

Images of Islam: A Murder in Colonial Calcutta

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On the morning of 7 May 1931, College Street in northern Calcutta must have been already quite hot and busy. This favourite haunt of indigent students and intrepid scholars alike offers, then as now, a virtual warren of bookshops, small and large, with endless treasures for those willing to look – from cheap examination guides to rare out-of-print treatises on all sorts of subjects. In one such bookshop situated at a prime location off College Square, the middle-aged proprietor, a man called Bholanath Sen, was browsing the catalogue, while his employees were busy writing out cheques and dealing with *mufassil* ['provincial'] correspondence – presumably with small-town retailers whom the store supplied. The day's business had yet to pick up.

Into this still languorous bookshop two men suddenly burst in, with cries of "*Allahu Akbar!*" ['God is Great']. One man stabbed Bholanath Sen in his chest. As his employees began screaming, the other intruder attacked the two employees called Hari Das and Satish, who had been writing letters and cheques, respectively. Utter chaos broke loose as the rest of the men in the shop screamed, ran, tripped, tried throwing books at the attackers and pouring water over the victims, while the attackers ran out of the shop. Chased by a typical Calcutta crowd of public-minded pursuers, and a constable on his beat who had been alerted, the two intruders ran northwards along Shyama Charan De Street and inside the College Street Market. One of the men emerged in a few minutes and threw out a challenge "*Koi hai pakarne-wala, ao!*" ['Come, let's see who can get me'] And then he threw his knife away, at which the constable, who had been joined by an Assistant Sub Inspector, stepped up and arrested him.¹

Within an hour, the stabbed men had been taken to hospital, another suspect had been arrested, and the colonial machinery of law-keeping and enforcement had started to roll, in an attempt to restore order and meaning, which had been so rudely interrupted by two strange intruders, who had brought blood, gore and religion into the cultivated and rational world of books, catalogues and commerce. Although there were many eye-witnesses to the attack, it was necessary to establish the motives of the attackers in order to establish criminal intent. Thus, following the standard procedure of criminal investigations, various professionals (police, magistrates, lawyers, judges) and participants of the legal system (witnesses, accused,

¹ 'Depositions as recorded by the Committing Magistrate', *The Emperor of India v Abdulla Khan and anr*, Legal Adviser's papers (uncatalogued), temporary reference IOR/L/L (B41), 2 folders, India Office Records, British Library (henceforth '*The Emperor of India v Abdulla Khan and anr*, LA Papers').

expert witnesses) began constructing not only the *mens rea*, but the entire mind-set that led two men on a hot morning to stab a harmless bookseller whom they had never met before. In that effort, the one phrase that the accused were supposed to have uttered – *Allahu Akbar* – offered to all investigators a seemingly tantalising entry into an exotic world defined by the supposed predilections of Islam. As the trial unfolded, it became increasingly clear that it was not the minds of Amir Ahmad and Abdulla Khan, the two Punjabi men accused of the crime, that was being investigated, as much as what their minds represented of the religious, cultural and legal universe defined by Islam.

As Radhika Singha demonstrated in her seminal work on the workings of criminal law in early colonial north India (between the 1800s and the 1830s), the need to establish criminal intent in order to punish acts of violence led British magistrates to confront other cultural modes of coding violent acts and attributing responsibility for them. Thus whether it be burning a woman alive in public or killing one's own child on the door-step of an extortionate landlord and moneylender – the killing of a person could indicate a virtuous, legitimate act, or a desperate and heart-rending act whose real perpetrator was not the father whose hands slit his child's throat, but the cruel landlord who refused to negotiate about releasing resources essential for the family's survival. The twin imperatives of claiming a monopoly of violence and establishing the legitimacy of the colonial legal system led to intertwined and mutually contradictory efforts, to both re-code the meaning of violence and accommodate distinct Indian meanings.² As a British court official and noted jurist, William Hay Macnaghten said towards the end of the period studied by Singha, published reports of criminal trials in India needed to be far more detailed than those in England, such detailed description being essential in order to understand the 'ideas and springs of action' of the people.³ Law thus provided occasions for cultural investigation which was intended to demonstrate and define the difference between European observers and non-European others, and also to order such difference in manageable ways, directly facilitating, in the case of criminal law, the maintenance of colonial power.

Edward Said famously described Euro-American modes of intellectually constructing an essentialised Orient as an integral part of the overall project of colonial domination.⁴ Said's formulation appears a superficially good fit in colonial legal situations where explaining people's actions was premised on the understanding that they were collectively different, that the nature of such difference could be discovered and authoritatively described by European observers, and where the acquisition of such knowledge was directly aimed at controlling the behaviour of those so observed, in the interest of state power.⁵ At a more reified level, the entities observed were abstract in themselves – such as non-European legal systems. The process of constructing a specialist European corpus of knowledge about, for example, the

² Singha, R (1998) *A Despotism of Law: Crime and Justice in Early Colonial India* Oxford University Press at 80.

³ Macnaghten, WH (1827) *Reports of cases determined in the Court of the Nizamut Adawlut* Vol. II, Advertisement.

⁴ Said, E (1978) *Orientalism* Routledge.

⁵ On the construction of collective criminality, see Nigam, S (1990) 'Disciplining and Policing the "Criminals by Birth" Part I: the Making of a Colonial Stereotype – the Criminal Tribes and Castes of North India' (27) *Indian Economic and Social History Review* 131; Gordon, S (1985) 'Bhils and the Idea of a Criminal Tribe in Nineteenth-Century India', in Yang, A (ed) (1985) *Crime and Criminality in British India* University of Arizona Press 128. Specifically on the uses of ethnography for decoding allegedly collective criminal inclinations, see Anderson, C (2004) *Legible Bodies: Race, Criminality and Colonialism in South Asia* Bergman; and Brown, M (2003) 'Ethnology and Colonial Administration in Nineteenth-Century British India: the Question of Native Crime and Criminality' (36) *The British Journal for the History of Science* 201.

system of Islamic law, corroborates Said's thesis of the intertwining of expert, apparently disinterested, knowledge and lay, motivated, observation in the common construction of discourses about what the Orient was like and what ought to be done about it. The 'Oriental' laws thus discovered served many purposes, within and outside the courtrooms. Whether it be the alleged shortcomings of Chinese international law, the rigidity and superfluity of Hindu law or the barbarity and irrationality of both Chinese and Islamic law, such knowledge and repeated observations based on them, helped to define non-Europeans and legitimise specific ways of dealing with them. In terms of their content, such observations were often hyper-textual, with specific texts or even characters endowed with quintessential relevance utterly removed from their broader contexts.⁶

The trial of Amir Ahmad and Abdulla Khan, for the murder of Bholanath Sen the bookseller, exhibited all those features of cultural essentialisation and de-contextualisation that *Orientalism* critiqued. It consisted of organs of the state seeking to establish the meaning of these men's (very few) words and actions in ways that would both enable their punishment and attribute the sources of their criminal action to a religious and cultural system that was simultaneously very different and very transparent. The reduction of their actions to culturally explicable individual crime was also meant to contain and negate potentially subversive claims of alternative sources of political authority. But as the trial unfolded, more meanings emerged, and in understanding the process in its entirety, it is essential to remain cognisant of criticisms of Said, criticisms which contest the utter dissociation of European knowledge from the 'brute reality of the Orient'. Scholars have pointed instead to the intertwining of European knowledge with non-European modes of self-description, even if the latter are recognised to be constrained by the use of colonial conceptual categories and frequently tainted with hierarchical and internally exploitative agendas.⁷ And indeed, rather than a single mode of legal Orientalism, the spectacle of this trial and the multiple competing performances inside and outside the courtroom occasioned by it revealed several rival modes of representation, by and of Muslims in colonial India.⁸

⁶ On the construction of Chinese law in British imagination, see Liu, L (2004) *The Clash of Empires: the Invention of China in Modern World Making* Harvard University Press especially at 31; on similar indictment of Islamic law as illogical and barbaric, see Fisch, J (1983) *Cheap Lives and Dear Limbs: the British Transformation of Bengal Criminal Law, 1769-1817* Steiner; on the undue expansiveness of Hindu law, see James Mill, discussed in Majeed, J (1992) *Ungoverned Imaginings: James Mill's "The History of British India" and Orientalism* Clarendon. For a very useful summary of the literature on 'legal Orientalism' which aims to move beyond Western self-reflexivity to methodological refinement of comparative law, see Ruskola, T (2002) 'Legal Orientalism' (101) *Michigan Law Review* 179.

⁷ Said, *Orientalism* at 5 and 22; the majority opinion today appears to be that the role of indigenous agency and perceptions cannot be ignored altogether, either as an important aspect of the process of the creation of knowledge, or its application. Pollock, S (1993) 'Deep Orientalism? Notes on Sanskrit' in Breckenridge, CA and Van der Veer, P (eds) (1993) *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* University of Pennsylvania Press 76. The literature of colonial law and indigenous agency provides a allied set of critiques; see Comaroff, JL (2001) 'Colonialism, culture and law: a foreword' (26) *Law and Social Inquiry* 305; Comaroff, JL (1994) 'Foreword' in Lazarus-Black, M and Hirsch, SF (eds) (1994) *Contested states: law, hegemony and resistance* Routledge ix; Shamir, R and Hacker, D (2001) 'Colonialism's Civilizing Mission: the Case of the Indian Hemp Drug Commission' (26) *Law and Social Inquiry* 435. On the parasitic relationship of specialist indigenous cultural interpreters with the culture and social group that they claimed to represent, see Sharafi, M (2007) 'A New History of Colonial Lawyering: Likhovski and Legal Identities in Mandate Palestine' (32) *Law and Social Inquiry* 1059.

⁸ On the intertwining of legal and extra-legal narratives, see Jones, S (2012) 'Literature, Geography, Law: the Life and Adventures of Captain John Avery, c. 1709' (19) *Cultural Geographies* 71.

This article will point to the different narratives that were mobilised to tell the story of what exactly happened on the morning of 7 May 1931, and examine how each of those stories featured a different cast of dramatis personae, as the same protagonists appeared in different roles, presenting very different accounts of themselves, and of the collective identities that they claimed to, or were supposed to represent. These competing narratives were mutually cannibalistic – they borrowed each other’s concepts and arguments – but they competed to claim different meanings and morals for their stories. The legal trial thus opened up multiple semiotic and political possibilities related to Muslim sensibilities and Muslim politics – but in the end some stories won over the others. That victory rested on many silences – those were stories that could not be told, nor heard about Muslims and others in India in 1931.

SURVEILLANCE AND THE STORY

Any murder trial, just like any murder mystery, requires a plot – one that situates a disruptive action or utterance in a patterned structure of thought (establishing motive), a chronological sequence of events (demonstrating opportunity), and thereby, both explains and evaluates the act or utterance. When Amir Ahmad was arrested outside College Street Market a few minutes after stabbing Bholanath Sen, significant elements of that story were already available, produced by the machinery of surveillance of the colonial state. One key organ for such recording of information was the Criminal Investigation Department (CID), the detective agency of the Indian police.

Colonial India was precocious in this compared to Britain, as in its use of many other machineries and practices of the regulatory modern state.⁹ Having been through many previous avatars since the 1830s, sizeable and distinct Criminal Investigation Departments were formed in most British Indian provinces following a Parliamentary Commission’s Report in 1905. The remit of these departments included political as well as criminal surveillance, and their observational range revealed colonial paranoia at its most acute. Thus they collected information not only about political groups and publications, foreign powers and suspicious movements of people and arms, but also changes in religious doctrines that could become political incendiary and songs that people sang during festivals.¹⁰

The records of the CID have not been available for this research, and the very sketchy Bengal Police Department proceedings available in the India Office Records collection contain no trace of this murder. But the trial records made numerous references to prior official awareness of religious gatherings in Lahore which proved, in retrospect, to be ominous. In any case, the second man, Abdulla Khan, was picked up by the police from Musa Seth’s *musafirkhana* [lit. ‘travellers’ lodge’ or ‘inn’] on Lower Chitpore Road, where he and Amir Ahmad had been lodging for three nights prior to the murder. He turned out to be a slight, fair and bespectacled young man.¹¹ A search of their room by the police

⁹ Griffiths, an ex-I.C.S. officer and historian, noted that while detective departments aimed at preventing and investigating certain kinds of crime (*Thagi and Dakaiti*) existed in India since 1835, the London metropolitan police acquired its first fifteen detectives in 1869. Griffiths, P (1971) *To Guard My People: a History of the Indian Police* Benn at 342.

¹⁰ *Ibid* at 345.

¹¹ Description roll of the prisoner, dated 15 July 1931, *The Emperor of India v Abdulla Khan and anr*, LA Papers,

yielded two steel suitcases and some crucial books and papers.¹² These included a letter of application for a special employees' train ticket of the North-Western Railway – which revealed Abdulla to be employed as a carpenter in the railways and the son of Miran Baksh of Amritsar.¹³ His other possessions were mainly unspecified Urdu books, a clipping from a Lahore newspaper dated 3 May 1931, a Matriculation level textbook on the history of England and, ominously, one air gun. Although not included in the official search list, the most crucial bit of the evidence discovered from the room were several pages from a children's book written in Bengali called *Prachin Kahini* ['Ancient Stories'].¹⁴

Following these leads, a CID Inspector, Ghulam Haider, went to Amritsar, to Abdulla's father's house where he discovered some pamphlets denouncing the Sarda Bill, 1929 (which raised the minimum age of marriage to fourteen for girls and eighteen for boys, and to which there had been serious Muslim opposition),¹⁵ and several photographs of people whom Abdulla may have considered heroes.¹⁶ These included Bhagat Singh, Rajguru and Sukhdev –revolutionary 'terrorists' hanged earlier that year for the assassination of the police officer John Saunders¹⁷ – and a man called Ilmuddin, also hanged for murder, this time of an Islamophobic Arya Samaji pamphleteer called Rajpal, in 1929.¹⁸ At Sahu Gali in Lahore where Abdulla lived and worked, the search of his lodgings was facilitated by his father, and it yielded similar material, including a booklet containing photographs of Bhagat Singh, Rajguru and Sukhdev, entitled *Phansi ke pujari* ['Worshipper of the Gallows']. There were also letters written in Urdu to other men and an Urdu pamphlet directed against the Qadiani sect.¹⁹ Connection with the Bengali book found in Abdulla's hotel room in Calcutta was established by questioning local inhabitants and Abdulla's colleagues from the Lahore railway workshop. These men revealed that a Bengali book called *Prachin Kahini* written by 'Bholanath Babu' had been discussed in a somewhat heated meeting held on 22 February in Sahu Gali. The meeting was also said to have included a 'religious speech' by a certain

Part III.

¹² Deposition of SN Mukherji, OC, Jorasanko Police Station (officer who arrested Abdulla) Witness no. 6 for prosecution; Deposition of Abdul Hafiz, Witness no. 15 for the prosecution (possibly manager of the guesthouse), both 5 May 1931, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part I.

¹³ Search list 7 May 1931 *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III

¹⁴ Evidence of SN Mukherji in the High Court, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part II.

¹⁵ Forbes, G (1996) *Women in Modern India* Cambridge University Press at 89. Muslim leaders demanded exception from the law, which they did not secure, but the law itself, which came into force in 1930, proved to be a dead letter.

¹⁶ Search list dated 11 May 1931 *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

¹⁷ Bhagat Singh and his comrades intended to assassinate a police officer who they believed to have caused the death of an eminent Punjabi nationalist, Lala Lajpat Rai. Their shooting of John Saunders on 17 December 1928 was the result of mistaken identity. All three were sentenced in absentia by a Special Tribunal on 7 October 1930, and hanged on 23 March 1931. The legality of the tribunal was unsuccessfully challenged in the Privy Council. Noorani, AG (1996) *The Trial of Bhagat Singh: the Politics of Justice* Oxford University Press. Also see Nair, N (2009) 'Bhagat Singh as "Satyagrahi": Limits to non-violence in late colonial India' (43) *Modern Asian Studies* 649.

¹⁸ Gilmartin, D (1991) 'Democracy, Nationalism and the Public: a Speculation on Colonial Muslim Politics' (14) *South Asia* 136. The Arya Samaj was a Hindu reformist organisation and movement which originated in the Punjab in the 1870s, and which engaged in vigorous campaigns against the spread of Islam and Christianity. Jones, KW (1976) *Arya Dharm: Hindu Consciousness in Nineteenth-Century Punjab* University California Press.

¹⁹ Search list dated 18 May 1931 *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III. Qadianis were part of the Ahmadiyya sect, which was considered heterodox because its members believed that the sect's founder, Mirza Ghulam Ahmad, to be a prophet of God. This belief challenged the finality of Muhammad's prophethood. Sikand, Y (2001) 'Between Dialogue and Conflict: Deendar Anjuman, 1920s-2000' (36) *Economic and Political Weekly* 1709.

Ghulam Muhammad of Makki.²⁰ Although animated, the meeting had been peaceful; two local constables had been present and had filed a short report of proceedings.²¹ There was apparently a crucial picture in the Bengali book that was the source of all trouble.

In spite of the immediacy of their tone, the depositions made in front of the magistrate by the eye-witnesses to the alleged crime were the product of a carefully organised first step in creating the requisite legal story. It presumed the existence of constant low-level police surveillance and recording of social information, topped by a detective department which could act swiftly, using such mundane, routinely collected information, in order to perform a Study in Scarlet: tracing the connection between the murder scene and previously identified potential trouble spots. And of course, it assumed the existence of police machinery required to bring thirty-seven men to depose in front of T Roxburgh, Esq., Chief Presidency, Magistrate and Justice of the Peace, on 5 June 1931, in addition to the statements made by the two accused.²²

Five of the witnesses were employees of the murdered man, who had been in the shop when the attacks took place. There were the two policemen – the constable and the Assistant Sub-Inspector – who had arrested Amir Ahmad a few minutes after the crime; the third policeman who had arrested Abdulla; the inspector in charge of the investigations; the surgeons of the Medical College Hospital who had examined the accused and who had issued the death certificates for the victims; the police surgeon who conducted the autopsies; the owner of the little inn where the accused had lodged; and various shopkeepers and bystanders in College Street. Then there was the CID inspector who was sent to Lahore to carry out further investigations and the crucial witnesses brought over from Lahore and Amritsar.

Thus, targeted police investigation, working with a constantly updated store of information generated by surveillance, had produced the elements of a plausible story, which could explain and attribute a violent act to the deliberate actions of the two men in police custody. To establish culpability, the story still needed to be told in the language of law, and by drawing upon several other, longer and more complicated stories about Islam, Muslims and Islamic law. Precisely because the legal story was dependant on those other narratives, there arose the scope for others to tell their own stories, and those narratives also entered the process of the trial in providing rival explanations of what two Muslim men could have plausibly done. Whether Amir Ahmad and Abdulla Khan would hang, go to prison or walk free, depended upon the story that would ultimately be established as true. And therein arose the scope for arguing about much more than simply the individual motives and actions of two Muslim men from Lahore.

ISLAM IN THE PRESS, ISLAM IN COURT

As far as the non-Muslim press was concerned, the case was a sensational one, as Calcutta's leading nationalist newspaper candidly said on the day after the murders. At this early stage, with limited information available, the newspaper's full-page coverage of the 'diabolical outrage' combined horror with confusion. But a story was already in the making as it

²⁰ Depositions of Witnesses 21 and 22, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part I.

²¹ Depositions of Witnesses 19 and 20, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part I.

²² *Ibid.*

was speculated that the attack by ‘up-country Mahomedan’ assailants followed a series of threats previously made to Bholanath Sen, the bookseller, on account of a picture that he had included in his self-authored book called *Prachin Kahini*, intended for schoolboys. The picture was that of Prophet Muhammad. The deeply nationalist and Hindu-leaning *Amrita Bazar Patrika*, one of the longest-running Indian-owned newspapers in English,²³ noted that the book in question had been approved by a Calcutta University textbook committee which included many Muslims, that the picture was sourced from the British Museum’s collections, and that it had been previously printed in an Oxford University Press edition of the Quran.²⁴ A tragic story of sectarian violence and loss caused by Muslim bigotry was in the making. The liberal nationalist press also sought to highlight the efforts of ‘good’ Muslims, such as the Congressman Abul Kalam Azad, to pre-empt potential communal confrontations by holding pre-emptive peace-talks in his house.²⁵ The British expatriate newspaper, *The Times of India*, on the other hand, saw the ‘dastardly attack’ as indicative of a general law and order problem, one that required the firm hand of the government rather than the ministrations of Indian politicians.²⁶ As the trial progressed, newspapers in India (and later, Britain) followed the legal story as it unfolded, but also challenged it by plotting it differently in alternative genres. And alongside the legal trial and press coverage, the crowds that packed the courtroom and spilled beyond provided a third rung of performances which others watched to discover coded meanings.

Establishing meaning

By the time the accused were produced in front of the committing magistrate on 5 June 1931, the public prosecutor presented a legal story, fully formed. He revealed that the trouble had begun with the publication of a Bengali language history textbook called *Prachin Kahini*, written and published by Bholanath Sen, the victim, and as mentioned earlier, approved for use by students of the Third Class of English High Schools (roughly corresponding to Year 8 in the current school system in England) by the Calcutta University textbook committee. It appeared that exception was taken to a portion of the book by a section of the Muslim public, as evidenced by articles in certain Urdu and Bengali newspapers, of Punjab and Bengal respectively.²⁷ The main problem was a picture, which appeared on

²³ Barns, M (1940) *The Indian Press: a History of the Growth of Public Opinion in India* George Allen and Unwin at 270 and 426.

²⁴ At a later stage of the trial, Bholanath Sen’s elder brother repeated these statements, he also clarified the sources – mentioning a ‘similar’ Persian miniature reproduced in Arnold, T (1928) *Painting in Islam: a study of the place of pictorial art in Muslim Culture* Oxford University Press. The 1965 unabridged reprint of Arnold’s book (New York) Dover Publications, contains several pictures of Muhammad mainly sourced from Rashid al-din’s *Jami’ al-tawarikh*, MSS in Edinburgh University Library, dated 1310-11. There is also a specific image of Gabriel speaking to Prophet Muhammad – Plate XX, facing page 93, which is similar to the image reproduced in *Prachin Kahini*, although not the same one. It was also true that the Oxford University Press published a translation of the Quran by E. Palmer in 1928, as part of its ‘World Classics’ series – however, the two copies I was able to find, at the British Library and in the library of SOAS, University of London, were bound in plain green board, as library copies often are. On the whole, there was a well-established Persian miniature tradition of depicting the Prophet Muhammad, and there is no reason to disbelieve the testimony of Bholanath Sen’s brother, that Sen had sourced his picture from the imprint of such a manuscript.

²⁵ ‘Calcutta sensation: three persons stabbed to death’ *Amrita Bazar Patrika*, 8 May 1931, p. 2.

²⁶ ‘Lawlessness in Calcutta: alarming increase’ *Times of India*, 15 May 1931, p. 12.

²⁷ While this article would have certainly benefited from a study of the more Muslim-oriented section of the Bengali and Urdu press, this has not been feasible for purposes of this study. Although slightly more than half of all Bengalis were Muslims, and even when the Muslim League formed a coalition government in the

page 96 of *Prachin Kahini*, representing the Prophet Muhammad engaged in conversation with the Angel Gabriel. The prosecutor underlined both the religious motives for the murder and the illegitimacy of the perceived grievance by noting that the picture in question was sourced from a fifteenth-century manuscript, created by a Muslim artist in the first place, previously reproduced in an Oxford University edition of the *Quran*, and approved for inclusion in the textbook by a University committee consisting of both Hindu and Muslim members. In any case, Bholanath Sen was said to be a ‘perfect gentleman’ who had offered to remove the offending sections from the book. None of this, however, had prevented certain unnamed bigoted persons from inciting the two ‘misguided’ youths from Lahore, both ‘about eighteen’, one a carpenter and the other a coppersmith, who had then travelled to Calcutta in order to commit a heinous and unnecessary murder.²⁸

The government’s case thus provided a cultural explanation for an otherwise motiveless crime. Islam’s particular predilections, especially its alleged proscription of human and animal depiction, and its particular sensitivity to representations of the Prophet, offered a timeless explanation for a seemingly senseless act of violence.²⁹ At the same time, given that religious feelings were accorded legal protection in colonial Indian law (by chapter 15 of the Indian Penal Code, Act XLV of 1860) and especially given that there had been recent prosecutions for scurrilous depictions of the Prophet, the prosecution was careful to underline the illegitimacy of the grievances in this case.³⁰ While no such grievance could justify murder, the prosecution was probably attempting to pre-empt an argument for mitigating circumstances. These pre-emptive arguments depicting the historical variety of Islam would later provide crucial arguments for the defence.

Meanwhile, however, the prosecution’s depiction of Muslims as an emotionally volatile lot appeared to be dramatically confirmed by reports of ‘noisy crowds’ at the magistrate’s court who filled the courtroom and spilled over into the yard, shouting those two key words, *Allahu Akbar*. Eventually, when the crowd grew more aggressive, the courtroom and yard were cleared by the police, and the building secured. It was reported in the press that the defence counsel, AK Fazlul Huq, assisted the magistrate in convincing the crowds to leave and himself requested the clearing of the courtroom.³¹ Thus once again the scene was re-set for rational and ordered discussion about the meaning and implication of Islam, this time through the active participation of a noted community leader and politician.

later 1930s, the Indian-owned section of the press in Bengal was overwhelmingly Hindu-dominated. The very few Urdu or Bengali-language newspapers that targeted a more Muslim audience were ephemeral, and in the absence of official collations called ‘Native Newspapers Reports’ for the year, it has not proved possible to trace them.

²⁸ ‘Picture that led to murder’ *Times of India*, 5 June 1931. I used the newspaper report because the files *The Emperor of India v Abdulla Khan and anr*, LA Papers did not include the prosecution’s speech.

²⁹ On the stable sets of binaries persistently affirmed by discussions of Islam and blasphemy, see Ahmed, A (2009) ‘Specters of Macaulay: blasphemy, the Indian Penal Code, and Pakistan’s postcolonial predicament’ in Kaur, R and Mazzarella, W (eds) *Censorship in South Asia: Cultural Regulation from Sedition to Seduction* Indiana University Press 172.

³⁰ Under Section 15 of the Indian Penal Code. On the deeply Orientalist reasoning behind the framing of this section, see *Ibid*.

³¹ ‘College Street Murder: further remand until 10th June: noisy demonstrations in court’ *Amrita Bazar Patrika*, 6 June 1931.

The leader and his community

Huq did not cross-examine the prosecution witnesses, and based on the evidence presented, the magistrate committed both men to trial by the High Court of Calcutta under its ordinary criminal jurisdiction. There was a total of twenty-seven charges, which ranged from intentionally causing grievous hurt to abetting and committing the murder of three men – Bholanath Sen, and his assistants Haridas and Satish – and the indictments contained various combinations of those charges against the accused, individually and jointly. Such punctilious framing of charges undoubtedly demonstrated acute nervousness on the prosecution's part. The Indian Penal Code did permit, under section 238, conviction for a minor offence (such as grievous hurt) when the charge was framed for a major offence (such as murder) that necessarily contained the lesser offence. Also, section 227 permitted the alteration or addition of charges at any time up to the verdict. In the latter case, however, the defendant was entitled to ask for a re-commencement of the trial.³² The prosecution was clearly keen to avoid such an eventuality, given its awareness of the political and religious sensitivity of this particular case. The trial opened at the Calcutta High Court on 7 July 1931, and occasioned a brilliant performance by Huq in what otherwise appeared to be a hopeless case.

That two young men of very modest means had managed to secure the services of an eminent lawyer and an even more outstanding Bengali Muslim politician and the future Chief Minister of Bengal (1937-43), AK Fazlul Huq – known to his admirers as Sher-e-Bangla ['Lion of Bengal'] – was a crucial development.³³ Huq's defence of the two accused was undoubtedly a charitable undertaking, in itself signalling the moving of this trial from the realm of purely individual culpability to that of communitarian politics. That transition has to be explained with reference to the ambivalent relationship of Muslim community leaders with popular agitational politics in the twentieth century. As David Gilmartin has shown with reference to the agitation over the Arya Samajist Rajpal's scurrilous pamphlet, *Rangila Rasul* (see note 18), such Muslim agitational politics focussed on universally revered emotive symbols which spilled beyond regulatory constraints imposed both by the colonial state and the social elites. While such ostentatiously emotional agitations challenged both the regulatory structures of the colonial state and the rationalist approach of elite community leaders, they posited democratic and public tests of affiliation that such leaders were compelled to endorse, even if they subsequently attempted to contain its challenges.³⁴ Thus in committing the violent act and in formally defending it, the murderers of the Bengali booksellers and the lawyer-politician appeared to be enacting logically connected parts of a political performance whereby Muslims asserted themselves as a community united by a universal culture.

However, while his espousal of their cause may have been based on the need of elite politicians to ride suitable occasions for affirming and celebrating community solidarity,

³² Sabonadière, A. (1926) *The Trial of Criminal Cases in India, being a Discussion of the Code of Criminal Procedure, 1898 as amended up to Date* Thacker, Spink and Co at 161.

³³ Sanaullah, M (1995) *A.K. Fazlul Huq: Portrait of a Leader* Homeland Press; Aiyar, S (2008) 'Fazlul Huq, region and religion in Bengal: the forgotten alternative of 1940-43' (42) *Modern Asian Studies* 1213. On Bengali politics in the first half of the twentieth century, see Chatterji, J (1994) *Bengal Divided: Hindu Communalism and Partition, 1932-1947* Cambridge University Press.

³⁴ Gilmartin 'Democracy, Nationalism and the Public' supra n 18.

Huq's professional legal arguments in support of the 'not guilty' plea had to contend with another cultural construction of religion – the prosecution's arguments for establishing motive. Thus whether or not this was a recurring pattern of elite containment of popular passions, in arguing his case at the High Court, Huq had to vigorously reject an emotional and cultural construction of Islam, undertaking instead a rationalist critique of such a depiction. He repeatedly highlighted the implausibility of a doctrinal and monocultural understanding of Islam, when seen against the complexities and contradictions of historical Muslim societies. The effect was that of a farce, in which Huq satirised both the colonial state's socio-pathology of Islam and the emotional excesses of his own constituency. As Sally Merry has suggested, legal trials are performances intended to encode the meanings of actions and words in authoritative ways, underwritten by the power of the courtroom itself.³⁵ Huq's performance thus competed with a number of others, both inside and outside the courtroom, in telling not only what happened in a bookshop on College Square on 7 May, but the story of Islam through human history.

The voice of reason

Huq's hyper-rationalist performance was particularly striking given the context. The trial had opened in the Calcutta High Court within a landscape scarred by sectarian conflict. An apparently unresolvable conflict between the Indian National Congress and other parties over appropriate political recognition of religious and other minorities had produced a stalemate in the Round Table Conferences in London 1930-32 and postponed the expansion of political rights in India.³⁶ More locally and viscerally, vicious and large scale riots in Kanpur in March 1931, and the publication of the official enquiry report related to those conflicts³⁷ meant that Hindu-Muslim antagonism was assumed by all spectators, to the extent that a special jury of eight European and one Muslim had to be empanelled, Huq having challenged the two Hindu jurors originally empanelled.³⁸

The accused pleaded not guilty to all the charges against them. Prosecuting counsel, AK Basu opened the case with a story that was rapidly congealing. He told the jury about the attack, the deaths and the subsequent investigations, and repeated the story about the trouble with Prophet Muhammad's picture in the textbook *Prachin Kahini*. Torn pages of

³⁵ Merry, S (1994) 'Courts as Performances: Domestic Violence Hearings in a Hawai'i Family Court' in Lazarus-Black, M and Hirsch, SF (eds) (1994) *Contested States: Law, Hegemony and Resistance* Routledge 35.

³⁶ Brown, J (1994) *Modern India: the Origins of an Asian Democracy* Oxford University Press at 317; Talbot, I (2009) *Pakistan: a Modern History* Hurst at 66.

³⁷ Gooptu, N (1997) 'Urban poor and militant Hinduism in early nineteenth-century Uttar Pradesh' (31) *Modern Asian Studies* at 879; Pandey, G (2004) *The Construction of Communalism in North India* Oxford University Press at 24.

³⁸ 'Echo of College Street murder: Sessions trial', *Amrita Bazar Patrika*, 7 July 1931. The Criminal Procedure Code, Act V of 1898, s. 276 provided for jurors to be ordinarily selected by lot from among persons summoned to act as such, but s. 276 and 325 together provided for the empanelling of a special jury for certain offences, or in those cases where the judge thought one was merited. Special juries were appointed from a list of persons who were believed to specially qualified by their education, ownership of property and social standing. Under s. 278, any juror empanelled could be challenged on grounds of their actual or presumed partiality, the decision resting with the judge. Mitra, BB (1930) *The Code of Criminal Procedure (Act V of 1898) – as amended up to Date* Eastern Law House at 779, 865.

this book were said to have been discovered by the police from Amir Ahmad and Abdulla Khan's room in their lodgings in Calcutta.³⁹

In their turn, Fazlul Huq and his partner W Gregory rigorously cross-examined every single witness, questioning every piece of corroborating testimony. No one, including government officials and doctors, was spared. Thus it appeared that while the police surgeon had noted a wound about 6.5 inches deep on one of the victims, the weapon in question was no longer than 6 inches; that a key witness suffered from poor eyesight and, being in receipt of charity from Bholanath Sen's family, may have been influenced by them;⁴⁰ that another eye witness may have been unsure about the number of assailants or the exact direction of attack and had altered his testimony;⁴¹ that none of the eye-witnesses had seen the assailants for very long;⁴² that the loaded cry of *Allahu Akbar* may have been an embellishment;⁴³ that eye-witnesses may have remembered the assailants' clothing more than their faces;⁴⁴ that crucial evidence had been destroyed when the shop was cleaned two days after the attack;⁴⁵ and that the victim who had survived the longest had failed to identify his assailants from a parade in front of his deathbed.⁴⁶ He was not above making good use of stereotypes; thus when a not very bright European prison warden failed to identify the prisoners in his own custody, Huq asked him to affirm that one Muslim youth might appear extremely similar to another.⁴⁷ The police officers and detectives were severely grilled, the CID Inspector Ghulam Haider being instructed to keep his opinion to himself – when he speculated that collecting pictures of Ilmuddin revealed a special interest in the subject.⁴⁸ The defence team objected to all questions relating to Ilmuddin, the murderer of Rajpal.⁴⁹

Having thus called into question the credibility of several eye-witness accounts, Huq proceeded to argue that shorn of prejudices and stereotypes, the prosecution's case had neither established that the accused were indeed the attackers, nor adequately established a motive for the crime. This led to a sensational appearance in court of Rai Bahadur Hidayat Hussain, the principal of the Calcutta Madrassa, and his cross-examination as to the laws of Islam. In his testimony, Hidayat Hussain consistently maintained that the depiction of animate beings in general was repugnant to Islam and hence, that the picture in Bholanath Sen's book was ill-advised. Unchallenged, such testimony would indeed have been damning for the accused, but Fazlul Huq then asked the religious scholar whether or

³⁹ Ibid, for some reason, the book was not included in the first search list of 7 May 1931; was produced as an exhibit during the High Court trial.

⁴⁰ 'Depositions as recorded in the High Court' *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part I, Transcript of cross-questioning of BG Mallya, 8 and 14 July 1931. Note that although the list of contents of the two files classified this set of documents as 'depositions', this was clearly wrong, for these were not written statements but records of oral evidence given in court.

⁴¹ Ibid, Evidence of Subodh Chandra Gupta, emergency Medical Officer (the man who had recorded the dying testimony of Satish) and Srimanta Kumar Das Gupta, 8 July 1931.

⁴² Ibid, Evidence of Patit Paban Banerjee, 9 July 1931.

⁴³ Ibid, Evidence of Suresh Chandra Banerjee, 18 July 1931. Huq was not able to dislodge the witness's certainty in this matter.

⁴⁴ Ibid, Evidence of cross-examination of Harihar Ram, 10 July 1931.

⁴⁵ Ibid, Evidence of Srimanta Kumar Das Gupta.

⁴⁶ Dying declaration of Satish, made before SC Banerjee, a Presidency Magistrate, 7 May 1931, in *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part I, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

⁴⁷ Ibid, Evidence of Robert Taylor; 15 July 1931.

⁴⁸ Ibid, Evidence of Golam Hyder.

⁴⁹ Ibid, Evidence of Tara Chand.

not he had been present at the unveiling of a portrait at the Government House. Hidayat Hussain denied the aspersion, but understood the implications of the question perfectly. Even if he had attended such an event, he replied, the actions of men did not change the laws of religion.

But where indeed did the laws of Islam come from? In order to establish the truth about this super-law, which would universally account for the actions of all Muslims, without according legitimacy to them, the judge himself took to questioning Hidayat Hussain. Justice Lort-Williams was convinced that if the truth about Islam could be found, the principal of a *madrassa* ['Islamic college'] would be the right man to lead the court to it. Thus he asked the predictable question of where exactly the laws of Islam could be read, who they applied to, whether or not they changed with changes in social customs. The religious scholar repeatedly refused to offer satisfaction to either the judge or the lawyer, refusing to align religion with social practice, pointing out that even in Hinduism people failed to observe what religion prescribed but that such social deviation did not change religion.⁵⁰ Hidayat Hussain's refusal to offer religious doctrine for socio-pathological analysis was inaudible to all spectators; for the increasingly impatient British judge the religious scholar's apparent obtuseness failed to occlude the perfect legibility of Islam; for Huq, he provided the perfect foil for satirising such claims about Islam's consistency and legibility.

The prosecution, in its summing up, stepped aside theological niceties and reiterated the number and reliability of the eye-witnesses and only towards the end addressed the matter of 'state of mind' of Abdullah Khan. He pointed to the connection between the murder, the book and the build-up: from the pictures and pamphlets discovered in his home, was it not perfectly clear that Abdulla Khan wished to emulate the martyrdom of Ilmuddin, the murderer of Rajpal?⁵¹ In his own final speech, Fazlul Huq for the defence emphasised his abhorrence for the crime, but dismissed the evidence presented to connect the accused to it. He argued that barring one, none of the eye-witnesses was disinterested, being Hindus and hence afflicted by sectarian animosity, which led them to arrive at hasty conclusions. As far as motive was concerned, he reminded the jury that no evidence had been presented regarding Amir Ahmad's antecedents, and that the pamphlets discovered in Abdulla Khan's home proved very little – such incendiary material being 'unfortunately' very popular at the time. Underlining the gravity of the decision they were about to take, Huq asked the jury to acquit the two 'boys', both innocent of the grave crime they had been accused of.⁵²

The indictment of Islam

In his instructions to the jury on 20 July, Justice Lort-Williams summed up the case as 'unusual' but comparatively 'simple' – given that it was essentially a case of murder, and the only line of defence was that of incorrect identification. He regretted that such a simple case had dragged on, in spite of his own best efforts. Ostentatiously admitting that for

⁵⁰ Ibid, Evidence of Shamsul Ulama Khan Bahadur Hedayat Hossain, principal of Calcutta Madrassa; reported in the press as 'Madrassa principal in witness-box' *Amrita Bazar Patrika*, 15 July 1931.

⁵¹ 'Crown's counsel to the jury' *Amrita Bazar Patrika*, 17 July 1931.

⁵² 'Defence Counsel concludes his address to the Jury' *Amrita Bazar Patrika*, 18 July 1931.

'those of us who are Europeans' the motives for such a murder were hard to understand, he nevertheless proceeded to reproduce (and misrepresent) the deposition of the principal of the madrasa, Hedayat Hussain, to show that it was an offence in Islam to depict animate objects. Having referred to a reified notion of Islamic law to underline the exotic motive, he then proceeded to expand upon the implications of Islam's socio-pathology by discussing how creating any kind of pictures, not only pictures of the Prophet, would be considered an offence worthy of death in Islamic law. He then proceeded to condemn his own fantasy of Islamic law, which endangered the lives of all those in contact with it, Muslim and non-Muslim, for the mere expression of artistic creativity. Drawing a rapid set of connections between Islam, blasphemy, intolerance and violence, he described what he believed to be Islamic law on art as an 'outrage, that people who are not members of this Faith, should in the twentieth century, be in danger of being murdered for producing their ordinary daily work...'⁵³ Following the two-hour long instruction by the judge, the jury consisting of eight Europeans and one Muslim Indian, took only an hour and a quarter to find both men guilty of murder by majority verdicts of eight to one. Perhaps it was the one Muslim juror who remained unconvinced, but the court sentenced Amir Ahmad and Abdulla Khan to be hanged by the neck until death. Islam had been found to be irredeemably intolerant, but firmly put in its place in a courtroom in colonial Calcutta.

POLITICS OF MERCY, PERFORMANCE OF INJURY

Islam, however, refused to be thus put down. In the next stage of this increasingly surreal story, there appeared to be a general shift in tone, with Huq's rationalist argument quickly disappearing under a dominant genre of tragic heroism. In those subsequent representations, the juvenile and possibly innocent Amir Ahmad and Abdulla Khan, falsely accused due to Orientalist stereotypes about Islam, disappeared. In the hands of a different set of community leaders, and advocates of their cause, they re-appeared instead as two glorious martyrs, defending Islam and the very Islamic principles that had been discarded as stereotypes by Huq.

This transformation began with Huq's partner, W. Gregory's plea for mercy immediately after the verdict. Gregory highlighted the extreme youth of the accused, who in his description now became hot-headed young 'lads' 'inflamed' and misled by the instigation of others. Amir Ahmad and Abdulla Khan had by then been established to be 22 and 26 years old respectively, nevertheless, their lawyer argued that they were young enough for the court to exercise mercy and choose the lighter sentence of transportation for life rather than hanging.⁵⁴ The judge refused to consider the plea. A crowd of spectators roared '*Allahu Akbar*' as Amir Ahmad and Abdulla Khan, having heard their sentences with appropriately heroic stoicism, were taken away in a prison van.⁵⁵

⁵³ Charge to the Jury, 20 July 1931, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

⁵⁴ 'College Street Murder Accused to Face the Gallows' *Amrita Bazar Patrika*, 21 July 1931.

⁵⁵ 'Accused to hang' *Times of India*, 21 July 1931, p. 8.

The appeal to the Privy Council

The defence team now managed to stay the execution, and appealed to the Judicial Committee of the Privy Council. Since they were not granted leave to appeal by the High Court, they appealed to the Privy Council for special leave. Because of the amount of required deposit and the fees of the London-based solicitors, this was an expensive venture, one that Amir Ahmad and Abdulla Khan could never have afforded. In this case, these hurdles were overcome with the support of an ad hoc charitable Defence Committee, as had occurred in several other similarly politicised cases from India in that period. Adoption as a charitable cause however opened both men to further representations by others who spoke less and less on their behalf and more and more about Islam as a culture and as a community. Since the Privy Council did not ordinarily hear criminal appeals unless there was an allegation of misapplication of procedure, the defence team argued that there had been one. The High Court judge, they argued, had misled the jury by alleging a motive which did not exist, and thus distracting attention from the insufficiency of the evidence.⁵⁶

It was at this point that the Legal Adviser to the India Office, W Wallach, entered the picture, acting as the government counsel before the Privy Council, and creating, in the process, a record of this curious trial, which had occasioned a protracted, public, politically charged, and vigorously contested evaluation of Islam and Islamic law, while substantively being about neither. Huq and a certain DN Pritt, KC acted as counsel for the defence, instructed by the legal firm Martin, Meredith and Co., but Pritt alone appeared before the Privy Council during the one session when he was allowed to argue his case. He appeared to be well-known and well-respected by the judges, who remained, on the whole, unconvinced of the merits of the argument – the Scottish politician and senior judge, Andrew Murray, Viscount Dunedin, fulminating against the demerits of the English legal system which allowed unnecessary discussion of motive in criminal trials. Scottish disdain notwithstanding, Pritt was able to convince the judges that the religious motive suggested would have been sufficient to implicate the millions of other Muslims in the country, and that by imputing such a motive the High Court judge had wrongly instructed the jury.⁵⁷ The Privy Council judges agreed to look at the instruction themselves, but having done so, failed to be moved. In dismissing the appeal with a very short judgment the Privy Council characterised the case as utterly without merit, and condemned the futile appeals that were persistently made to them in such cases, in spite of their own repeated declaration that they were not a criminal court of appeal.⁵⁸

The petition for mercy

As the legal procedures available for establishing the innocence of Amir Ahmad and Abdulla Khan had been exhausted, the agitation in their support now adopted the political

⁵⁶ Petition for special leave to appeal made to Privy Council, in *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

⁵⁷ Transcript of shorthand notes of Martin, Meredith & Co of argument for defence by Mr Pritt, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

⁵⁸ Judgment of the Privy Council, *Ibid*; Letter from Registrar of the Privy Council to Under-Secretary of State for India, 4 December 1931, in *Murder of Hindu bookseller by two Muhammedans in Calcutta*, Privy Council Appeal, IOR L/PJ/7/227.

strategy of appealing to the sovereign for mercy. Thus the legal case transmuted into a diplomatic negotiation, which also led to a sharp reframing of the 'picture that had caused the murder'. From the recycled product of rich and varied Islamic civilisations it turned, somewhat magically, to a petty, ugly and alien instrument of cultural injury. Notably, this transmutation was reflected in the British press in language that indicated that a process of familiarisation had taken place: now one had the familiar picture of hyper-sensitive Muslims predictably incensed at blasphemy against their beloved Prophet. In framing this case as identical with others involving scurrilous representations of the Prophet, the supporters of Amir Ahmad and Abdulla Khan were engaged in what one might call a process of auto-orientalisation. That they engaged in this deliberate flattening of the story can be explained by reflecting upon the broader parameters in which their plea was framed – as a political demand for equitable distribution of imperial resources between distinct and competing Indian communities.

On 11 February 1932, three members of the Bengal Legislative Council, Sir Abdulla Suhrawardy,⁵⁹ A Ghuzanavi, and Ashraf Ali Khan telegraphed Buckingham Palace 'on behalf of the Muslim community,' pleading the stay of execution until the 'Muslim community's memorial' was received. The telegram described the stabbed bookseller as 'publishers of a book containing prophet Mahomet's *caricature*' [emphasis mine].⁶⁰ This was a novel claim, since everyone in the previous stages of this trial had agreed that the picture, depicting the Prophet Muhammad and the angel Gabriel standing in an elaborately decorated three-domed building, was well within the Turko-Persian miniature tradition, whether or not such artistic traditions agreed with Islamic doctrine. As the fate of Amir Ahmad and Abdulla Khan was debated at the highest imperial levels, these small details were easily glossed over.

Subsequently, the petitioners' memorial expounded on the nature of sacrilege committed by the author and publisher of the 'cheap little book' in depicting the Prophet, and the intensity of the injury thus inflicted on Muslims. However, the petition was much more concerned with collective rights, than with doctrine. It decried the unequal granting of mercy to Muslims and Hindus, with many Hindu terrorists escaping the death-penalty where Muslims failed to. On a menacing note, it warned of the agitation that may arise in sensitive parts of the country, such as the North-West Frontier Province, if Abdulla Khan and Amir Ahmad were executed. Finally, the chief petitioner, Abdullah Suhrawardy, reminded the government of the recent bravery of his nephew Hasan Suhrawardy, the Vice-Chancellor of Calcutta University, in saving the Governor of Bengal Stanley Jackson from assassination by a woman student, Bina Das, clearly suggesting that a community with such impeccably loyal leaders deserved special consideration for its members.⁶¹

The Government of India hastened to refuse the request on grounds that it would set a bad precedent, but indicated its nervousness regarding the possible aftermath of

⁵⁹ Sir Abdullah al-Mamun Suhrawardy was the uncle of the politician, Huseyn Shaheed Suhrawardy. An eminent barrister trained in Oxford, he was decorated by the Ottoman Sultan and Shah of Iran, and was involved in law-making in Gambia and Philippines, besides holding a chair in law at Calcutta University. Talukdar, M (2009) (ed) *Memoirs of Huseyn Shaheed Suhrawardy, with a Brief Account of his Life and Work* Oxford University Press at 5.

⁶⁰ Telegram from Government of Bengal to Private Secretary's Office, Buckingham Palace, 11 February 1932, Privy Council Appeal, IOR L/PJ/7/227.

⁶¹ Printed Memorial, *Ibid*.

the execution in its letter to the India Office. 'One life for another' had become a Muslim agitational slogan, reported the Government of India with distaste, clearly struggling to contain the story from ballooning into unmanageable proportions.⁶² And indeed there appeared to be cause for concern; the Information Office of the Government of India, which kept an eye on the press image of the Government, gathered disturbing items from several British newspapers as the story trickled to the metropolis. The British *Daily Telegraph*, for example reported 'extraordinary' scenes at Indian mosques, where people had apparently gathered to ceremonially mourn by beating their breasts. Fitting the story into known moulds, the newspaper explained that the trouble was over the impending execution of two Muslim men who had murdered a Hindu who had 'defamed the Koran'.⁶³ The *Times* was no better informed; it similarly reported that the convicted youths had murdered a bookseller who had defamed Prophet Mohammad.⁶⁴

And thus the story changed: from a silly and unnecessary crime committed by hot-headed youth afflicted by the unfortunate tendencies of their own religion, or a false allegation against innocent lads based on a prejudicial view of Islam, Amir Ahmad and Abdulla Khan had turned into full-blown martyrs defending the honour of the Prophet, and (more importantly for the politicians) the rights of the community. Huq's efforts to satirise monolithic conceptions of Islam and the Islamic law of blasphemy were completely discarded, as the politician-petitioners rested their claim on precisely such flattened notions of Islam in order to generate an argument of injury on behalf of an embattled but 'loyal' community. As the legal crisis metamorphosed into a political one and moved higher up the imperial ladder, Huq's rationalist argumentation rapidly faded from memory and familiar stories of blasphemy, Islam, divided India and the rights of minorities reverberated in the politicians' rhetoric and the British press, with the Government of India struggling to contain a rapidly expanding epic. It did so by refusing the petition for mercy, and rapidly carrying out the execution of those two men from Lahore on 10 March 1932. In spite of large crowds milling around, the situation remained under control, and the bodies of the hanged men were handed over to their families.⁶⁵

THE PICTURE THAT CAUSED A MURDER: ISLAM, INDIAN HISTORY AND SCHOOLBOOKS

Thus ended the lives of Amir Ahmad and Abdulla Khan, but what indeed had they died for? The Bengali book, *Prachin Kahini*, which neither they, nor any of their associates in Lahore could have read, was a curious cause for martyrdom. There was indeed a picture of the Prophet in it, which only in the final stages of the story had been called 'defamatory', and then again by people who had not even seen the book. In this article, I have described how that picture came to be slotted into a narrative about Islam's doctrinal and cultural predicates, and about constant confrontations between competing and warring communities, dominating other representations of Islam, proffered, among others, by a Bengali Muslim lawyer and politician. But the book itself contained a story about Islam,

⁶² Government of India to Government of Bengal, Telegram, 13 February 1932, Ibid.

⁶³ 'Indian Crisis over Moslems' Crime' *Daily Telegraph*, 2 March 1932, L/1/2/33.

⁶⁴ 'Moslems executed in Calcutta' *The Times*, 10 March 1932, Ibid.

⁶⁵ Ibid.

and Indian history – a surprisingly complex one – which found no place at all in all the stories that were told of Islam and Muslims during the course of this trial.

Bholanath Sen began his book explaining that his aim in writing a history textbook was to inspire young children. While this was a common enough aim in the age of Indian nationalism, Sen's book depicted a past that neither conformed to the 'scientificist' vision of history which would distinguish itself from myths, nor to the territorialised and ethnicised 'indigenous' folk histories that others proposed.⁶⁶ If anything, Sen, who had made good use of TW Arnold, the sympathetic Orientalist,⁶⁷ seemed to aspire to the older and largely discarded tradition of Indianised Persian histories in which universal Islamic themes mingled with local legends and episodes. His book, *Prachin Kahini*, began with the story of the Aryans, and continued to narrate episodes from the Mahabharata and the Ramayana, the two great Hindu epics. Then he turned to the 'Semites' and told his young readers about Joseph, Moses, David and Solomon and then to the 'Iranis' and reproduced stories from the *Shah Nama*, Iran's 11th century epic. Only with the Prophet Muhammad, who he said, was sent for the benefit of humanity, did the 'historic' era begin, distinguishable from the pre-historic age by the dateability of precise events. After a brief excursus into the Abbasid Caliphate, he returned to India and the Gupta age (4th-6th centuries AD) and ended with the Rajputs.⁶⁸

Bholanath Sen may not have been outstanding in his understanding of historical methods but he was a good compiler of entertaining stories for children. He was inclusivist, perhaps a well-meaning liberal, but certainly extraordinary in having failed to conform to a flattened and localised notion of history as a national morality play. But his story included a story about Islam for which there was clearly no space in India in the twentieth century. Where Abdulla Khan and Amir Ahmad remained silent and represented by others, Bholanath Sen, quite like the principal of the *madrassa*, did speak, but could not be heard in the context of a trial about murder, blasphemy and Islam in colonial India.

CONCLUSION

In 1931, a gruesome 'triple murder' in colonial Calcutta led to a very public examination of Islam, Islamic law and their alleged socio-pathological implications. The importance of understanding mental states for establishing individual guilt, combined with the opacity of unfamiliar or unexpected crimes, appeared to inevitably lead colonial legal trials into elaborate ethnographic projects. Specifically, the trial involved all protagonists and observers in a search for an enigmatic entity called Islamic law, which appeared to hold the explanatory key to an otherwise bizarre event, but none could authoritatively define it. As such, the trial is situated along a very long and continuous trajectory of politically charged western fascination with and ambiguity over Islamic law.

However, rather than being purely occasions for cultural stereotyping, the processes of such investigation proved to be contestatory and complex. Such contestation over the

⁶⁶ On these different paradigms of history-writing and the debates between different schools of Indian historians in the early twentieth century, see Chatterjee, K (2005) 'King of Controversy: History and Nation-Making in Late Colonial India' (110) *American Historical Review* 1454.

⁶⁷ Watt, K (2002) 'Thomas Walker Arnold and the Re-evaluation of Islam, 1864-1930' (36) *Modern Asian Studies* 1.

⁶⁸ Bholanath Sen, *Prachin Kahini*, Exhibit 1, *The Emperor of India v Abdulla Khan and anr*, LA Papers, Part III.

truth about certain people and events on one hand and the social implications of Islam on the other, was not limited simply to the opposition between outsider and insider views on Islam and Muslims. Even the common cause of communitarian solidarity could produce very different arguments in support of two Muslim men accused of the murders – ranging from a deeply rationalist argument that denied the existence of a unitary set of Islamic doctrines and the possibility of violence based on those doctrines, to an idealistic vision of unified Islam and a celebration of violent actions in its defence. In fact, the procedures and practices of legal argumentation seemed to invite precisely such divergent depictions of individual agents and cultural wholes. In addition, other narratives jostled with these legalistic articulations – in the press, in popular agitations and even in the history textbook written by the victim of the crime.

In the end, such multiplicity of meanings proved short-lived. If law did provide the opportunity for multiple, competing articulations, such complexity was rapidly and deliberately shed by protagonists, Muslims themselves, as the trial moved into the political arena of mercy petitions. Whatever Amir Ahmad and Abdulla Khan had set out to achieve when they boarded the train from Lahore to Calcutta, they ended up playing set-pieces in a well-rehearsed drama about Islam, blasphemy and violence.