in fact happened in the case mentioned above when the two young children of a mother who came out with them for that purpose were burned alive by the police (Interview, April 2, 1999). Muslim men who go out even during the brief half hour or so allowed to fetch water from the public tap are likely to be cursed, beaten, and abused by the police while they do so. My interviews also include stories of extreme hardship, including one eyewitness account of a Muslim being severely wounded by police firing and dying inside his home while the family was unable, because of curfew, to provide or obtain succor (Interview, January 2, 1991).

But the most serious form of discrimination in the administration of curfew in Hindu and Muslim localities concerns house searches. Such searches are almost always done only in Muslim mohallas by the police and PAC forces, most of whom, especially among the latter, are blatantly anti-Muslim. During house searches in Muslim localities, the police routinely break down doors, abuse and beat the old and infirm, and loot the jewelry of the women, leaving their male victims bloodied, broken-boned, and humiliated and the women in tears.17

But there is a class element in the distribution of pain and suffering among Muslims as well. In most riots in north India, upper class Muslims from distinguished families, with large houses, and important Muslim politicians, are not usually affected. Indeed, there may be mutual fraternization between them and the police and civil administration while their lower class brethren are suffering and dying.18 This, of course, contrasts with the treatment of Jews, high and low, in Germany under the Nazis. But, in some of the worst cases of riots and pogroms in northern and western India, even upper class Muslims and Muslim politicians have been targeted and killed. This was the case especially in Gujarat in 2002. But even in 1992 in Kanpur, I visited the site of a house of a rich Muslim contractor living in an outlying, predominantly Hindu area of the city, who along with his entire family of seven, women and children, including a crippled insane girl confined to a wheelchair,
had been burned alive in his home. And among the affidavits in my possession are several that indicate police harassment of rich Muslim businessmen living in large bungalows, whose properties were attacked by violent mobs and police protection was not provided. Further, police subjected the owners to a house search and removed legally licensed guns from their possession. They lamented their treatment as follows:

That though the deponent and his family belong to respectable section of society yet they have been assigned the role in the company of criminals by falsely showing them to be involved in communal violence. The relevant papers moved before the authorities concerned had amply shown that the deponent as well as the family is highly esteemed and committed to the principles of secularism, communal amity and brotherhood. […]

That the deponent and his brother have illegally been deprived of their fire arms since they are legally authorised for having valid licen[s]es. The deponent and his brother are business men having big dealings in market and Bank transactions of [a]kh[s] [hundr]eds of thousands of rupees weekly. They have to protect themselves with these but the Civil and Police Administration have been keeping the fire arms of the deponent and his brother with them since December 7th 1992 and the same arms have still not been returned (Kanpur affidavits 1992: AN-28).

IMPLICATIONS

What are the implications of these illustrations of the differential, discriminatory, and highly politicized administration of curfew? At the least it should help focus the attention of policymakers, administrators, and human rights activists on yet another aspect of riot production and control that involves unacceptable costs to large numbers of citizens in a society that characterizes itself as democratic. In my work on collective violence in India over the past decade, I have described in detail the dynamics of riot production (Brass 1996; 1997; 2003; 2004). I have demonstrated that large-scale Hindu–Muslim riots and many other forms of collective violence in electorally competitive political systems are produced intentionally, for political purposes, by specialists operating within or at the behest of known political parties and so-called cultural organizations such as the RSS and the Shiv Sena in India.

I have also shown that the two most important, and interrelated, aspects of riot production and control are political will and police administration. The kinds of riots discussed in this article, and in my other writings, are produced by political organization, as just said, but their success or failure—measured by the number of days they can be sustained and the losses inflicted on the side attacked—depends on the exercise of political will to terminate the riots and the effectiveness of the police in doing so.19 And the latter depends on the former. Furthermore, everywhere in India where such political coordination and direction of the police has been provided, whether in West Bengal and Kerala under Communist rule or Uttar Pradesh and Bihar under chief ministers, Mulayam Singh Yadav and Laloo Prasad Yadav, respectively, it has been demonstrated that riots can usually be prevented and
that where they cannot be prevented, they can be terminated quickly with minimal
damage and loss of life.

But, because such determination to prevent and control riots and to monitor
police behavior to prevent the abuses catalogued above cannot always, or even
usually, be counted on, it is necessary to ask: What then can be done generally
to put a stop to the misuse of curfew restrictions during riots? Some reforms are
obvious, but none can be effective without that combination of political and police
firmness. First, if curfew is going to be imposed, the spatial distribution ought to be
equalized, rather than ghettoized, in a contiguous area with no breaks in contiguity
that provide havens into which rioters may disperse and regroup. Second, once
imposed, it must apply to all persons except the police, their direct administrative
and political superiors responsible for their actions, and neutral agencies set up to
monitor the impartial administration of curfew. Third, implied in the latter, such an
impartial nonofficial board composed of judicial, senior administrative, and human
rights personnel must be allowed to move freely in curfew-bound areas to places of
their own choosing for monitoring purposes. Fourth, any kind of fraternizing with
members of one community or another, such as accepting sweets, tea, and any other
kind of hospitality, should be considered a breach of police discipline, leading to
removal of the offending police from the scene and punishment thereafter. Fifth,
the communal distribution of deaths in riots and the circumstances under which
the deaths occurred should be made public. They have not been reported as such
for decades on the specious grounds that such reporting would further inflame
communal passions, but in effect they serve the purpose of hiding the fact that the
vast majority of persons killed in so-called Hindu-Muslims riots, in the past two or
three decades, have been Muslims and, of those, many if not most Muslims have
been killed by the police. Indeed, most so-called Hindu–Muslim riots in these
past decades have been either police–Muslim confrontations or outright massacres
of Muslims by the police. In such cases, it is obvious that impartial judicial inquiries
should be made after each and every riot, the information should be gathered and
published promptly, and criminal cases should be promptly filed against the officers
and men held responsible.

Sixth, as in the United States with the case of blacks and other minorities, steps
must be taken to recruit Muslims and other minorities into the police forces so that,
at times of curfew, all forces on patrol in all mohallas will be communally mixed.
Seventh, in U.P. in recent years, a stringent rule has been enforced under which
district police and civil administrative officers who do not bring a riot under control
within twenty-four hours are transferred. This rule has been effective in that riot-
prone state and should be made universal. The corollary to this recommendation
with regard to curfew is that no curfew should be imposed for more than seventy-two
hours at a time. Should further rioting occur upon relaxation of a curfew, requiring
imposition of an additional curfew period, the civil and police administration should
be transferred and replaced. It goes without saying that the state authorities should
be ready with personnel well tested in previous riot situations, known for their
impartiality, to be transferred into such a locality. Eighth, curfew violators should
be promptly arrested, put on trial, and imprisoned and/or fined for violation of curfew regulations. Ninth, there can no longer be any doubt that the PAC in U.P. has become an anti-Muslim force. If it cannot be disbanded, it should at least never again be assigned to riot duty in the state of U.P. In all cases in which riots cannot be stopped by the local police force promptly and curfew cannot be enforced, the Central Reserve Police Force should be called in and reinforced promptly, as necessary, by the army. Ninth, in addition to police patrols in curfew-bound areas, emergency medical and rescue teams and milk and water trucks should move regularly through such areas offering, over loudspeakers, relief for those in dire need of food and water, assistance to those injured, removal of the corpses of Muslims injured by the police, who die in their own homes, and allowing of proper funeral and burial services for the family members. Tenth, far from discriminating against Muslims (or any other minorities) during riots, the primary duty of whatever force is deployed in riots should be to protect them, and that force should be so instructed by the authorities.

It is nevertheless to be emphasized that even without such reform measures, riots can be prevented, controlled, and terminated quickly and forcefully even by a communalized police force, provided that the district civil and police administration are given firm and clear instructions by a politically united state government to do so. It is implied in the recommendations given above that curfew can be used in an impartial and effective manner under a fair-minded political authority. Indeed, as just noted, there are such state governments in India itself, including the present government of U.P. (2005), which has informally adopted a few of the recommendations made above. Even so, however, the use of curfew, especially in the conditions of a poor and internally divided society such as India’s, is easily perverted into an instrument of discrimination against minorities. It is unwise, therefore, to depend on even elected regimes such as in India or the United States or anywhere to follow consistently fair but firm even-handed policies in such matters. Many of these proposed reforms would be of value with or without such political will, firmness, and impartiality. But, finally, it must be noted that there is no political constituency for such explicit reforms in India, for both those who promote riots and those who prevent them prefer to operate within a political order in which safety and the protection of life, liberty, and property are not the minimum prerequisites of a legitimate state and civil society but are privileges to be granted by the politicians themselves to their favored constituents and supporters. It is all the more imperative, therefore, that a set of norms be established for reform and regulation of curfew to be placed upon the agenda of those concerned with human rights to at least provide a measure against which the actions of the police and the political authorities that control them may be judged by national and international observers.

NOTES

1. See, for example, the description of curfew restrictions in Bethlehem in November-December 2002 in Letter of Protest (January 25, 2003).
While this article was under review for publication in this journal, country wide curfews were imposed in the urban areas of France directed at control over the Muslim population of the country in the aftermath of the accidental death of two Muslim youths in fear and hiding from the police.

The feelings of ordinary people, their expectations, and their preparations for enduring the inevitable curfews are described dramatically in a Hindi novel (Rai 1991 [1988]). The novel was translated into English by C. M. Naim (Rai 1998b). The description is authentic and can be taken as good as fact because the author is an Indian Police Service (IPS) officer with considerable riot experience and the novel is based on his personal experiences in the city of Allahabad as the Senior Superintendent of Police during the riot there in 1980, as noted by Naim in the Foreword to his translation. The very first lines of the novel convey this local knowledge of impending curfew, as follows:

"Shahar meN karphyu achanak nahiN laga tha. Pichhle ek hafte se shahar ka wah bhag, jahaN har dusre-tisre sal karphyu lag jaya karta hai, iske liye jismani aur mansik taar par apne ko taiyar kar raha tha. Puri phiza meN ek khas tarah ki sanasani thi aur sanasani ki suNdhkar pahchanne wale tujabevNkar jante the ki daldi hi shahar meN karphyu lag jargaa. UnheN sirf is bat se hairat thi ki akhir picchle ek hafte se karphyu taltia kaise ja raha tha. [Curfew was not imposed unexpectedly on the city. Therefore, that part of the city where curfew was imposed every two or three years, had been preparing itself—physically and mentally—since the previous week. There was everywhere a thrill of apprehension of a special kind and those feeling it and who were acquainted with the sensation and the helplessness produced by it, knew that soon curfew would be imposed on the city. Since the previous week, they only wondered why curfew had been postponed.] (Rai 1991 [1988]: 9, my translation)."

One of my informants explicitly stated that because there had been no major riots in Kanpur since Independence, “the Muslims were not accustomed, or the population . . . were not accustomed to curfew” (Interview, July 19, 1993).

All these and other hardships endured by ordinary poor people are painted in graphic detail in Rai’s book. Naim summarized some of those hardships in his foreword: “A sick child cannot get medicine; a family cannot get drinking water; a girl cannot walk down the street in safety; people cannot even stay indoors in security; a dead child cannot easily be given a decent burial.” Each of these types of experiences are described in Rai’s book, based on actual experiences and incidents known to the author. As Naim has put it, they are the narrative reports of an “insider” (p. 15). Rai himself, in an “Afterword” to the English version of the novel, says that most of the “characters and incidents” depicted therein “are connected with a small neighborhood in Allahabad City.” He goes on to say: “Their pain was so immense that it seemed impossible to me to express it in words” (Afterword in Rai 1998b: 120).

I have used the metaphor of a theatrical drama enacted in stages (rehearsal, enactment, interpretation) to describe the production of riots in India in all my recent work on collective violence, most recently in Brass (2003); see also Rai (1998b: 17) on rehearsal and p. 20 on the apparent planning of riots.

“The curfew was a frequent affair, and the policemen were accustomed to having an evening meal either in this [Hindu] lane or the one next to it. After enjoying the food and spending some time pleasantly joking with their hosts, they would amble off to the ‘Pakistani’ lanes to impose the real curfew” (Rai 1998b: 43).

The respondent was a medical doctor who said he had treated twenty-five to thirty Muslims who had been shot in this way. Also reported in Interview August, 17, 1993.

And, more graphically in Rai’s novel: “The high heat of August had turned their closed room into a stinking hell, filled with the stench of several sweating bodies and the two littlest children’s bowel movements. Ten persons were confined to a space defined by a room thirteen by eight feet, and a verandah eight by five feet” (Rai 1998b: 49). And, a little further on in Rai’s novel, “By the end of the second day of the curfew, the bubbling latrine and the steaming heat had turned Sayeeda’s home into a little hell, and its residents were beginning to collapse under its miasmic air “ (p. 53).

The solicitousness of militant Hindus for their cattle and their satisfaction with the relief operations in this respect contrasts with the utter lack of relief provided to Muslim households during curfew.

He went on ultimately to win the Aligarh seat in the 2002 elections, with significant Muslim support.

I have confirming evidence of such events from Kanpur affidavits (1992): AN-6, 8, 11, 12, 22, 23.

Acronym for the leading militant Hindu organization in India, the Rashtriya Swayamsevak Sangh, which translates rather meaninglessly as National Volunteer Service Organization.
14. One of my respondents, not a resident of Aligarh but a former AMU student, placed curfew in a list of dangers in this manner, saying “as a human being, I can be afraid [and hope that there may be] no curfew, no killings, and no massacre” (Interview, January 2, 1991).

15. See the press report on the Kanpur riot (Hindustan Times, December 16, 1992): “A woman with a disabled child at home, is crying because the police has taken away both her husband and brother for violation of curfew orders: ‘My husband had gone to fetch water from a nearby tap when police pounced on him. Who will protect me now if they attack us?’” Cf. Rai (1998b: 107), where he depicts the rush, during curfew relaxation, to the public water tap (that would, in any case, run for perhaps only half an hour a day even without curfew) as follows: “The people’s need for water was so critical that, despite the curses and blows they immediately began to receive from the police, they did not run away. They hopped around, stumbled and fell, but kept pushing their pots under the gushing tap.”

16. Rai’s novel also opens with just such an account.

17. Again, see Rai (1998b: 95 and 97–98) for graphic accounts.

18. Rai (1998b: 101–102) depicts a scene in his fictionalized account of a police visit in the midst of a riot to the house of a rich Muslim politician, where he was meeting secretly with “a former MLA,” a Hindu, who “was planning to contest again in the coming elections” against the incumbent Hindu MLA. The two are depicted as working together to capitalize on the riot to defeat the sitting MLA. So, the Muslim was arranging for the distribution of “free food to the poor Hindus in his neighborhood,” whereas the Hindu politician was said to be giving “shelter to his Muslim neighbours in his own house.” The truth is stranger than fiction. In the aftermath of the post-Ayodhya riots in Kanpur in 1992, I interviewed a man who, with his gang, had killed numerous Muslims during the riots there but who was later able to produce before me a terrified Muslim who was among many he said he protected and saved during the riots there (Interview, July 20, 1993).


20. Figures on the numbers of Muslims killed in post-independence riots are available only for the riots in the 1960s and 1970s, after which the communal composition of those killed has not been publicly reported. The figures for the early riots confirm the disproportion in the numbers of Muslims killed, but Rai (1998a: 112) has insisted that the percentage of Muslims killed in riots that have taken place since the destruction of the mosque at Ayodhya in 1992 “has in fact been above ninety.” As for the arrest rates, he notes that Muslims comprise an “unbelievably larger” proportion of those arrested and “taken into custody” by the police during post-independence riots in general (pp. 114–115). In addition, according to my own information concerning police treatment of persons, especially Muslims and lower castes taken into custody, many, if not most, will also have been cursed, abused, defiled, and beaten.

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