

## REFERENCE

Kumar, Sunil. 2010. *The Present in Delhi's Pasts*. New Delhi: Three Essays Collective.

Jawaharlal Nehru University  
New Delhi

GHAZALA JAMIL

Deepak Mehta and Rahul Roy, eds. 2018. *Violence and the Quest for Justice in South Asia*. New Delhi: SAGE Publications India Pvt. Ltd. (with YODA Press, New Delhi). xii + 364 pp. Maps, tables, figures, references. ₹895 (hardback).

DOI: 10.1177/0069966718805173

‘His pheran flapping in the breeze, the *mott* runs after their little convoy... shouting, over and over again “I want my vote back”’ (p. 200).

The figure of the *mott* in Kashmir, at once eccentric, disabled—intellectual and/or psychosocial— and a window to the divine, seems to capture for us the intractability of justice, choice and reason in contexts of conflict and extreme violence. Deepak Mehta and Rahul Roy open out for exploration the various levels, complexities and layers in practices that engage with extreme violence. Essays on Kashmir, Chhattisgarh, Delhi 1984, Ayodhya, Bangladesh, Sri Lanka, Pakistan and Nepal investigate practices, politics and discourses on war, remembrance, justice, reparations, compensation, damage, endemic conflict and resistance, and the meanings of the status quo—essentially as a conversation across contexts and histories that are closely interconnected and distinct.

‘The objective of any war is to win’, observes Bina D’Costa in her chapter on the International Criminal Tribunal in Bangladesh. But the nine months of war in 1971 went far beyond what could be described as ‘attempting to win’, moving quickly from war to genocide (p. 7). Traversing through a bloodied landscape that births the nation, and attempting to comprehend the complexities of international humanitarian standards—its reductionisms and its worth, both—‘At the end, there must be a safe space that fosters critical, reflective thinking’ (p. 35).

The death certificate and monetary compensation drives a wedge between justice and law, as Neloufer de Mel and Chulani Kodikara show us in Sri Lanka. They answer the question: ‘Why are there so few takers for compensation as a measure of reparative justice’, through

the voice of a survivor: ‘I don’t think my husband is dead. So how can I get a death certificate and compensation? It would be like putting a full stop’ (interviewee quoted on p. 56). The gendered reverberations of this discourse on declaration of death of the male militant/soldier/bystander are particularly poignant and stretch across this entire region from Sri Lanka in the south to Kashmir in the north. The larger question they raise, and one that will open out a bigger and more longstanding debate, is on the ways in which ‘transitional justice...has come to dominate transformative projects...’ (p. 39). Also on Sri Lanka, Pradeep Jegannathan juxtaposes two moments—located at two ends of the continuum of conflict for the Tamil nation— one, 1983—signalling the utopia of the Tamil nation, and the other, 2009— ‘an unhealed wound, a puncture, opened out by the loss of the possible nation’ and asks, ‘Is the conception of the “human” [in juridical processes and reconciliation] adequate to life?’ (pp. 86–87).

We return to the question of compensation and reparation through Saba Gul Khattak’s essay on Pakistan’s Federally Administered Tribal Areas (FATA), where she poses several critical questions that arise in a situation post-conflict. The uneven use of the term ‘terrorism’ in relation to compensation cases, the rupture between juridical processes and *riwaj*— custom/practice in relation to compensation, and very pertinently: how does compensation in a situation of escalated conflict knit in with historical discrimination faced by the region for decades prior to such escalation?

The trials and judgments pertaining to the anti-Sikh violence of 1984 illustrate the mechanisms through which law and judicial process may through their repetitive operation reduce the gravity of mass crime and its attendant harms by individualising the experience of violence, survivorship and culpability, thus disabling possibilities of an understanding of the full import of the genocidal attack. ‘Within such a context’, Leki Thungon observes, ‘the search for even the metaphors of justice becomes important, thereby making the task of seeking justice more urgent, as well as the need to expand its meaning and revisit it’ (p. 152).

Sanjay Kak observes, ‘[...] with almost 70,000 dead, no one is a bystander in Kashmir, militant or collaborator, activist or fence sitter. Whether you were jailed, tortured, crippled, injured, disappeared, psychologically damaged, made a migrant or made homeless, no matter where you stood, or what happened to you everyone has been transformed

by the *tehreek*' (p. 174). What is the place of *masla-e-Kashmir* when we imagine the reverberations of violence in everyday lifeworlds?

The tension between constitutionally recognised and guaranteed rights of adivasis and their routine derogation has been well-documented in India. The depredations of private corporations in mineral-rich forests located in adivasi homelands enjoy state protection, patronage and the guarantee of impunity despite the unconstitutionality of their mere presence in these areas. Vrinda Grover presents the cascading constitutional claim for an adivasi world free of violence through a painstaking narrative that presents nominal lists of criminal cases, encounters, illegal detentions, disappearances, torture, and army-paramilitary-police actions to defend corporations against adivasi people in the troubled state of Chhattisgarh.

Sanjeev Uprety and Bal Bahadur Thapa problematise constitution-making, drawing on the experience of Nepal. In the movement from nationalism to constitutional nationalism, the symbols of the upper-caste Hindu communities were defined as 'national', they argue, so that the 'formation of the Nepali nation-state was based upon a prevailing social hierarchy rather than on the principles of common cultural identity' (p. 327). What are the implications of this new constitutional normative, for practices of routinised structural violence and historical discrimination?

Violence is a vast canvas—stretching from the routine everyday to the exceptional everyday; from episodic escalation to escalated conflict/violence as normality; from war to genocide; from memory to anticipation, and witness to survivorship and victimhood, and the discursive practices and politics around each of these. Recognising the impossibility of addressing the range of these concerns, Mehta and Roy mark a distinction between 'military warfare' and 'civil violence and disorder', even while acknowledging that this distinction might not hold in most situations we confront today. How might we map 'the state' in a situation where violence proliferates in the name of the state, so that state and non-state fuse together to the point of indistinction? And of course, the troubling truths of law's violence (p. x). Passing through this tunnel, at the far end is justice—or is it the status quo (Mehta 306–17)?

*Council for Social Development*  
*Hyderabad*

KALPANA KANNABIRAN