

PRODUCTION OF POSTCOLONIAL INDIA AND PAKISTAN

Meanings of Partition

TED SVENSSON

INTERVENTIONS

Production of Postcolonial India and Pakistan

This work seeks to examine the event and concurrent transition that the inauguration of India and Pakistan as 'postcolonial' states in August 1947 constituted and effectuated.

Analysing India and Pakistan together in a parallel and mutually dependent reading, and utilising primary data and archival materials, Svensson offers new insights into the current literature, seeking to conceptualise independence through partition and decolonisation in terms of novelty and as a 'restarting of time'.

Through his analysis, Svensson demonstrates the constitutive and inexorable entwinement of contingency and restoration, of openness and closure, in the establishment of the postcolonial state. It is maintained that those involved in instituting the new state in a moment devoid of fixity and foundation 'anchor' it in preceding beginnings. The work concludes with the proposition that the novelty should not only be regarded as contained in the moment of transition. It should also be seen as contained in the pledge, in the promise and the gesturing towards a future community.

Distinct from most other studies on the partition and independence, the book assumes the constitutive moment as the focal point, offering a new approach to the study of the partitioning of British India, decolonisation and the institution of the postcolonial state. This work will be of great interest to students and scholars of international relations, South Asian studies and political and postcolonial theory.

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Interventions

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In memory of Birgit and Satya

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Lund, 5 December 2012

Abbreviations

AICC	All-India Congress Committee
BJP	Bharatiya Janata Party
CA	Constituent Assembly
CAD	Constituent Assembly of India Debates
CPI	Communist Party of India
IOR	India Office Records
MQM	Muttahida Qaumi Movement
NAI	National Archives of India
NDA	National Democratic Alliance
NA(UK)	National Archives of the United Kingdom
NMML	Nehru Memorial Museum and Library
RSS	Rashtriya Swayamsevak Sangh
UP	United Provinces or Uttar Pradesh

Introduction

The room has lost its partitions, and releases an atom into the luminous void, an impersonal yet singular atom that no longer has a Self by which it might distinguish itself from or merge with others.

(Deleuze 1998: 26)

The freedom movement in colonial India culminated in independence through partition. Two new states, India and Pakistan, were created in August 1947. The British concession of dominionhood came abruptly, in haste. It, above all, came in violence. As such, it represented both hope and despair, triumph and defeat. The British, facing mounting pressure from the nationalist movement and stretched by the war efforts and their aftermath, decided to confer self-government earlier than originally planned. Not to one, but two dominions. The underpinning logic was the incompatibility of the self-realisation of Muslim nationhood in the region and of the inclusive nationalism that the Hindu-dominated Congress party stood for. The numerous princely states, which existed parallel to and formally separate of the territorial and institutional expanse of British India, were faced with the option to remain independent or to become part of the novel state constructs. Most opted for the latter; a few were forcibly incorporated.

A peculiar and significant aspect of the division and of independence was that the final decision regarding the extension of state boundaries came after the date of the so-called 'transfer of power'. Another aspect was that, even though there was one partition (the 'Partition'), the partitioning was multi-layered. There was, in addition, a singular conception of independence ('Independence') in India and Pakistan respectively. However, independence was imbued with multiple significations, and the everyday life of many of those who were made citizens of the two states was left uninterrupted and untouched across South Asia. Nevertheless, the Partition and Independence profoundly altered notions of space (inscribed into cartographic operations and the projection of the nation as coterminous with the entire territory of the new state) and of time (what were the historical grounds, what was the future trajectory, of the nation; what did it mean to become complete, to reach consummation and maturity in the areas of citizenship and statehood?).

2 Introduction

While writing about the termination of British rule, we, inexorably, reflect on the passage from one order to another. In other words, how was authority and legitimacy founded in a time of turmoil and uncertainty? What provided order in the interregnum that decolonisation actuated; how did the new order become equivalent to a structuring discursive horizon beyond contingency? The partitioning of British India – with its large-scale migration, its ghastly violence and its installing of the postcolonial state in a non-European context – should be deemed as one of the major events of the last century. To some extent, it seems to embody that which was the twentieth century in its enactment of a vacillation between destruction and creation, of novelty and restoration. As will be demonstrated below, the event and the concomitant transition tell us much about how to interpret the gesturing, the labour, towards closure that is coeval with the passage from one political order to another. Or, phrased differently, regarding how a foundation of authority is established in an inherently non-foundational moment.

In the immediate aftermath of decolonisation, both India and Pakistan, if – as here – understood in accordance with elite narratives, were caught up in the dual process of reactive and intentional amnesia rather than the recollection and display of inherited legacy. There was a move away from attempts to allow the colonial experience to visibly influence the present and the new. The two states did not seek to assume the role of legatees to an uninterrupted line of authority. Labour was, rather, devoted to the ‘undoing’ of colonialism and the past order; state activities and modalities between 1947 and 1952, which equals the period under scrutiny, bear witness to a purposeful endeavour to infuse novelty, to demarcate the old from the new, by way of forgetting.

In order to conceptualise the transition(s) that occurred in August 1947, we need to allow for a simultaneous exploration of independence *and* partition – or, rather, of ‘Independence’ and ‘the Partition’ and the place of these terms in the dominant, near-to-naturalised narratives on the ‘transfer of power’ and the realisation of ‘decolonisation’. With Ranabir Samaddar, it is postulated that ‘writing on partition is not about writing of partition’, it is conversely to write of ‘how independence came’ and ‘about the particular ways that “contain partition” in politics’ (2004: 54). As Samaddar aptly remarks, partition points to the ‘materiality of politics’ (2006: 2237). The same is, in the present case, true for the concepts and events of independence and transition. It ought also to be recognised that these terms and occurrences are not solely things, or constituents, of the past.

Ravinder Kaur has, correspondingly, accentuated that ‘Partition clearly stands as a *living theme* that surfaces as a regular *point of reference* among millions of survivors of communal violence and migration in 1947’ (2007: 24; see also Talbot 1998: 52). The observation is also true in a wider sense: the symbolic vestiges of the event remain central to nation building and to the delimiting of state identity in as well as between India and Pakistan. Gyanesh Kudaisya and Tai Yong Tan have described the narratives revolving around the event, and their effects, as ‘still unfolding’ (2000: 8). To grasp

contemporary boundary drawing and interfaces in a region often regarded as a volatile space in international relations,¹ there is a need to revisit the intricacies of state formation during the inceptive years of independence (for a kindred argument, see Sekhar Bandyopadhyay 2009: 1ff.). Such an enquiry might aid us in establishing an initial closure of the discourse on the singularity – the projected expanse, function and responsibility – of the postcolonial state in the instances of India and Pakistan.

With Paul R. Brass, it might be argued that independent India elevated the preservation of ‘national unity and integrity’ into a prime obsession; all available methods, including force, have consistently been deployed to neutralise internal and external contestations – whether in the form of secessionist tendencies or attempts to mobilise politically on the basis of (minority) religious identity (1994: 7). An analogous inclination is available in the case of Pakistan, to which the repeated forceful suppression of secessionist movements and challenges to the cohesion and singularity of the state testifies. The drive to absorb regions and identities into a singular national entity was a structural restraint spawned by a coming into being through partitioning and decolonisation. Another was the categorical status of the nation in both India and Pakistan; a prominence that, at least in the Indian case, in part, appears to emanate from the focal role of nationalism in the anti-colonial struggle (Hasan 1989: 20ff.). But it also originates, as will be demonstrated, through the function of the ‘nation’ and the ‘national community’ as a vessel for the delineation of belonging and abjection, of the spatial and temporal extent and future trajectory of that which came into being in August 1947. The meaning of the Indian nation, as antonymic both to territorial disintegration or severance *and* to ‘internal’ compartmentalisation and exclusionary practices, which was articulated by the early Congress leadership, has, however, come under fierce competition since the early 1990s with the rising influence of Hindu Right discourse and its revision of concepts such as nation, secular and Indian (for further elaboration, see Kinnvall 2006: 136ff.). A similar fault line is detectable in contemporary Pakistan between advocates of a chiefly secular state and proponents of an Islamic state. What the post-Independence history of India and Pakistan, nevertheless, reveals is that the concept of nation itself has been postulated as intrinsically good in both contexts (cf. Kudaisya and Yong Tan 2000: 15).

The study

In his exposition on the twentieth century, Alain Badiou adopts a method that he himself designates as one of ‘maximal interiority’ (2007: 5). The objective is ‘not to judge the century as an objective datum, but rather to ask how it has come to be subjectivated’ (ibid.) – i.e. its significance to those who enacted, shaped and were shaped by it. As Judith Butler reminds us in her discussion of the ‘ontological reality’ of ‘sex’ and ‘gender’, we ought not to hint at an access to or exposure of an extra-discursive sphere (1999: 94). As

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she aptly remarks: '[t]hat the gendered body is performative suggests that it has no ontological status apart from the various acts which constitute its reality' (ibid.: 173). Every enquiry into the social and political is, in other words, one of 'interiority'. In a motion similar to Badiou's, I intend to avoid an attempt at objective description of the scrutinised period and instead allow the study to abide by an analytical strategy outlined by Kojin Karatani – more precisely, a practice that he, with reference to Kant, labels the 'pronounced parallax' (2005: 3ff.). In its most crude form, the approach prescribes a continuous movement between discourses or, in Karatani's idiom, 'transposition[ing]'. The repeated change of angle should not be misread as denoting or being equivalent to the search for a 'stable third position' (ibid.: 4). It is rather in the instability and permeability of totalisation that we might discern the dynamics of forceful attempts at discursive closures. The 'essential incompleteness and unpredictability', to borrow a formulation from Alan Keenan (1994: 302), that the political elites strove to overwrite and surmount in the wake of Independence ought, in other words, to be regarded as a productive site of enquiry – not as an impasse for research.

The methodological and theoretical ambition of the study, thus, takes its cue from William E. Connolly's insight that '[t]he will to system is a lack of experience, to say the least. To say more: within the academy it is a consummate form assumed by the will to dominate' (2002: xi); and from the related recommendation that '[a] better alternative is to affirm simultaneously the indispensability of interpretation and the limited, porous, and problematic character of any particular effort' (ibid.). Connolly has elsewhere maintained that social theory should seek to avoid the reduction of complex phenomena and dynamics into 'consummate logic[s]' (2004: 30). I here draw upon Connolly's remarks to suggest that, while analysing the Partition and Independence, a juncture marked by forceful yet non-teleological inscriptions of key logics of statehood, nationality and citizenship, it is more pertinent and fruitful to mark out and delineate attempts at totalisation, at fullness and fixity (and the 'fathoming of an origin', to speak with Walter Benjamin [2002: 462]), than to assert a 'will to system'.

I subscribe to the above as an analytical groundwork since it, on the one hand, seems to enable the reinscription of (partial) open-endedness to the moment of partition and independence and, on the other hand, initiates an engagement that echoes Badiou's wish to analyse the past, 'history', by way of interrogating its 'subjectivation' (2007: 5). Rather than gesturing towards the postulation of symmetrical coherence, of linear actuation or of paradoxes in the form of stable binary constellations, the current analysis accentuates how the uncertainty and polysemy of transition, institution and consolidation continually passes through moments of discursive closure – and of potentially new openings. Along the lines of Claudia Aradau's call on us to interrogate 'sovereign practices that are effacing the contingency of their own decisions' (2007: 498), emphasis will be laid upon the process whereby the constituent assemblies and bureaucracies strove to effectuate Oneness.²

As will become clear, the narratives that will constitute our main source of attempts at consummation, at inscribing certain logics and rationalities to state conduct, will belong to what is conventionally referred to as elite domains. Paraphrasing Badiou (2007: 6), the intent is, in other words, to appreciate what the shift from ‘colonialism’ to ‘independence’ signified to those who found themselves in the position of ascribing ‘official’ and ‘sanctioned’ meaning to what the transition conjured and effected. The primary material, hence, consists of accounts and testimonies available in archival documents and in the minutes of constituent assembly (CA) debates that were produced in the immediate wake of decolonisation; documents that, to once more speak with Badiou (*ibid.*), ‘evoke the meaning’ of the transition, the so-called transfer of power, as it was conceived and articulated by *some* of ‘its own actors’.³ One consequence of the focus on ‘elite’ (even metropolitan) narratives is that these were all articulated and preserved in English; another, and more important, consequence is that the ‘gaze’ which emanates from these contains and consists of an ocular operation or vision that tends to project ‘India’ and ‘Pakistan’ as essentialised and in unitary terms. The elite narratives, thus, work well as an embodiment of a theoretical proposition outlined below – namely, that much of the discursive practices in the early years of independence had the structure of retroactively ascribing meaning.

In this book, the case of Pakistan ought to be principally viewed as a concurrently cognate and diverging mirror image. It is an employment that – apart from partly narrating and commenting on the initial unfolding of decolonisation in Pakistan – is intended to allow the finer, and requisite, details of the Indian case to transpire. Pakistan, hence, amounts to a contrasting example, rather than to a fully comparable or corresponding case. However, even though the consideration of Pakistan is principally meant to lay bare and probe the intricacies of the Indian case, it is an indispensable inclusion. It is indispensable since we cannot think of the Partition, Independence and the constitutive moment without reflecting on both India and Pakistan – since these, to some extent, ‘form a totality’ and are ‘reflected into one another’ (cited formulations borrowed from Gasché 1986: 21).

As an additional point of departure, it is suggested that it is in the interstices between the transmission of elements of the old system into the new socio-historical and political order (e.g. laws, stratification of society, regulatory practices, notions of community, nationality and citizenship, etc.) and claims to novelty that we both encounter a confluence of difference/sameness and the collapse of a clear distinction between continuity/rupture. In the present analysis, these interstices are framed by the sense of in-betweenness and ambiguity that prevailed in the initial years of independence, decision making and agenda setting. It was an in-betweenness that was not solely entwined with a pursuit for certainty and fixity. It, in addition, allowed for the notion and type of ‘outside’ that Stephane Symons detects in the work of Gilles Deleuze and Michel Foucault to surface – namely, that ‘the real outside’ is

located at those sites ‘where outside and inside become indistinguishable’ (2006). The choices made regarding who (and what) constituted the inside and outside of society indicate the very sites where boundaries between the internal and external were laid down – and to a large extent remain. A study of the constitutive moment, if approached as longer than an instant, seems to allow for recognition of the intricate yet forceful boundary drawing that was effected in the initial years of Independence. It also appears to allow for an appreciation of those (violently) left situated at and constituting the ‘margins’: subjects that belonged to neither a clearly demarcated inside nor outside, yet enabled the assertion of such distinctions. In sum, the site of transition and becoming that the establishment of India and Pakistan in August 1947 represents allows us to address the nature and ambit of authority – its projection of legitimacy and totalising tendencies – at the ostensible juncture between the colonial and the postcolonial.

More specifically, the book represents an endeavour to analyse the ‘constitutive moment(s)’ as well as the ensuing and parallel re-/production of state authority, institution building and state consolidation. A phenomenon that will be of central concern, and which will be continually revisited, is how violence constitutes, enables and makes meaning and language both possible and impossible. The contested demarcation of communal identities and the resultant sense of belonging and of alienation, thus, function as an overarching guiding theme. In other words, how was a particular form and content ascribed to national identity; what induced the vague contours of citizenship with certainty; and how did corporeal and symbolic elements of space amalgamate in the (per)formative enunciations of the postcolonial state?

Like Derek Gregory, I find Butler’s concept of performativity relevant when discussing the formation of postcolonial spaces. I, hence, agree that ‘performance creates a space in which it is possible for “newness” to enter the world’ (Gregory 2004: 19). Or, as Butler herself formulates it: ‘In the first instance, performativity must be understood not as a singular or deliberate “act,” but, rather, as the reiterative and citational practice by which discourse produces the effects that it names’ (1993: 2). To which she pertinently adds: ‘The naming is at once the setting of a boundary, and also the repeated inculcation of a norm’ (ibid.: 8). A recognition that much of the meaning-ascribing practices in the aftermath of August 1947 were achieved through a reiterative gesture, which resolutely delimited and inculcated, allows us to detect the ‘post’ and the ‘newness’ of India and Pakistan after the termination of British colonial rule.

In contrast to most attempts to conceptualise the ‘constitutive moment’ and the ‘becoming’ of the postcolonial state in South Asia, the present study elaborates an analysis wary of continuities and overlaps. Conversely, adopting an approach commended by Maja Zehfuss (2007: 58), emphasis will be laid upon how discursive practices of influential agents tend to ‘produce’ the effects that they name. Rather than locating a chronology of events in the linearity

of (historical) time, it will be demonstrated how the Indian state specifically, on the one hand, acquired its shape from the 'future' and, on the other, successfully overwrote the ambiguous contingency and novelty that it initially embodied.

As Sumit Sarkar notes (2007: xxiii), one element repeatedly heralded as a sign of continuity is the dependence of India and Pakistan on the Government of India Act, 1935 after the two states attained dominionhood⁴ and later formal independence. The Act's main component was the attempt to institute provincial autonomy. One of its effects was the inflation of the category of eligible voters to include close to 35 million people; another that it afforded the provinces that made up British India an expanded degree of 'self-government' (Jalal 1994: 15). The Act was, however, not in full use prior to August 1947. Of its contents, it was only provincial autonomy that was put into practice in April 1937 (Wheeler 1970: 21ff). Since the Princely States, which were not formally part of the territory of British India, declined to assent to a federation established along the parameters of the 1935 Act, the 1919 Act continued to function as the legal groundwork also after 1935. However, in India, the constitution – which became the legal framework in January 1950 – to a large extent duplicated the majority of articles in the 1935 Act (Rudolph and Rudolph 1987: 72).

A hint at the reasons behind the princes' aversion towards the 1935 Act is deducible from Ian Copland's analysis of the Princely State of Hyderabad before it merged with the Indian Union in September 1948 (1988; see also Bandyopadhyay 2004: 326ff.). Copland describes Hyderabad's position on the Act, and its view of a federation incorporating all provinces of British India and the Princely States as negative (1988: 801). It was an attitude that stemmed from the estimation that it would place the state under 'federal laws enforced by upright federal officials whose presence would serve to curb civil rights abuses by princely regimes' and that it would instigate a process where the acquaintance with democratic institutions would develop into a public demand for comprehensive reforms in the Princely States (*ibid.*).

It is, in addition, rarely explicitly stated in the literature on independence and decolonisation that India and Pakistan were only fully independent in the idiom of the Congress and the Muslim League on 14 and 15 August 1947.⁵ India was formally a dominion until 1950 when it promulgated its Constitution; whereas Pakistan officially remained a dominion until 1956. The Congress astutely chose to portray the day when India was to be awarded dominion status as the day of independence. This proved effective in disabling lingering British sceptre as it managed to instil the Indian state with an appearance of absolute and immediate autonomy. Such a gesture seems to have been partly enabled by the manner in which the Second World War allowed for the dominions of the British Commonwealth to, in practice if not in the legal sense, effect self-government (Scott 1944: 46). The granting of dominion status in the wake of the war was, hence, to be regarded as recognition of 'complete independence of action' (*ibid.*: 47). The continued

presence of British business – which was loudly opposed by the Communist movement in India – of British bureaucrats and army personnel ought not, however, to be overlooked.

Reflective of the question of whether decolonisation foremost amounted to continuity or rupture is the stance by the Communist Party of India (CPI) during the period 1948–51 that Independence was equivalent to an instance of ‘false freedom’ and the accusation ‘that the Nehru government was a satellite of British imperialism and that communists must continue the struggle’ (Ali 2005: 82; see also Bandyopadhyay 2009: 61ff., 106ff.). The posture of the CPI ought to be read as an example of the necessity for narratives contesting the hegemonic logic of the postcolonial state to prevent discursive fixity. The case of the Indian Communist movement and its attempt to defy and subvert the coagulating rationalities of the postcolonial state will be scrutinised in Chapter 5. Others engaged in activities trying to challenge the Congress’ version of ‘India’ took part in similar mobilisation. For the Communists, the princes, the Hindu Right and the Sikhs, it was crucial to amplify and expose the contingency of the Indian nation state. For groups and agents finding themselves on the ostensible outside of the new state formation, continued undecidability was necessary.

Robin Jeffrey has noted that particularly the Sikhs, as a community, could expect disadvantageous consequences of a partition of British India along confessional lines (1974: 519). Thus, when realising that the emerging political landscape did not recognise a Sikh state and would divide the Punjab and, hence, the Sikh community, many Sikhs armed themselves and formed bands. Instability and violence in the Punjab increased in the spring of 1947 when a number of Sikh Princely States decided to actively participate in communal skirmishes (Marston 2009: 486ff.; see also Copland 2002). As alluded to above, for most Sikhs – like others not subscribing to the logic of the new nation states under formation – a main concern revolved around ways to undermine their completion and the closure of potential counter-narratives. Rather than solely viewing events occurring between August 1947 and the early 1950s as the unfolding and realisation of two hegemonic imageries of community and belonging, the period, consequently, ought to be recognised as one of profound contestation.

To grasp the mechanisms at work in attempts to challenge ossification and to ascribe alternate meaning to master signifiers, Henri Bergson’s notion of the ‘possible’ seems to offer a relevant matrix. Bergson writes:

I never pretended that one can insert reality into the past and thus work backwards in time. However, one can without any doubt insert there the possible, or, rather, at every moment, the possible inserts itself there. Insofar as unpredictable and new reality creates itself, its image reflects itself behind itself in the indefinite past: this new reality finds itself all the time having been possible; but it is only at the precise moment of its actual emergence that it *begins to always have been*, and this is why I say

that its possibility, which does not precede its reality, will have preceded it once this reality emerges.

(Bergson cited in Žižek 2006: 202)

Hannah Arendt seems to sanction a use of Bergson in the context of theorising transition while writing that '[y]et, as Bergson very well knew, there is another side to the matter [the meaning and function of the "possible" as more than the "not impossible"]' (Arendt 1978: 30). She continues: 'In the perspective of memory, that is, looked at retrospectively, a freely performed act loses its air of contingency under the impact of now being an accomplished fact, of having become part and parcel of the reality in which we live' (ibid.). Is this not wherefrom the impression of an uninterrupted continuity originates, while, in fact, the inauguration and formation of independent India and Pakistan foremost represent a ruptured continuum or – to employ the language of Arendt – 'freely performed acts' with an 'air of contingency'?

A visible divergence between the postcolonial trajectories of the two states is the recurrence of authoritarian regimes in Pakistan and the endurance of democracy in India. Although the explanations of the difference will be alluded to, the reason for such variance is not a core referent of the analysis (for more, see Oldenburg 2010). Sugata Bose and Ayesha Jalal rightly assert that an immediate and pressing concern for the political leadership in the aftermath of independence through partition was the construction of state structures that would warrant centralisation and unity (Bose and Jalal 1998: 171). Did India – by becoming the direct heir of the central apparatus of the colonial state – find itself in a much more privileged position than Pakistan in the area of institution building, in the formation and consolidation of a novel state edifice? Or was India, conversely, a prisoner of an existing institutional framework, whereas Pakistan had a better chance to 'start anew' – for example, by creating a civil service with an indigenous character (for a critical account of the manner in which the bureaucracy of independent Pakistan was set up, see Khan 2005: 61ff.)? The question is, in other words, whether to focus on dissimilarity while simultaneously pondering India and Pakistan or, as Jalal has suggested, emphasise the high number of commonalities between the institutional arrangements of India and Pakistan (Jalal 1995a: 4ff.). It is here maintained that it is more productive to allow for both, i.e. to consider how the interplay between ruptures and continuities, material as well as figurative, affects the formation of the new states.

Its setting

To contextualise the present engagement with the role of elites in and after the transition that occurred in August 1947, it seems relevant to describe some of the developments that resulted in independence through partition. In particular, it appears significant to address the role of the Congress and the Muslim League, which also became the most influential parties after

decolonisation. In India, the Congress leadership mainly consisted of individuals belonging to urban as well as rural upper and middle classes at the national and provincial level (Ali 1983: 23). Still, the party managed to install itself as an embodiment of standards and principles advocating equality, democracy, progress and secularism. Even though this is not the place for an unfashionable Marxist ideology critique, it is obvious that the rhetoric was more radical than the actual restructuring. Even if economic and social projects were set in motion, the limit of the Congress' will to far-reaching transformation seems to be captured by Mahatma Gandhi's words about land reforms: 'Congressmen cannot, do not seek to injure the *zamindars* ['landholders']. We aim not at destruction of property. We aim at its lawful use' (cited in Ali 1983: 23). With Gandhi's restriction or hesitation in mind, it is interesting to note that the Indian Constituent Assembly, with the majority of its members drawn from social elites (conservative, middle-class, high-caste men) (Corbridge and Harriss 2000: 22ff.), embraced the ideals of secularism, democracy and equality advocated by the Nehruvian fraction of the Congress. These notions appeared to run counter to the personal interest of most assembly members. Still, they supported their insertion in the constitution. Why did they act in seeming opposition to their own class position?

Might we reach more clarity as regards their motives by employing David Harvey's reasoning on ruling class behaviour in a capitalist state? Drawing on Marx and Engels, Harvey writes that the dominant elite 'has to exercise its power in its own class interest at the same time as it maintains that its actions are for the good of all [Marx and Engels 1970: 106]' (Harvey 2001: 270). He later adds: '[I]f the state can be represented as an abstract idealization of the common interest, then the state can itself become an abstract incarnation of a "moral" principle' (ibid.: 271). If we want to be consistent with these two reflections, the Indian Constituent Assembly's support for the above-mentioned ideals should partly be understood as a symptom or dominance of a particular class consciousness – a consciousness that bled into the new Republic as the consciousness of 'the People'. According to such a reading, secularism, democracy and equality primarily served to preserve and cement existing socio-economic and political hierarchies. How viable is such a depiction in the cases of India and Pakistan? At first, Harvey's theorising may look tenable. If we, however, consider the composition of the constituent assembly, the Congress upper echelon and the elites of India, its limitation becomes discernible. Harvey, with the formulation 'in *its* own class interest' (italics added), seems to suggest that a single class comprises the dominant elite. For a theory of dominant elites to be valid in the present context, it, however, has to be sensitive to broad coalitions and refrain from attributing a specific social profile to those in political power.

In South Asia, the postcolonial state has, as Hamza Alavi has maintained, not been apprehended and ruled by one monolith class (1972: 62ff.). In the first decades of independence, three 'propertied classes' shared influence over the Pakistani state (ibid.: 72), while, in India, a coalition between various

sectors of 'the bourgeoisie, the professional groups, landlords and the rich peasants' installed itself as the political elite (Hasan 1989: 12). There were early attempts to increase the influence of certain deprived groups in India. In a move to counter the elite bias of the Congress leadership and to include more representatives of the Scheduled Castes into its ranks, B.R. Ambedkar – the most prominent symbol of the Dalits ('Untouchables') and their cause – was given an influential role in the framing of the constitution.⁶ Other attempts to widen the base of the party included the introduction of preferential treatments aimed at the uplifting of marginalised sections of society and the awarding of minister posts to members of the Scheduled Castes (Brass 1994: 8).

For the Muslim League, its lack of votes in the late 1930s in the Muslim majority provinces had become a serious threat to its existence and cause, as the British, from the 1919 Montagu-Chelmsford reforms and onwards, moved to increasingly devolve decision making to the provincial level. The devolution of power meant that areas that were previously considered 'political backwaters' transformed into significant spaces for Muslim politics (Talbot 1988: xiii). The changing importance of peripheral political arenas is a good example of how policies and words transmute into tangible, material effects. In 1940, the party's support in the Muslim majority provinces were still startlingly weak, a state of affairs that had been bitterly proven by the party's failure in the 1937 provincial elections (*ibid.*). In order to realise the creation of 'Independent States' or regions on the basis of the two-nation theory, one of the main tasks for the Muslim League was either to convince the Muslim political leaders and parties in the provinces to join its ranks or to expand its own electoral base. The former was a strategy that until the year before the Partition seemed futile in many provinces, especially in the Punjab where most of the Unionist Party's Muslim members refused to succumb to the pressure from the Muslim League.

It is not surprising that the Muslim League did not have extensive support in Muslim majority provinces. The party did not have the local power brokers that could influence and win the constituencies in their lists and it had a history and reputation of representing Muslims in the United Provinces (UP). One reason for its marginal character outside the UP might be derived from the outcome of the 1916 Lucknow Pact between the party and the Indian National Congress, where the percentage of seats for Muslims in the provincial legislatures was decided (Talbot 1988: xii). In UP, Muslims were given 50 per cent of the seats even though the community only comprised 14 per cent of the province's population. In the Muslim majority provinces, the order was reversed even though there was much more balance between population figures and seats (*ibid.*). The tangential position of the Muslim League remained for the entire inter-war period and throughout the Second World War. It was not until the British chose to give legitimacy to the two-nation theory at the Simla Conference in 1945 and the frenzy over the Pakistan issue increased on an all-India level that the Muslim League grew in

popularity in the Punjab and other Muslim majority provinces (see Talbot 1988: xiv).

A defining trait of the success of the movement for Pakistan is found in the same social and economic stratum as the Indian political elite was drawn from. As mentioned above, until the very last years of British rule, the Muslim League did not have a strong base in the Muslim majority provinces. An impasse that has eluded scholars examining its success has been the question about why the landed gentry of the Muslim majority provinces decided to join hands with the Muslim League in the years preceding the Partition. Alavi directly addresses this question when stating that

[t]he national leadership of the Muslim League had something to offer to the regional power-holders by way of ensuring that the post-Independence government would not be in the hands of the Congress Party (which was committed to land reform) but rather a party that was dependent on them and under their control and which would ensure their own survival as a class.

(Alavi 1988: 100)

The Congress had promoted land reforms as one of its main promises; a promise that it attempted to stand by via support for the framing and implementing of laws at the beginning of the 1950s, putting an end to the *zamindari* system and turning the tenants into landowners (Chandra 1994: 229; on the limits of 'land reform' in India, see Kaviraj 1988: 2432ff.). As the changing attitude of the politicians and elites of the Muslim majority provinces during the 1940s implies, the support for Pakistan partly grew out of a fear of Congress rule (Jalal 1994: 210). The case of Sindh, which after August 1947 became a province of Pakistan, confirms and enriches such an image. The large landowners in Sindh felt reluctant both as regarded the Congress' intention to implement land redistribution and in relation to its propagation of a powerful central government barring appreciable autonomy for the states (Khan 2002: 216ff.).

The study's 'outside'

Evidently, the content of the present section does not exhaust the available accounts on the scrutinised subject. The literature addressing similar topics or manifestations of state formation at the time of decolonisation and independence will be reviewed, related to and drawn upon in the initial two chapters. The aim in this brief sub-chapter is rather to mark or frame out those perspectives and objectives of analysis that the current study does not engage with or subscribe to as productive points of departure. As mentioned above, most scholars approach the transition from the colonial to the post-colonial in the case of India and Pakistan as principally marked by continuities and overlaps between the two orders. Christophe Jaffrelot has, for

example, referred to 'India's self-confident, uninterrupted state' (2002: 255; see also Morris-Jones 1971). I dispute the accuracy of such a reading. Although no distinct or absolute limit between the old and new might be established, the meaning attributed to the 'lingering' elements (e.g. laws, institutions and state practices in the area of classification, enumeration and reservation) was genuinely novel. With Independence, a metonymic, if not material, rupture took place. Similarly to how the colonial state apparatus and its privileged gaze generated particular conceptions of Indian society and spawned certain identity formations and patterns of exploitation and opportunities, the successor states engendered discursive frames wherein, as we shall see, novel significance were attributed to key nodal points.

Most analyses of the post-Independence period, in other words, adopt the issue of what remained as their focal point. Here it will, on the contrary, be asked: what came into being; what became; how does something become? Posing the latter differs from articulating a question about change. Whereas change seems to denote a refashioning and modification, becoming indicates a beginning, a fresh start. Do we find a hint of the appropriate answers in Pran Chopra's diagnosis of the Indian nation state during its first winter? It reads:

[T]he fact which stood out as the first winter of Independent India began was that a young Dominion, threatened in the south by ambitions in Hyderabad, consumed in the north by the fires of communalism, with an army stretched to the limit by the demand of law and order, undertook a military commitment of unknown dimensions in Kashmir and against the advice of all the senior (British) brass available. The thrill of accepting the challenge electrified the country, but what the future might bring was entirely unknown.

(Chopra 1968: 24)

The shape of the being was not yet known and instead contained in the thrill, in the excitement stirred by rupture. If this observation is correct, the becoming – the coming into being – of independent India and Pakistan correspond to the baseless 'origin(al)' in Jacques Derrida's notion of *coup de force* (1992), to which we will return in Chapter 2, rather than to assumptions of an incomplete or contrived shift.

An effect of focusing on continuity and the transfer of authority, legitimacy and sovereignty seems to be an inclination to ground interpretations of post-independent India and Pakistan in the vocabulary of the nation state and, more specifically, in the notions of temporality, expanse and foundation projected by the nation state. In attempts to break free from the chains imposed by the locution of the nation state, scholars tend to head in the direction of essentialism. Religious or historical: both superficial and erroneous. These scholars share the longing for stability, for chronology and an end to

ontological insecurity in the areas of state consolidation and identity formation.⁷ Lawrence Ziring, for example, argues that the reasons for the creation of Pakistan and its origins should partly be sought in ‘the disappearance of the Moghul dynasty and the reluctance of Muslims to adapt to a new order based upon English power and culture’ (1980: 63). When Ziring points to the basis of the demand for self-determination and freedom, he invokes both a fictitious past and non-existent alignments and identities. He, as a result, fails to recognise how political projects are articulated in a present and that ‘history’ is employed for present purposes. He, further, fails to recognise the non-essential character of identity.

A second flaw, which is available in the literature, is the overemphasis on religion or, rather, religion as a motivating factor. A scholar succumbing to the second type of error is Richard S. Wheeler. He argues that the creation and urge for Pakistan can only be grasped in the context of ‘the long and complex history of Islam in the Indian Subcontinent’ (Wheeler 1970: 1). He, further, claims that the incremental evolution of ‘a separate political identity’ is linked to a ‘sense of separate identity [that] is inherent in Islam’ (ibid.). We here encounter the two usual suspects: history and religion. The weight of history and of inert religion brings about a stagnant core identity underlying Muslim behaviour and aspiration. Jalal is one who manages to complicate the picture of the establishment of Pakistan so that it entails complexity. She has described her own endeavour in *The Sole Spokesman* (Jalal 1994) as one characterised by an intent ‘to draw the links between the twin dialectics in modern South Asian history – all-India nationalism and religiously based communalism as well as centralism and regionalism’ (Jalal 1996: 687).

While considering the above inadequacies, it seems appropriate to turn to a conceivable dilemma for the present study. Namely, what are the limits of the theoretical apparatus? Can it cogently be extended beyond Europe? These questions, undoubtedly, mark out important possible predicaments. Attempting to respond, I would be inclined – echoing Leela Gandhi (2006) and Kris Manjappa (2010) – to negate and reject any impulse or effort to draw firm boundaries around a distinct Europe or to view ‘Europe’ as uncomplicated, monolithic and contained. As with any ‘given identity’, Europe (or ‘Europe’) ‘will remain identical with itself only by virtue of being related to itself as another’ (see Bartelson 1998: 319). The same applies to India and Pakistan – irrespective of being construed or related to as given, constructed or contingent (see ibid.). Hence, even if the ‘narratives of citizenship and modernity’, to speak with Dipesh Chakrabarty, inevitably seem to be linked to his (and our) ‘hyperreal Europe’ – i.e. to a ‘Europe’ that has emerged as ‘the primary habitus of the modern’ (Chakrabarty 1997: 287, 289) – we do best to align with his parallel recognition of the impossibility of writing ‘history’ without relating to such a Europe. In other words, to a Europe that is most properly spoken of as having a self through a relation ‘to itself as another’.

It, consequently, needs to be stressed that, although there are limits to the chosen conceptual frame, these are not geographical limits, nor limits

unfolding along or coinciding with the spatial expanse of Europe. We, rather, ought to speak of an intrinsic shortcoming that is inherent to each venture to theorise, each endeavour to communicate a sense of (necessarily evasive, momentary, postulated) certainty (for example, see Derrida 1998a: 62ff.). We, in other words, might have to live with what Chakrabarty designates ‘mis-translations’ and the failure of ‘any one particular political philosophy’ to make ‘the divergent ways of being human’ completely visible (2000: 268, 275).⁸ Here, I would emphasise *any* ‘particular political philosophy’ – any ‘discourse of history’ urging us to “‘get the story straight’” (on the latter, see White 2010: 188ff.). My position, thus, seemingly resonates Matthew C. Watson’s commendation of Chakrabarty’s reasoning (2011: 56); or, more specifically, of its affirmation ‘that the historical narratives of subaltern subjects remain partially unrepresentable within the institutionalized academic discipline of history’ (Watson 2011: 56).

Such an acknowledgement of incomplete finality and totality – which in this book finds its foremost expression in the resistance to actuate an untainted and gratifying completion or accomplishment – is an essential facet of the analysis and, hence, the argument. The latter is what the above reference to Karatani aims to convey, i.e. that it seems as if we will have to settle with the oscillation between positions, and not with an equilibrium in which theory and the empirical collapse into each other. To then speak as if any chosen theory would offer a perfect accommodation and representation of the scrutinised case(s) appears both inconsistent and delusive.

Two abridged and tentative resolutions to the above possible impasse follow. *To begin with*, I would maintain that the justification for a ‘journeying’ or ‘transposal’ of theory partly resides in the existing centrality of ideas emanating from and ‘belonging to’ a European tradition – if we, momentarily and crudely, insist on speaking in these terms. Consider, for instance, the relevance and extensiveness of the application of thinkers such as Karl Marx, Michel Foucault and Jacques Derrida in and to the entire subaltern studies project (for example, see Chaturvedi 2000; Guha 1997; Spivak 1999). *In addition*, it seems questionable to approve of or adopt a position suggesting that it is sensible to subscribe to a rendering of the ‘world’ or the ‘globe’ divided into neatly demarcated continents (of thought). What views of history, of knowledge production, must we accept if we find poststructuralist thought – with its recognition of the ‘violence’ that is ‘modernity’ – to reach its limits at the gates of Europe, of the West, of the metropolitan? If we accept that it belongs *somewhere* and only *there*? Many of the notions that I build my argument from and upon might perhaps persuasively be said to belong to ‘Europe’, but, by rejecting these ideas as untenable – as innately circumscribed and circumscribed – once applied to a non-European context, we risk reproducing the ‘globe’ as existing in intrinsically disjointed rather than interdependent and mutually shaping spaces.

Underpinning the above are the crucial insights generated in and by Ranajit Guha’s critique of Hegel’s notion of ‘world-history’ (2002). It is not

my intention to place the independence of India and Pakistan within a framework that assumes that the occurrence equals a transition from ‘pre-history’ to ‘history’ (see *ibid.*: 35); or, more concretely, to employ Independence as a trope for a cognisable movement from the ‘historyless’ to the realisation of ‘statehood’. Nor do I intend to approach the transition as the (‘failed’) enactment, completion or consummation of a ‘modern subject’ (see Chakrabarty 1997: 284ff.). The present exposition on the ‘transfer of power’ is, consequently, not meant to be reflective of how ‘a people or nation’ liberates ‘itself from its thralldom in “natural immediacy”’ (Guha 2002: 36; see also Spivak 1999: 222, fn. 42 and Agamben 2007: 85). So, even if the present work, contrary to Guha’s advice (2002: 73), is emphasising the centrality of the state, it is not an account that seeks to replicate the faulty assumptions contained in the Hegelian idea of India being situated ‘outside history’ – neither by drawing strict borders between ‘Europe’ and ‘India’, nor by excluding an appreciation of the ‘hybrid past’ of both spaces (see Spivak 1999: 199ff.).

The material

The analytical and temporal demarcation of the constitutive moment determines the narratives that will be emphasised. When did partition and independence occur and is it possible to speak of one transition? If multiple, did these constitutions take place simultaneously or are they perhaps representing junctures in a sequence of closures? The answers to these questions do not automatically, however, tell us if we ought to stress narratives that stem from the discourse of the political elite, the elites of civil society or subaltern attempts to conceptualise political and social space. Since the principal aim is to probe the meaning-ascribing activities of those who inhabited a position directly influencing the present ‘self-depiction’, as well as the projection of the future shape of the postcolonial state, our focus will be enunciations belonging to the discourse(s) of the political elites.

A considerable part of the material has been extracted from debates emanating out of the writing of constitutions. In the case of India, this means studying debates and contentions in the constituent assembly, which embarked on its efforts in December 1946, whereas, in Pakistan, the period preceding the collapse in 1954 of the first attempt to enact a constitution is assessed. Whereas the minutes of the former debates are accessible on the website of the Indian Parliament, the bulk of the latter is available in the original publications for consultation at the library of the School of African and Oriental Studies. As expected, most of the time-consuming reading and extraction of information from these exceedingly rich sources of deliberation and contention has not found a place in the present analysis. The effort has, however, indirectly framed the contours and content of the reasoning since it has allowed for the tracing of key areas that were debated during the

examined period. It has, principally, allowed the author to confidently assert that, especially the Indian debates, do not attest to a straightforward, frictionless ratification of an existing legal groundwork.

To answer questions about an initial closure of key rationalities in the area of citizenship, national identity and spatial expanse, it is imperative to distinguish solutions to pressing issues, such as the status of the relation between state and religion, the distinction between the majority and minorities, and power sharing between the federal government and states or provinces. To supplement and deepen the analysis of elite narratives articulated in the Indian Constituent Assembly, which in the latter half of the book emerges as the focal point, archival documents available in India and in the United Kingdom have been consulted. As mentioned above, one intentional limitation of the analysis is that it assumes the Indian example as its main vessel of enquiry, although Pakistan throughout continues to be held up as a contrasting and substantiating mirror image. The emphasis on India is the result of a conscious choice, from Chapter 4 especially, to further delimit and focus the scope of the proposed argument.

Numerous files, consisting of documents from the fall of 1947 to 1951, that have been read and scrutinised for the present study at the National Archives of India (NAI) as well as at the Nehru Memorial Museum and Library (NMML), do not seem to have been previously consulted by scholars. At the NAI, every file contains a list detailing the names of those who have requested it and the dates when it has been delivered. It is perhaps particularly remarkable that since 1990 no one else had consulted the 1951 index of documents transferred from the Ministry of Home Affairs. Another seemingly relevant observation regarding the material kept at the NAI is that, although the printed indices detail the availability of a large number of documents on the themes addressed in the current analysis, a lamentable amount of requisition slips were, when returned, vaguely indicating that the requested files had either not been transferred from the registry – in this case, primarily the Ministry of Home Affairs – or weeded out.

The undeniably fragmented character of the Indian records, particularly those corresponding to the postcolonial period, is so translucent that it would be near-to impossible to argue for research striving to provide a ‘full’, ‘accurate’ or ‘conclusive’ narrative or account. These conditions have, accordingly, been vocalised by other scholars carrying out research at the NAI. Gyanendra Pandey has, for example, described the holdings related to the division of British India as moving ‘in fits and starts, through jerks and breaks and silences – incoherent, stuttering, even incomprehensible – between the poles of testimony and rumor’ (2002: 165); whereas Srirupa Roy commences her *Beyond Belief* with an account of her curtailed experience of conducting archival research at the same institution. It reads:

The dust that, months after a trip to the National Archives of India, spills out of my notebook ... reminds me of all the files that I eagerly

waited for, only to receive a crumpled slip of paper with the terse notation “NT”: not transferred.

(Roy 2007: vii)

These two depictions mirror the experience of archival research that informs and underpins the present study.

One significant feature of the current analysis is, of course, the emphasis on the Indian case. It is evident that one thing that the overall argument would have further benefitted from would have been equal consideration of archival documents available in Pakistan. Particularly since the scholarly writing on Pakistan is less extensive than on India. However, as has been noted above regarding the archive material extracted from the NAI, one should expect to not be able to build an ‘exhaustive’ or ‘complete’ account – even if one would subscribe to a notion suggesting the attainability of this – from sources that are necessarily fragmented and partial. Nevertheless, an exploration of testimonies and traces in Pakistani archives would have enabled the detection of what was seen as threats of subversion, how these were conceptualised in opposition to the legitimate and an understanding of how ‘space’ and ‘time’ were thought of in the workings of the bureaucracy. It would have been particularly interesting to look into and possibly counter those accounts asserting the entropic nature of the Pakistani state construct, i.e. that Pakistan was destined to be a failed or at least imbalanced state, a state that would eventually further dissolve and cyclically oscillate between authoritarian and democratic tendencies.

Chapters

In the first chapter, the term ‘constitutive moment’ will be provisionally delineated and operationalised. A key query that is addressed poses the question whether we ought to approach the transition from the viewpoint of its place within a chronology and chain of causations or if it is more fruitful to illumine it through an emphasis of the meaning that is constituted in and through the moment itself. Space here will be devoted to the argument that scholars advocating a Gramscian-inspired ‘passive revolution’ thesis are mistaken and that the transmutation in August 1947, conversely, ought to be conceptualised as a material and discursive rupture through a deployment of the Hegelian notion of ‘negation of negation’. The core argument of the chapter is that the independence of India and Pakistan through the partitioning of British India foremost embodied and denoted novelty.

In order to deepen the reasoning on the meaning of the transition, Chapter 2 examines how the existing literature – as a result of its reflexive accentuation of continuities; its attempt to foremost engage with the ‘fragment’ or ‘sub-altern’; and its stress of an insuperable disjuncture between history and memory and between experience and testimony – fails to generate a sufficiently nuanced view of the modalities whereby the postcolonial nation state

was constituted and consolidated. By way of a focus on the relationship between history, memory and violence, the chapter aims to retrieve insights from existing analyses of Independence and the Partition with regards to the possibility of newness and originality. A current that runs through the section is the recognition of the necessity to situate the constitutive moment, and the discursive closure in its aftermath, within a schema that both espouses a notion that the once-becoming, the being, is produced by tentatively named effects *and* the kindred claim that the present comes or arrives 'from the future'. On the one hand, it is argued that no (empirical or historical) 'original' from where singularity and legitimacy emanates underlies the post-colonial nation state and, on the other hand, it is asserted that stability and corporeality is achieved through a retroactive gesture.

Chapter 3 demonstrates how, in the nascent years of Independence, notions of space and time became firmly entwined with the boundaries of the nation state. In the previous chapters, it was postulated that both the contours and agency of the Indian, as well as the Pakistani, nation state became possible and assumed their distinct shape on the basis of a performative 'naming'. As a consequence, temporal dimensions of the social were reified into a place 'outside' time, whereas spatial notions became elevated to a position of cardinal significance within nation building and state formation. A first entry point to a rendition of the developments as regards the confinement of time and the production of space in the initial period of independence is the distinction between the colonial and postcolonial. A second is the very names of the two states. Why 'India', why 'Pakistan'? What did these two names enable and what did they construe as impossible and exterior?

In Chapter 4, it is argued that the Indian Constituent Assembly debates evince the non-teleological character of the ethos, rationales and visions adduced to circumscribe the nation and the state in the aftermath of independence. The section, thus, consists of an exploration of the protracted task of enacting a constitution in a setting foremost marked by undecidability and flux. The constituent assembly debates in India provide us with a chance to re-enact the varying, at times antagonistic, signifying gestures that sought to envelope and structure the nation state at its inception. The debates, in other words, open up a possibility to investigate the way in which the distinction between continuity and rupture was imbued with a particular meaning. A close reading of the deliberations, in addition, makes it possible to initiate reasoning on the limits of the 'majority', a 'we' and the notion of community that came to correspond to the category of citizenship. The latter, with particular stress upon developments in India, is a subject that will be further analysed in the remaining chapters.

Chapter 5 specifically deals with how, in India, the concept of class was seemingly forcefully overwritten by the notion of backwardness. The need for discipline, maturity and production became key elements in the representation of a route to full membership in a progressive nation. It meant that tribal communities in 'excluded' and 'partially excluded' areas found themselves

situated on the spatial *and* temporal margins of universal citizenship. A certain time of progress was inscribed into full membership. For our main object or vessel of analysis in this chapter, the Indian Communists, the circumstances were different. Although they were involved in the mobilisation of peasant movements in specific areas, the underlying reason was to fuse these resistances with the reordering and reconfiguration of the 'national'. If the administration of matters related to the lives of adivasis (tribals) and adivasi communities amounted to one way of not ascribing maturity to (the conduct of) certain citizens, actions towards and representations of the Indian Communists amounts to another.

In Chapter 6, two instances of contested subject positions – first, the site ascribed to Indian Muslims and to Muslim identity after August 1947 and, second, the Indian state's vacillation between speaking on behalf of and distancing itself from the Indian community in South Africa – are employed as examples of the limits to the inclusiveness of Indian national identity and citizenship. The manner in which the Indian state acts in the enactment of exclusive practices is used as a catalyst and foundation for further reflection on the relation between the past, present and future in state consolidation. It is suggested that the inescapable necessity to act and make decisions regarding the contours and content of citizenship, on the one hand, signals that the moment of transition assumed the shape of a groundless abyss and, on the other, that – although the closure on notions of belonging resulted in marginalisation and rejection – the key trait of Independence was the expectant promise inscribed into the ensuing state formation. Finally, in the Conclusion, the argument, developed sequentially in and through the reasoning in the independent chapters, is distilled into a number of suggestions regarding how to read the articulated claims and findings together.

Notes

- 1 We just need to think of the large-scale mobilisation of the Indian army along the Indo-Pakistan border in response to an armed attack, by what was officially alleged to be Pakistani citizens, on the Indian Parliament in December 2001 (for details, see Tripathi 2001/2002; Yasmeen 2006) and the diplomatic pressure exerted in the wake of the gruesome events in Mumbai in November 2008 (for further information, see Raghavan 2008; *Lok Sabha Debates* 2008) to bear witness to how the two states, and their possession of nuclear arms, tend to reproduce and reify enduring faultlines.
- 2 As the employed language implies, ontological and epistemological claims are inherently circumscribed by the inexorably interpretive function of the author – by what Jacques Derrida has labelled 'performative interpretation', namely, 'an interpretation that transforms the very thing it interprets' (2006: 63). We cannot think away this aspect of 'doing' research, of writing. Although our texts are unavoidably always presented as complete, as systematic and coherent arguments.
- 3 The stress on 'elite narratives' partly stems from the condition that the totalising evocation was foremost 'achieved' in and through the practices of elites and partly from being in agreement with Mark Bevir on the need to attend to 'the traditions against the background of which elites construct their world-views, including their

- views of their own interests' (2010: 437). Such emphasis does not, however, equal an attempt to deny the validity of projects seeking to 'counter assumptions of peasant inertia and irrationality', which demonstrate the relative 'autonomy of the subaltern domain' or seek to probe the 'complex interactions of elites and subalterns' (for example, see Arnold 2000: 38ff.).
- 4 In 1944, F.R. Scott referred to the meaning of the term 'dominion status' as entwined with a shift in the way the British Empire was thought of in the aftermath of the First World War. The term came to signify 'a new and more independent role for the dominions and an individual membership in the world community as well as in the British Empire' (1944: 34). However, as Scott pertinently accentuated, the concept consisted of two elements that limited the independent nature of relations between states within the British Commonwealth in the mid-1940s (ibid.: 35). First, rather than indicating a sovereign state, the term denoted 'a mature type of colony or dependency, in which self-government was far advanced'; and, second, the concept alluded to a space or entity with ownership situated elsewhere. It is telling, as Scott writes, 'that Britain was not a Dominion' (ibid.).
 - 5 The negative reactions – conveyed by telegram to the British Commonwealth relations officer on 4 and 5 July 1947 – by the Prime Ministers of the Commonwealth dominions of Canada, Australia, New Zealand and South Africa to the employment of the term 'independence' in connection with the concession of dominionhood is telling (IOR/L/PO/6/122(i) 1947). The Canadian Prime Minister, for example, was of the opinion that the insertion of 'independence' in the title of the 'India Independence Bill' would not 'fit the facts' and that it risked disseminating 'the wrong notion', whereas his South African counterpart described it as 'regrettable and embarrassing' (ibid.).
 - 6 'There is', as Aditya Nigam notes, 'a double irony' at work in the acceptance and promotion of Ambedkar – 'the representative of the nation's outcastes' – as one of the foremost 'architects of the Constitution' (2004: 2108). The irony resides both in the concomitant marginalising of Gandhi – 'the acknowledged "Father of the Nation"' – and in the circumstance that Ambedkar 'was elected to the assembly with the support of the Muslim League' (ibid.; see also Bandyopadhyay 2004: 356ff.).
 - 7 Such a conception of the subject is, of course, hopelessly flawed since the subject is most tenably conceptualised as a proxy for a purely structural empty place; the subject's nucleus appears to consist of a void that binds its parts together. The subject is, in other words, devoid of a stable, solid and self-identical core (Hall 1996: 3ff.). In the case of identity formation, this means that, since we – as human beings and as researchers – do not have access to a pre-political and fixed level, identities have to mobilise junctures wherein the subject-in-process seemingly reflects and overlaps with an 'I' (Brah 1996: 247).
 - 8 Just as we will have to live with John McCumber's insight that '[t]hinking transforms transformations' (1999: 8).

1 What (kind of) independence?

[T]he neighbor remains an impenetrable, enigmatic presence that, far from serving my project of self-disciplining moderation and prudence, hystericizes me.
(Žižek *et al.* 2005: 4)

How come one discourse takes precedence at the expense of other possible discursive formations?¹ Why are the master signifiers of a social order imbued with specific meaning and how do they attain stability and cohesion? Although hegemonic discourses, evidently, represent the most accessible manifestations of these processes, it seems to be of equal interest to grasp modalities whereby antagonistic or unfeasible narratives are marginalised and silenced. One pertinent example of an anachronistic and failed discourse trying to carve out space is available in a speech by M.A. Jinnah, the leader of the Muslim League and first Governor-General of Pakistan, to the Constituent Assembly of Pakistan on 11 August 1947, in which he articulated a vision of Pakistan as a genuinely secular state. He told the members of the assembly that Pakistan was a construct that sought to be a domicile for all irrespective of faith (*Constituent Assembly of Pakistan Debates (Official Report)* 11 August 1947). At first glance, independent Pakistan's first governor-general appears to have disseminated a contradictory notion considering the religious-based impetus underlying the division of British India. In the end game of colonialism, the leadership of the Muslim League had portrayed Pakistan as a necessary entity to counter the future dominance of the Hindu majority in an undivided India and as a logical realisation of the shared nationhood of the region's Muslims (Hasan 2001: 82ff.).

The present chapter represents an effort to outline the conceptual groundwork of the analysis, in order to allow for a departure from most existing attempts to understand the significance of the transition from the colonial to the postcolonial in August 1947. Three key assumptions regarding the most tenable manner in which to approach questions about continuity and rupture, concerning the most appropriate 'beginning' of a study of a rare and cataclysmic shift from one political order to another and regarding that which was effectuated and invoked through the 'transfer of power' and of 'Independence' will be articulated below. The three suppositions maintain that the

current analysis ought to be guided by a distinction between the terms ‘politics’ and the ‘political’, and by the close entwining of discursive openness and closure, and, finally, that it is essential to enable sensitivity towards the necessity for the political elites to ‘act’ in the aftermath of the Partition and Independence.

Two excerpts from Jinnah’s above-mentioned speech are particularly remarkable, namely: ‘You may belong to any religion or caste or creed – that has nothing to do with the business of the State’ and

you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.

(Constituent Assembly of Pakistan Debates (Official Report)
11 August 1947)

It seems apt to ponder how Jinnah thought he could find space in the discourse revolving around the nodal point of ‘Pakistan’ to give voice to these hopes and aspirations. Such an exposition would not solely indicate the limits of what the nascent nation state could embody. It also points us to the answer as to why the vision was and could not be realised.

If interpreted in accordance with the kind of theorising that will be introduced and interrogated below, Jinnah’s speech might be grasped as an indication of his failure to fully comprehend the developments of the mid-1940s and how they fundamentally changed the elasticity and extent of certain key concepts. The speech reveals that he had failed to appreciate the degree of closure and the totalising character that the meaning of two separate nations had come to embody in August 1947. In the speech, he also fell short of recognising that his own party had come to be a decisive part in a chain of equivalences symbolically and inexorably entwined with a specific community; a community that it had come to both represent and reconstitute. In spite of the fact that the Congress had emerged as the sole, yet disputed, representative of the secular and of inclusive nationalism at the time, Jinnah tried to cling to the kind of flexible account of Pakistan that the Muslim League had promoted at the beginning of the 1940s. It is the intricacies of some of the (near to) consummated and aborted efforts to ascribe particular meanings to the formation and consolidation of the two nation states that will be the focus of the analysis. In addition to examining the relation between novelty and continuity, between rupture and constancy, the present study, hence, represents an attempt to explore the multiple – conflicting yet mutually constitutive – discursive articulations regarding the contours and the substance of the nation state that prevailed in the period 1947–52. A period that seemingly resembles a phase in which, to speak with Jean Hyppolite, ‘the older order becomes a shadow and the new order has yet to appear’ (1964: 47).

A way to infuse Jinnah's statements and other, similarly derelict, enunciations with an interpretable meaning is to introduce Slavoj Žižek's notion of ideology. According to Žižek, ideology should not be regarded as principally being a misconception rooted in the deficiency of knowledge. On the contrary, ideology seems to mirror and be a vessel of the sum of our experiences and, as such, it corresponds to material practice (Žižek 1989: 30ff.). Rather than being equivalent to a false consciousness, ideology is a misreading of reality that lies in the very 'acting' (ibid.). The 'illusion is', in other words, not located 'on the side of knowledge', it already resides in and is inscribed into 'reality itself' – or, to be exact, in what people do (ibid.). When articulated in a discourse striving to establish totality or fullness, e.g. Indian and Pakistani state-sanctioned nationalism in the initial phase of the post-Independence era, ideology acquires the function as 'the will' to imbue a final, yet unattainable, closure of meaning. Žižek's notion is pertinent to the present argument since the establishment of an ideological totality is a crucial element of the institution of metaphorical and discursive hegemony, since any endeavour to extend a discourse actuates a reduction of polysemic and potential significations.

1.1 Detecting the constitutive moment

The principal argument of the present chapter is that Independence and the Partition ought to be conceptualised in terms of rupture and not primarily as a case of continuity between the colonial and the postcolonial or as a 'failed' or insufficient reconstitution of sedimented substructures of knowledge and power. As an outcome of my emphasis on the discursive aspects of the formative period following decolonisation, it appears necessary to situate the analysis in relation to a number of ontological and epistemological demarcations. The theoretical discussion will, however, not be restricted to the opening paragraphs of this section, as conceptual assumptions will be challenged and expanded on throughout the analysis. Below, I name a number of key suppositions in order to provisionally frame the study.

Drawing upon Jenny Edkins' reasoning (1999: 21ff.), a principal premise of the analysis stipulates a move away from a Cartesian conceptualisation of the subject by postulating it as ontologically decentred. In other words, if we were to speak with Žižek, the subject's nucleus consists of a void that functions as a structurally empty place binding the parts of the subject together (for a detailed discussion, see Edkins 1999: 87ff., 110ff.). It, thus, has a structure akin to discourses. Analogously to the subject, discourses cannot attain final closure since they gyrate around the same type of insurmountable lack. Such a constitutive lack should not, however, be conceived as a 'nihilistic' condition removing the possibility of actions and motives (see Laclau 1990: 3ff.). It is, conversely, the very enabler of contestation and change, of drive and agency, since a social order cannot arrive at a stage of totality or a point where it coincides with the sum of itself. Here it is, in other words, not suggested that an absolute or final closure is attainable. There is always

something evading every attempt at totality and universality. If we were to adopt a Deleuzian approach, we could initiate an explanation of the seeming impossibility of fixation via the notion that '[a]ny social formation always appears to work well. There is no reason for it not to work well, for it not to function. Nonetheless, there is always one side through which it escapes, undoes itself' (Deleuze 2006: 15). It is the exertions to make the social formations appear to 'work well', not their undoing, that is the focal point of the present analysis.

At the same time, completion and consummation are exactly what subjects, discourses and social orders strive to achieve. To facilitate political analyses that are able to capture the emergence of one social order and the demise and silencing of others, we need to be sensitive to the relation between a fundamental void or lack and the incessant drive to overcome it. We also need to take into consideration the relation between (discursive) openness and closure in the moment of becoming. As Žižek writes:

A system reaches its equilibrium, i.e., it establishes itself as a synchronous totality, when – in Hegelese – it 'posits' its external presuppositions as its inherent moments and thus obliterates the traces of its traumatic origins. What we have here is the tension between the 'open' situation when a new social pact is generated, and its subsequent 'closure'.

(Žižek 1993: 227ff.)

In the 'open' moment of 'Independence', there is a push for closure, for singularity, for totality.

A relevant idea, pertaining to the intrinsic tendency to overcome the constitutive void or lack, might here be derived from Kojin Karatani who describes the *cogito* ('the doubting subject') as appearing in the space 'in between systems, in between communities'; it is a space that is 'insubstantial', something that 'cannot be spoken of positively; no sooner than it is, its function is lost' (Karatani 2005: 134). Another might be from Judith Butler, who refrains from conceiving non-humans (those not regarded as human according to the normative notion of what a human is) simply in terms of being excluded from the reigning ontology (2004: 33). She, through her example, urges us to instead probe 'insurrection at the level of ontology', which is here understood as an urge to dissect the subject. It is, therefore, fallacious to assume a binary or taxonomical relationship. In raising an objection to the dichotomy between we/I and the other, Žižek argues that 'the tension between the Same and the Other is secondary with regard to the noncoincidence of the Same with itself' (2006: 36). He continues: '[T]he original split is not between the One and the Other, but is strictly inherent to the One; it is the split between the One and its empty place of inscription' (ibid.: 38). As Alain Badiou has suggested in his work on Saint Paul, a similar relation seems to exist between the universal and the particular; the universal is not the same as

‘negation of particularity’ (Badiou 2003: 110). It is itself constituted by ‘the subsumption of the Other by the Same’ (ibid.: 109).

Following Edkins (1999: 2), I also subscribe to a distinction between ‘politics’ and ‘the political’, where the latter signifies the process whereby a specific set of social practices, meanings and notions are elevated into being singular, neutral and somewhat objective. ‘Politics’ could be understood, with Fred Dallmayr, as activities and mechanisms related to ‘day-to-day decision making and ideological partisanship’ (cited in Edkins 1999: 2), or, with Chantal Mouffe, as ‘the set of practices and institutions through which an order is created, organizing human coexistence in the context of conflictuality provided by the political’ (2005: 9) or, with Edkins, as ‘that sphere of social life commonly called “politics”: elections, political parties, the doings of governments and parliaments, the state apparatus’ (1999: 2). We will, however, be less concerned with the last-mentioned constituent of the binary couple as our focus will be directed towards ‘the political’.

To more precisely mark out the conceptual delineation that the study abides by: the political pertains to the process wherein ‘social space’, i.e. ‘the form of society’, is constituted (Lefort cited in Edkins 1999: 2). It is at moments and junctures where the singularity of a social order is called into question, is eroded and undermined that the political arises. As Žižek has highlighted (2002a: 193; the citation is also employed by Edkins 1999: 3), the political is, hence, equivalent to ‘the moment of openness, of undecidability, when the very structuring principle of society, the fundamental form of the social pact, is called into question’. The open moment of Žižek seems to have a counterpart in Hannah Arendt’s notion of an ‘in-between period’:

[W]hich sometimes inserts itself into historical time when not only the later historians but the actors and witnesses, the living themselves, become aware of an interval in time which is altogether *determined by things that are no longer and by things that are not yet.*

(Arendt 2006a: 9; italics added)

It is the seemingly close alignment, between the formal transition from the colonial to the postcolonial and an interstice that contains both indecision and direction, from which the present study’s interest in the partition of British India and its aftermath emanates. At the juncture of independence, India and Pakistan found themselves in such open undecided terrain. There were evidently structural restrictions and limitations that the principal agents had to relate to; possibilities closed off due to historical and physical factors. Still, the principal conditions of the political, as defined by the above-mentioned scholars, were in place. What occurred in the period following the disintegration of British India and the integration of sovereign India and Pakistan was the incremental closure of a rare moment of openness. As we shall see, the period 1947–52 truly represents a political moment, i.e. the concomitant constitution of a novel social order and its legitimacy.

In Pakistan, we discern one – in a series of closures – in March 1949 when Prime Minister Liaquat Ali Khan moves the motion on the aims and objectives of the constitution in the constituent assembly (*Constituent Assembly of Pakistan Debates (Official Report)* 7 March 1949). It turns out to be both a successful closure *and* a failed attempt to ascribe totality to key concepts and discursive nodal points. An example of the latter was the motion's unified representation of Muslims and Islam. A crucial aspect of nation building and of the merging of the state with a nation in Pakistan is that the 'majority' by most members of the assembly was presented as evident, as always already existing and as unchallenged. Such representation did, however, entail internal contradictions that were hardly concealed, e.g. regional identities and sectarian divides. Liaquat Ali Khan's speech, with its insistence on the intactness of the category of 'majority', hence, became a forceful articulation of closure. It also amounted to a symbolic expunging from the 'sanctioned' of those 'Muslims' not subscribing to the official definition of the term, and of those in Pakistan identifying themselves as secular and leftist. Rather than exclusively delimiting the space afforded to 'the minorities', the motion appears to have been aimed at the 'proper' formation of the 'majority'. In India, as will be discussed below, such a demarcation of the categories 'Muslim' and 'majority' finds a counterpart in the formulation of a benevolent and protective 'we' in the constituent assembly debates.

When I, above, allude to the constitution of legitimacy as intertwined with the creation of a new social order, I primarily have Jacques Derrida's recognition of the baseless foundation of authority in mind. Derrida aptly put forward a reading of the instituting of authority, be it a state or the law, as a process where the original, or point of origin, is devoid of foundation (1992: 14). Phrased more directly, it is baseless. In a parallel movement, the 'violence', the force, by which the new order was inaugurated and the past order dismantled is erased and overwritten (for an elucidation of the notion of 'force', see Torfing 1999: 68ff.).² The foundation for the established authority is accordingly not derived from a pre-given set of components already in place. It is attributed retroactively by the state's own operations and meaning-ascribing activities. In this way, it also comes from the 'future' since it conveys and promulgates a particular image of what it will be(come).

In our case, it appears as if the Indian state was, in part, more 'successful' than the Pakistani state in portraying and installing itself as a singular, non-historic entity. Here the impact of economic and institutional materiality and its interplay with the discursive topography are discernible, and so is also the kind of anti-colonial movement that the Congress represented, which perhaps more easily fitted the international order and its embedded expectations at the time. In both states, there was, however, a shared impetus to 'act' in Lacanian terms (see Edkins 1999: 7ff.). Namely, the open character existing at the intersection between the past and the new entity forced agents to make judgements and choices – to 'act' – that had no easily predictable outcomes. In the Lacanian edifice, an act is equivalent to 'a move that, so to speak, *defines*

its own conditions; retroactively produces grounds which justify it' (Žižek 2002a: 192; the citation is also employed by Edkins 1999: 8). A study of elite narratives is therefore of importance. The leaders and top bureaucrats had an indeterminate yet exceptional chance to – as subjects – not only mimic, replicate and repeat, but to act in the proper sense of the word.

Since the socio-political framework at the time of decolonisation, independence and the partitioning was undetermined and in flux,³ in a 'process of reinvention' (cited formulation from Edkins 1999: 7), the new order could only come into being if it was posited as always already existing. It was by the positing of its own underlying premises and groundwork that the state was retroactively 'brought into being' (ibid.). If the events taking place at the nexus between the colonial and the postcolonial order are understood in line with this schema, it appears to correspond with Lacan's aforementioned notion of 'acting'. It, moreover, seems to be an apt example of what Edkins refers to as 'moments of transition', i.e. 'moments that constitute the social or symbolic order' (1999: 8). The period 1947 to the early 1950s in South Asian history is of interest because it represents such an instance of tentative transition. A moment 'where there is a sense of openness, of decision' (ibid.). It is, hence, a period wherein both the political and the subject's necessity to 'act' are 'called into play' (ibid.).

To discern how the two states assumed a consolidated and tangible shape, we need to examine the empirical dynamics at work in the inauguration of key rationalities. The 'state' will here, with Jacob Torfing, be regarded as 'an empty signifier' that 'retroactively constitutes that which it signifies' (1999: 225).⁴ In the years following 1947, India and Pakistan strove to obscure the contingency of their origin and the voids at their cores – i.e. 'the emptiness at the very heart of the symbolic order', as Rebecca Comay writes (2004: 390). One reason why the current study is of more general significance to the study of politics and the political is that it recognises and addresses the complexity in analysing drastic transitions and the related constitutive moments. The formation of the Indian and Pakistani nation states allows us to interpret and scrutinise a phase where the foundational myth has not yet been laid down in a hegemonic fashion. It, in other words, gives us rare access to a tempo-spatial segment where the political has not yet been superseded by politics.

The principal aim of the book is, as indicated above, to explore the dynamics and implications of state formation in India – and, hence, necessarily in Pakistan – in the period 1947 to the early 1950s. The substructure of the main analysis will consist of two intertwined components: first, the unpacking or deconstruction of the constitutive moment and, second, the material and symbolic production of space and identity emanating from the experience of colonialism and independence through partition. If the puzzle leading up to the first element stems from the seeming artificiality in the sudden erection of 'baseless' authority, the latter is rooted in the following two questions: how does the response to independence through partition fit into a broader scheme

wherein the instituting of origin, legitimacy and the insignia of power became decisive elements; and what was the role of the (form and matter of the) constitutive moment in the formation, reproduction and consolidation of the postcolonial state?

To what degree then has Independence and the Partition been referred to as an 'original' – as a founding moment? How did India and Pakistan relate to the impasse of creating a legitimate historical foundation underpinning sovereignty and nationhood? It might be pointed out that a persistent theme in Indian nation building is the notion of India as a nation with age-old roots – a notion central to Nehruvian and Hindu Right ideology alike. As a result, it appears as if India has been able to claim that decolonisation was equivalent to the liberation and realisation of an ancient nation. Independence has, in other words, become a metonym for the 'true' Indian experience and is, accordingly, inserted into a 'natural' causal chronology, while the Partition (and subsequent communal riots in independent India), as noted by Gyanendra Pandey, is not deemed part of the 'real flow of Indian history' (2006: 32ff.; see also Chatterjee 1997: 44ff.). Pandey maintains that a reason behind the blind spot in historiography is to conserve the 'innocence and purity' of the people by positioning them 'outside history' (2006: 32). An interesting strain in Pandey's argument is that by subscribing to and promoting a depiction wherein violence, bloodshed and atrocities are demoted, while the triumphant campaign for independence is elevated into the primary narrative, the Indian state relates to the events in August 1947 as a return to normalcy – not as the instituting of an origin(al). British rule, and even Moghul rule in some quarters, became and remains equivalent to the distortion and corruption of authenticity.

In Pakistan, a forceful inscription of a founding myth and rationale is, as mentioned above, traceable in the constituent assembly debates on 7 March 1949, when the motion of the aims and objects of the constitution is introduced. The idea of Pakistan was, from its inception, vague. Here, however, it attains a degree of stability. Liaquat Ali Khan, while moving the motion, explicated:

Pakistan was founded because the Muslims of this sub-Continent wanted to build up their lives in accordance with the teachings and traditions of Islam, because they wanted to demonstrate to the world that Islam provides a panacea to the many diseases which have crept into the life of humanity today.

*(Constituent Assembly of Pakistan Debates (Official Report)
7 March 1949)*

According to this rendering, there was no doubt what the underpinning logic was: Pakistan was the natural extension and embodiment of an urge to create a society by Muslims, for Muslims.

1.2 Independence through Partition

As specified above, one of the objectives of the analysis is to trace and delineate continuities as well as map out ruptures and novelties. Or, more exactly, to hypothesise the postcolonial state as radically new and explore its relation to the conceptual triad past, present and future. How are these temporal entities used to delimit and ascribe meaning to the post-colonial state? What are the dominant portrayals and articulations of legacies and continuities, on the one hand, and transmutation and emanation, on the other? It might be appropriate to make clear that the analysis does not seek to discount or deny transmissions. One often-mentioned inheritance is the legal framework laid down in the Indian and Pakistani constitutions (see Chapter 4). Paula R. Newberg for example, has, stated that ‘Pakistan’s constitutional law’, akin to other former colonies’, ‘has developed partly from colonial legacy and partly from reaction to it; the two processes have been intertwined to produce a state of mixed political and legal parentage’ (Newberg 1995: 3). India adopted its constitution in January 1950, whereas Pakistan lacked an indigenously engineered constitution for a long time. Until 1956, the Government of India Act from 1935 remained Pakistan’s basic legal structure.

The Constituent Assembly of Pakistan on 10 August 1947 had been bestowed with the same task and authority that the central legislature was awarded under the 1935 Act. It meant that the constituent assembly had two functions: namely, ‘to prepare a constitution and to act as a federal Legislative Assembly or Parliament until that constitution came into effect’ (Choudhury 1969: 19). At the brink of its fulfilment of the first function in 1954, however, Governor-General Ghulam Mohammed, on 24 October, decided to dissolve the constituent assembly on the grounds of a constitutional and political crisis. G.W. Choudhury isolates two late amendments to the final draft of the Constitution Bill in 1954 as the main reasons behind the decision to curtail its function: the retraction of the Public and Representative Offices (Disqualification) Act and the enactment of a revision that would deprive the governor-general of the right to discharge ministers (*ibid.*: 84ff.). The Public and Representative Offices (Disqualification) Act, which was introduced in 1949, had made it possible for the governor-general and for the provincial governors to request the High Court to initiate a legal process against persons suspected of ‘maladministration and corruption in public life’ (Khan 2001: 130). If found guilty, the person would not be allowed to hold ‘public office for a specified number of years’ (*ibid.*). The constituent assembly was re-established eight months later and a subsequent draft was passed on 29 February 1956. In its final form, the Constitution of 1956 showed continuity with the interim constitution from which it extracted many of its stipulations (Choudhury 1969: 103).

A similar impact of the 1935 Act is discernible in the case of India. Paul R. Brass has asserted that ‘there was a considerable degree of continuity

between the Government of India act [of 1935] and the Constitution of India' (1994: 2). The heritage consisted of a range of institutional arrangements. The most obvious being that India was structured as

a federal system of government with three legislative lists of powers to be exercised exclusively by the Union, exclusively by the states, or concurrently, and a combination of a considerable degree of provincial autonomy with extensive powers left to the Center.

(*ibid.*)

With the final point, Brass refers to the provisos of emergency powers and the presidential rule that allowed the centre to, almost at will, transform the federal system into a pure union (see also Austin 2003: 157; Huq 2006). India did, in other words, inherit both executive and judicial elements of the 1935 Act.

Hamza Alavi has stressed a second continuity: the unaltered position and power(s) of the bureaucracy (1972: 63ff.). Prior to 1947, mostly indigenous bureaucrats and army personnel were representing and running the colonial state. During British reign, the colonial domination was not only external or foreign, it was also firmly intertwined with struggles for 'status, privilege, and power' between its subjects (Washbrook 1990: 493). Those associated with the colonial apparatus occupied a peculiar threshold: they both pushed for recognition in the form of rights and political representation and denied less privileged strata the same level of participation (Kaiwar and Mazumdar 2003: 268). These 'indigenous elites', hence, directly served the British. Brass has, accordingly, and like others before him, called the Indian Civil Service the 'steel frame' of the Indian branch of the British Empire (1994: 4). One of its many tasks was to contain and make the anti-colonial movement ineffectual, which meant that members of the Indian Army and the Indian Civil Service were in a conflicting position *vis-à-vis* the leaders of the anti-British struggle (Alavi 1972: 64). The somewhat peculiar continuity lay in the transference of colonial bureaucrats and militaries into the new systems. The colonial 'steel frame' and the British Indian Army were two institutions that now found themselves in a situation where the key figures of the freedom movement held key decision making positions.

However, it is important to note that the legislative reforms that had resulted in a marginal relocation of power during the 1920s and 1930s had 'already institutionalized procedures by which the bureaucracy could by-pass the political leaders who had been inducted into office' (*ibid.*). In India, the administrative 'steel frame' remained virtually unchanged due to the need to maintain order and the basic functions of the state (Brass 1994: 4). In Pakistan, the only segment of society that could initiate and uphold pressing tasks was the former members of the Indian Civil Service. Even though this leaves us with a number of questions, one seems more pressing than the others:

why, if '[p]oliticians are reduced to playing the role of brokers for official favours' and to mediators 'between the public and the bureaucracy' (Alavi 1972: 64), have so many scholars focused on the role of individual politicians instead of wider institutional structures? It is a question that sets the next ostensible continuity in motion, i.e. the role of the Congress and the Muslim League.

The existence of the two parties and their position as legitimate proxies at the centre of power has often been regarded as an argument of the smooth transition and amendment of political order. Their legitimacy was primarily drawn from their involvement in ending British rule and replacing foreign domination with nation states based in popular or at least domestic elite sentiments. The divergence in mass support, party structure and number of members has regularly been taken as variables in the explanation of the success and failure of democracy in the post-Independence period. The variance in political system is often seen as closely entwined with the differing roles and efficiency of the two parties after Independence. Radha Kumar's reading, which emphasises the shared function of the Congress and the Muslim League at the advent of independence, implies a somewhat different assessment (2005). According to Kumar, the police, bureaucracy, law as well as civil and government institutions were – under the watchful gaze of the parties – transferred fairly easily from the old into the new (*ibid.*). Apart from the division of the canal system of the Punjab, almost no material reconstruction had to be carried out and the non-state agents of violence, which had caused so much suffering in the province, vanished as conventional armies gained control. Kumar, in opposition to those disparaging the influence of politicians, seems to suggest that the Congress and the Muslim League were able to enforce control over bureaucrats and the armed forces – at least during the transition phase.

The centrality of the two parties might be further illustrated by a description of the status of the Congress at the genesis of the Indian nation state. It was a party that had fought colonial oppression successfully and it had extensive popular support and a sweeping ability to mobilise its cadres and the masses. After 1947, the Congress turned into a 'macro-political party' functioning as an umbrella organisation encompassing 'factions, forums, lobbies, groups, that is, classes and masses' (Khan 1989: 65). Under the Congress banner, a broad class coalition was established with the capacity to mediate political and socio-economic antagonisms through a fluctuation between consensus and coercion (*ibid.*; see also Frankel 2006: 25). By utilising this strategy, it effectively obfuscated and diluted class polarisation. In 1952, when India held its first general election, the Congress, founded in 1885, could rightly claim to be one of the 'oldest' and most well-organised political parties in the world (Rudolph and Rudolph 1987: 127). For a long time, the party was so influential that the Indian political system was most accurately described as a 'one party dominant' system. The Congress did not lose a general election until 1977. In 1945–6, its primary membership was 5,500,000

and its active membership 400,000, a number that rose to 17,000,000 and 600,000 in 1950 (Khan 1989: 64). Even though the Muslim League lacked the grassroots extension of the Congress, and until the last years of the British Raj only had weak support in Muslim majority provinces, at the advent of independence it constituted a strong uniting factor. At the intersection between the colonial order and the postcolonial state, we, thus, find a situation where two stable political parties, firmly anchored in the rationales behind liberation and sovereignty, had to ascribe and attribute their meaning to the terms 'India' and 'Pakistan'. In a moment of rare 'openness', they had to strive to establish cohesion and solidity.

A number of scholars, including Srirupa Roy (2007: 27), have – in response to those emphasising similarities and overlaps – pointed to how the transition of British India into independent nation states represented 'continuity yet change'. Such assertion is typically elaborated through a reminder about the continued relevance of the bureaucratic 'steel frame', the protracted influence of the Government of India Act 1935, limited land reforms, the dominance of the Congress, membership in the Commonwealth, etc. It seems, however, to be important to probe the interplay between the two notions more minutely and propose how we ought to read the relationship between old and new, between past and present and between continuity and rupture. Henceforth, the analysis will, on the one hand, amount to an attempt to accentuate the finer details of the empirical material, while, on the other hand, exercise sensitivity towards the conceptual interplay of these dynamics.

If the emphasis in the academic literature is primarily on continuities and if the postcolonial state is foremost viewed as the actualisation of what was always already at hand, how ought we then to comprehend and utilise the term 'constitutive moment'? Should it be distinguished and delimited by way of mapping and assessing the events leading up to Independence, through an attempt to situate ourselves close to what Partha Chatterjee has referred to as 'pure politics' – *viz.* 'morality and economy had to be created all at once, all by oneself, *de novo*, from the bare elements of human interaction' (2005: 98) – or via a tracing of the retroactive engraving of meaning? Most scholars would probably, as evident from the research dominating the field, assert that the obvious entry point into an analysis of Independence and the Partition would be the exploration of events resulting in it (for a critique of this tendency, see Mayaram 1997: 163). I will, however, start elsewhere and postulate that in order to grasp the 'moment' – the 'constitutive moment' or the 'moment of transition' – we, above all, need to consider the creation and decision making that goes on in the very becoming and in the retrospective attribution of meaning that is observable in the years after Independence.

Observed from the viewpoint of the early twenty-first century, a linear constancy between the colonial state and the postcolonial states of India and Pakistan might look accurate. However, by revisiting the period 1947 to the early 1950s, I argue that patterns and developments were less straight and clear-cut. The picture then looks more like the inversion of what most

scholars suggest, i.e. the new order in the guise of the old. Here we come across one of my main objections to the bulk of the existing literature: the new political orders were to a large extent newer than what most scholars would like to admit. Continuities, legacies and roots are more derivative than what most accounts convey. It is the experience of independence through decolonisation and violent division that partly dress the new as the old and attributes the post-Independence state with an ostensible, yet false, stable foundation.

At the same time, Michel Foucault's portrayal of 'transition' – as understood by Fredric Jameson (2002: 79) – that conceives it as 'the ruins of the older system in the midst of which a newer system is in formation' also holds validity.⁵ There are, in other words, two opposing tendencies at work. On the one hand, the new needs to distinguish itself from the past. On the other hand, it needs to demonstrate its stability, its legitimate roots and its historical justification. In proposing the existence of such a duality in the case of India and Pakistan, I echo Cornelius Castoriadis, according to whom there is a twofold act involved in the instituting of a novel socio-historical order: the construction of 'radical otherness' and the instalment of the novel order 'in terms of the old' (Castoriadis 1997: 183ff.; as read by Zerilli 2002: 541).

To be able to counter arguments against the possibility to separate constituents that were directly transmitted and those that were reconstituted or perhaps genuinely new, it seems appropriate to give an overview of the core arguments in the literature focusing on the reasons for the partitioning of British India. The causes of the territorial division have been intensely debated over the years and the divide is usually between scholars advocating the instrumental and deliberate preference of the British to dissolve its former colony into two weakened states, the role of Jinnah and the Muslim League in disseminating the notion of Hindus and Muslims as belonging to two separate nations with distinct histories, traditions, norms and cultures, and the compliancy of the Congress in the decisions leading up to the truncation. The emphasis on the geopolitical, on diplomacy and strategic calculation has, however, resulted in numerous silences in the study of independence through partition. Efforts to address these silences will be discussed in the next chapter. Here it might be worth noticing, with Yoginder Sikand, that there has been insufficient attention devoted to what the trauma of the Partition signified for millions of Dalits, who found themselves living in India and Pakistan (Sikand 2006).⁶

Ranabir Samaddar articulates an agency-centred conceptualisation in his argument that partition occurs once 'participants to a dialogue have been robbed of all characteristics, their identities completely effaced, all expressions deprived, and an apathy has been brought about in the participants about all other existences' (2005a: 2). Here, we find ourselves staring into the face of an agency-centred explanation. Or how should we otherwise grasp the inclusion of the word 'participant'? What I am attempting to stress is that we cannot understand the Partition solely from the side of division or from the

viewpoint of the main participants. We are equally required to assimilate the constitution and establishment of new, yet totalising and hegemonic, authority. To reiterate, Derrida has, in writing on Heidegger and the definition of a transitory moment, described the present as arriving ‘from the future’ (2006: 28). I think that a constructive exploration of state formation needs to be sensitive towards such a ‘future’ and avoid neatly linear, chronological and causal explanations informed by the preferences or ‘apathy’ of key agents (for an instance of such recognition, see Frank 2010: 10).

Let us return to the incomplete exposition on amnesia and recollection. As accentuated above, there is an inbuilt tension in the way the Partition is perceived and signified in India and Pakistan. On the one hand, it is regarded as a painful event, while, on the other hand, it signals emancipation and accomplishment (Greenberg 2005: 90ff.). We might, in other words, detect at least two layers of memorialising (and forgetting). Are there more; and which one is dominant? Is it the memory that Jonathan D. Greenberg prefers to describe as the feeling of loss, the remembrance of ‘phantom limbs’ and calamity (ibid.)? As I would contest sweeping references to ‘collective memory’ and scholarly reinforcement of a corporeal dimension of division, I answer in the negative. It is not plausible to talk of British India as a body or as a monolithic whole. The same applies to the terms ‘collective’ and ‘community’. To claim, in tandem with Greenberg, that the Partition ‘remains a “phantom limb” in the collective memory of former inhabitants’ (ibid.: 93), hence, seems contestable. In departure from references to a cognitive collective memory, I would like to argue that the (vague and incomplete) memory of partitioning principally is an institutionalised memory impressed on and sustained by the state apparatuses.

However, it is important to bear in mind that the Partition ‘trauma’ has not been a recognised subject of public recollection in India or Pakistan. Both states have been unwilling to ‘remember’ and to deal with its legacy. In India, there are no museums, no official commemoration of those who perished, no recognition of guilt, no epitaphs, etc. In the last 15 years, many Indian writers, particularly feminist scholars (for example, see Butalia 1998; Menon and Bhasin 2000; Menon 2004; Settari and Gupta 2002), have convincingly demonstrated that state discourse in India on the Partition fails to fully represent the event. Issues such as carnage committed by and against Indian citizens, the density of the controversy revolving around abducted women, the body politics deployed in the inscription of nationhood and belonging are all issues that state memory of the event has repressed. An interesting detail is that, in symmetry with the French ‘Vichy syndrome’ where human memory to a large extent grew exterior to the officially certified version (Rousso 1991: 25), the remembrance of ‘sub-national’, local, individual and women’s experiences has been disqualified from state historiography and most history writing (for a review of the latter, see Kudaisya and Yong Tan 2000: 8ff.), whereas they have still informed the popular understanding and rationalisation of the event.

1.3 Passive revolution or negation of negation?

Broadly, there seem to be two cogent options available to define the character of the ‘transfer of power’: either as ‘passive revolution’ in the term’s Gramscian formula or by adopting Žižek’s interpretation of Hegel’s notion of ‘negation of negation’ as equivalent to genuine, fundamental change (and, hence, not ‘the old “dialectical” card trick’ that Dipesh Chakrabarty rejects [1997: 282]). The concept revolution below denotes an extensive, deep-seated shift and not socialist revolution specifically; the chosen conceptualising also departs from Svetlana Boym’s attempt at a nuanced definition of revolution as ‘both cyclical repetition and the radical break’ (2001: 19) and places the emphasis on rupture, on novelty. In addition, the current reasoning is not intended to measure or make judgements regarding the good and bad effects or sources of any – minor or far-reaching – transformation.

The first potentially plausible position, which is drawing on Antonio Gramsci’s work, has been developed and rehearsed by, among others, Chatterjee (1986; 1993: 211ff.), whereas the second one, which is here endorsed as the more tenable, seems to have been prematurely overlooked or dismissed in analyses of decolonisation in South Asia. I argue that the notion of ‘negation of negation’, as read by Žižek, is a more appropriate conceptualisation of the decolonisation of British India and the Princely States – which at the time of Independence amounted to 562 in total – than the Gramscian concept as utilised by Chatterjee. The present subsection, thus, has two aims: first, to make the limitations of the term ‘passive revolution’ in the present setting explicit; and, second, to establish why the notion of ‘negation of negation’ appears to be a more fruitful and sound alternative. Expressed concisely, the ‘negation of negation’ argument effectively prepares the ground for the recognition of novelty in the midst of continuities, which will be further explored in subsequent parts of the book.

To begin with, we need to, somewhat sketchily, clarify the premises of and difference between the two. ‘Passive revolution’ is a type of transition that brings about both revolution and restoration. In the case of India, this means that there was no radical venture to

break up or transform ... the institutional structures of ‘rational’ authority set up in the period of colonial rule, whether in the domain of administration and law or in the realm of the economic institutions or in the structure of education, scientific research and cultural organization. On the other hand, it [the passive revolution] also does not undertake a full-scale assault on all pre-capitalist dominant classes ... [And, instead] bring[s] them round to a position of subsidiary allies within a reformed state structure.

(Chatterjee 1986: 49)

Chatterjee, in other words, stresses how the discursive opening was, to a large extent, employed to reproduce and reinforce the existing order; or, phrased

differently, to make the 'traditional' (or 'precapitalism') part of 'modernism' (or 'capitalism') (on the latter, see Chakrabarti and Cullenberg 2003: 132). Such partial transformation installed, as Stuart Corbridge writes, 'a technocratic vision of the production of modernity' (2001: 83); and, in the words of Gyan Prakash, built on a history wherein the 'anticapitalist energies and subaltern languages' of 'popular struggles' were subsumed into the 'nationalist' fold (1996: 196). Alex Callinicos has maintained that the passive revolution denotes how 'a state that promotes the interests of capital can still be established through a gradual process' – a process that is, on the one hand, guided 'from above' and, on the other, consists in 'compromises between the bourgeoisie and the old social classes' (2010: 494).

Negation of negation, on the other hand, is – according to Žižek's reading of Hegel – when the 'old order', at the time of a shift from state A to state B, is first 'negated within its own ideologico-political form' (Žižek 2002b: 8). To achieve a fundamental change, however, the form itself has to be subjected to negation. Those who waver, those who fall short of taking the 'second step' of negating the 'form itself, are those who (to repeat Robespierre)' merely achieve a 'revolution without revolution' (ibid.). As Žižek makes clear, the negation of negation is not merely the inconsistency or void

between form and content: what the 'first revolution' misses is not the content, but *the form itself* – it remains stuck in the old form, thinking that freedom and justice can be accomplished if we simply put the existing state apparatus ... to use.

(Žižek 2002b: 7)

Against a depiction of India (and Pakistan) as firmly embedded in the 'old form', I will, throughout the present analysis, maintain that there was a second negation.

1.3.1 Break or continuity?

There are, of course, other possible interpretations. One is the claim that was articulated by the Indian Communists, namely, that no revolution, no alteration at all took place and that already dominant elites simply replaced the British as oppressors. Independence, according to this view, did not result in a termination of colonialism since it was a continuation of dominance over certain classes, castes and regions. Another way to conceive the end of British rule is to claim, together with Granville Austin, that the revolution was disentangled or bifurcated into two parts, one national and one social, after Independence (1966: 26). The first interpretation, as will be further demonstrated in Chapter 5, became unsustainable, whereas the second is based in a flawed reading of actual events and the relation between the 'national' and the 'social'.

The national revolution (its second phase or whatever we choose to call it) commenced in 1947 – it did not end and become replaced by a purely social revolution. The social revolution was firmly attached to the national and vice versa. In narratives on ‘backwardness’, on the ‘mature’ and ‘responsible’ citizen, for example, the social and the national were firmly entangled (see Chapter 5). To name a way forward (a destiny), to select the group of people (the community) that should be targeted with social reforms, questions about the membership of the nation and what kind of life these members should lead – what kind of ideals they ought to embrace and enact – needed answers. The survival of the nation, in its rendering by the Congress leadership, was inexorably tied to the future welfare of the people and the success of social objectives. In Jawaharlal Nehru’s words: ‘If India goes down, all will go down; if India thrives, all will thrive and if India lives, all will live including the parties, communities and groups’ (*Constituent Assembly of India Debates (Proceedings)* 22 January 1947). These words carried both a fatalistic tone – India’s destiny as carved in stone without space for contest – and symbolically and materially entwined the nation with the social revolution. Austin is, hence, mistaken in his stress of a separation.

In the case of India, do we then encounter a singular negation, a revolution without a revolution?⁷ At first glance: yes. The previous order is negated from within its own ideologico-political form as formal structures are sedimented into state institutions, societal cleavages are conceptualised according to colonial terminology, territorial space is carved out by the colonialist, etc. There is, however, an additional twist to our case that, for example, Robespierre did not have to consider – namely, the ‘revolution’ creates not one, but two new orders. Vazira Fazila-Yacoobali Zamindar pertinently detects a radical novelty when stating that ‘as the Muslim League and the Indian National Congress agreed to the denouement of partition and transfer of power to two territorially distinct postcolonial states, nation as community had to be transformed into *nation as citizens of two states*’ (Zamindar 2007: 4; italics added). India and Pakistan, in other words, faced the double task of negating both colonial supremacy and the ‘neighbour’.

So, did a negation of negation take place? The founding of the postcolonial state did signify a fundamental shift in power relations and the position of the old elites. Even though their position was still connected with land holdings or wealth, they had to modify to the new discourse, and find new routes to political influence in order to not be sidelined by other groups seeking political sway and recognition. In divergence from the incremental character of British colonialism, the self-governance attained in 1947 came abruptly. It had originally been laid down that British colonialism would end in June 1948. On 3 June 1947, it was, however, unexpectedly announced that a decision had been made – and accepted by the Congress and Muslim League leadership (for details, see Jalal 1994: 241ff.) – that territorial division and the dominion status of two states would be effectuated less than three months later. With it came pressures on existing societal taxonomies and channels of

participation and influence. Aijaz Ahmad seems to hint at this when stating that 'colonial society [was] built along axes of caste, sect, and denomination, with no experience of universal suffrage or of institutions of secular, democratic, and denominationally pluralistic governance' (Ahmad 2000: 4). The transition simultaneously brought about challenges to the former and the expansion of the latter. Although it is an observation that is applicable to both cases, these axes were perhaps even more under pressure in a Pakistan deeply marked by the monumental influx of refugees and migrants, the shift of the political centre and the augmented significance of the army and bureaucracy.

One response emanating out of these circumstances was a deliberate move towards a concentration of power and to silence those patterns of identity and political mobilisation that took their cue from 'provincialism' and, in the Indian case, 'tradition'. In the search for stability and unity, the 'disruptive' in Pakistan came to be equal with any recognition of multiplicity and diversity. Pakistani state formation and consolidation, like its Indian counterpart, became firmly aligned with the search for Oneness and singularity.⁸

What then is problematic with utilising the notion of passive revolution in the case of India? There are seemingly two potential ways to contest its application: either (1) by arguing that Chatterjee misconstrues or misappropriates Gramsci (for example, see Ahmad 1993: 45ff.; Callinicos 2010: 504; Germain and Kenny 1998: 13); or (2) by accepting that the notion of passive revolution holds some validity as a description of the 'management' of the post-independent state, but that it fails to recognise that Independence as such foremost represents rupture and novelty. Here, emphasis will be laid upon the claim that no radical change or transformation took place in August 1947.

However, to exemplify how another critique against the theory might be formulated, it can be noted that Gramsci intended the concept to be employed to understand the '*nature* of bourgeois hegemony, not ... its specific political *form*' (Barlas 1995: 11). According to Asma Barlas' reading of Gramsci: '[A] passive revolution usually occurs in situations of actual or potential class strife' (ibid.). The Indian example does not point to either the destruction of a 'revolutionary rival' and its 'revolutionary potential', or the preservation of power in the hands of 'a relatively small group of leaders' (see ibid.: 23; for a 'Marxian critique' of the notion of passive revolution in an Indian context, see Chakrabarti and Cullenberg 2003: 131ff.⁹). Contrarily, as the here-suggested analysis also proffers, it opened up and enabled mass, popular politics. It opened up for, to speak with Arendt (2006b: 24), 'independent government and the foundation of a new body politic'. Gramsci was, furthermore, writing with a specific context in mind (see Callinicos 2010: 500). For example, one of the reasons why he departed with Lenin's thoughts about the role of the vanguard was because Italian intricacies and the circumstances in industrialised Western Europe were fundamentally different from those of Tsarist Russia (Boggs 1984: 244).

Nevertheless, as mentioned above, a strength of the notion of passive revolution is its recognition of both change and stability, i.e. the simultaneous enactment of revolution and restoration (see Ahmad 1993: 67). In the instances of India and Pakistan, there are, undeniably, apparent structural overlaps with the British Raj, e.g. patriarchal order, proprietary rights, distribution of land, expansion of capitalism, overrepresentation of some groups in the All India Services and in the Indian Army, religious creed as a primary identity marker in state categorisation, etc. If we, in other words, pose the query whether class compositions and other logics of social stratification were revised with the end of British rule, with the inauguration of representative procedure and in the wake of demographic changes due to migration, the notion of passive revolution, to some extent, seems applicable. Here it seems relevant to interject Anupam Sen's observation that the British inherited state arrangements from the previous political order(s), and, although a range of alterations were introduced, the 'base of the state', i.e. the mode of production, remained intact (Sen 1982a: 218). Sen, hence, accentuates the porous boundary between regimes and the constancy of class structure and distribution of influence.

If Sen is correct, we, thus, find that the establishment of British rule did not represent a rupture. The British did not uproot local political infrastructures; they rather continued the strategy of Moghul rulers in co-opting and depending on local leadership. As Sarah Ansari has shown in the case of Sindh, now a state in Pakistan, the dominant position and the relationships established by the British were a direct extension of the hierarchy and order that had characterised the region for centuries (Ansari 1992: 36ff.). The existing elites were awarded protection and prerogatives in exchange for their collaboration. The British Raj, in other words, sought legitimacy through acclimatisation and accommodation, by reference to an order and system of succession already in place.¹⁰ Might it, hence, not be argued that a similar inheritance was the survival of (semi-)feudal conditions in the rural hinterlands of India and Pakistan after August 1947? Did the *zamindars*, landowners and upper classes that, according to Bipan Chandra *et al.*, constituted the 'social base' of British control (1988: 488), find a similar position in the new order?

It is, however, important to recognise that after 15 August 1947 these (subject) positions and power relations were articulated in a new fashion and within a new discursive and material framework. Even in those instances in which existing patterns of influence and accumulation of wealth were reinforced and cemented, identities and social relations were still ascribed new significations through their incorporation into novel discourses on the Indian and Pakistani nation states. Instead of emphasising continuities, we ought to stress the discursive limitations and possibilities that restricted, influenced and enabled the manoeuvring of meaning-ascribing practices. My demur is, hence, the following: there was a radical break, a definite and decisive transformation – both of the institutional framework and of what it meant to be a subject within and a member of the new polity.

1.3.2 Transition: not radical enough?

So, what did the novelty consist in; how might it be argued that ‘originality’ was established? Did the experience of India and Pakistan differ? As Katharine Adeney and Andrew Wyatt have observed in their analysis of democratic transition in the subcontinent, Pakistan appears to have held the ‘same colonial legacy as India and Sri Lanka, inhabiting the same geographical area and facing similar challenges of state, nation and economic construction’ (Adeney and Wyatt 2004: 2). Even if ‘same’ might be too strong for some, most would probably agree on the word similar. Still, the post-Independence developments are strikingly different. Whereas India embarked on the actuation of a democratic political system – at least in the minimal sense – Pakistan developed into an authoritarian state.¹¹

As Sunil Khilnani has pointed out, the postcolonial state in India adopted a previously un-witnessed position ‘at the core of India’s society’; it ‘etched itself into the imagination of Indians in a way that no previous political agency had ever done’ (Khilnani 1999: 41). The negation of negation partly consisted in the elimination of a secluded sphere for nationalism, which instead established itself unrestrained in the public domain of Indian society. Other major changes in India worth mentioning are: silence on non-Gandhian, non-Nehruvian branches of the freedom movement (e.g. violent means, peasant uprisings, Muslim League, provincialism, etc.), the promotion and fostering of difference to the British and to Pakistan, unification of territory (i.e. India as a geographic idea not realised before) and the institution of secular democracy and universal citizenship. In a longer perspective, the ‘moment of transition’ also opened up for new kinds of mobilisation, such as peasant and women’s movements, assertion of Dalits’ rights and, less positive, Hindu chauvinism. The last point is important. The transformed substructure allowed for an alteration of the distribution of political influence, for new types of representation, for the middle class and subaltern groups to be heard. It is true that the endorsement of ‘modernity’, ‘rationality’ and ‘capitalism’ from the British lingered. These concepts were all, however, articulated within a wider and novel discourse. They were tied to new nodal points and as such inscribed with new meaning.

As clarified above, I do not, however, suggest that there was no continuity at all. Upendra Baxi, for example, rightly stresses the ‘institutional, normative, and cultural continuities’ between ‘the British Indian legal system’ and ‘the legal system of independent India’ (Baxi 1982: 42). I am not questioning the transmission of ideas and material elements, rather, what Chatterjee, in part, neglects is that through the transition ‘the constitutionally desired order makes radical, and indeed in some respects revolutionary, normative departures’ (ibid.: 41).

A related misreckoning, made by, among others, Indian Communists in the wake of Independence, would be to hint at the change not being radical enough – that the ideologico-political form was not discarded or transcended.

That is, the alteration failed to remove those (or that which was) exerting oppression. To evaluate the transition in the light of the enduring domination of some agents or groups would, however, amount to a flawed interpretation of the relation between the ‘oppressor’ and the ‘oppressed’. Wendy Brown has given the examples of feminists imagining a world ‘without men or without sex’, African Americans imagining ‘a world without whites’, workers ‘a world in which work has been abolished’ (1995: 7; see also Žižek 1999: 71ff.). I do not mean to say that the mistake consists in a misreading of the balance between, or the identity of, the dyad oppressed–oppressor. What makes up a wrong turn is the neglect of how the identity of the oppressed is always connected to and defined in terms of its position *vis-à-vis* the Other. Phrased differently: ‘[I]f we take away the obstacle, the very potential thwarted by this obstacle dissipates’ (Žižek 2000: 18; formulation also available in Žižek 2006: 266).

What takes place at the time of decolonisation is, therefore, not principally an abortive purge of colonial imaginary from the mindset of ‘pseudo-British’ elites. Nor does it foremost testify to the onset of a contest ‘for determination of the structure of power of the independent state’ (see Kaviraj 1988: 2432). It is, conversely, a fundamental transformation of subjects’ positions and their content, in the case of India most aptly illustrated by reference to the changing nature of citizenship and the state’s socio-economic and developmental aspirations. The instalment of India as a nation state attached to a specific totalising and definite notion of the Indian nation and of national identity did not merely generate a particular type of nationalism with a set of ensuing institutional expressions, extensions and justifications. It also made counter- and parallel identities possible (for a similar argument against Chatterjee’s theorising, see Samaddar 2012: 111ff., 127). The institution of the Indian nation state, as I have already stressed, opened up for the possibility to mobilise against and inside the framework of the sanctioned idea of the nation state. One instance, which will be closely examined in Chapter 5, is the Communist movement; other examples include low-caste political projects, Hindu chauvinism, calls for secession and tribal identity. The transition also enabled the possibility to mobilise on regional and local levels without being in direct opposition to the nation state. Both these ‘others’ do not neatly fit the scheme oppressed–oppressor of the colonial period. Independence – even if not ‘destroying the precapitalist subject positions’ (see Chakrabarti and Cullenberg 2003: 137) – created a space and form that had not previously existed.

To recapitulate, the change consisted in the transformation of the oppressed–oppressor from the tension between the colonial subject, struggling for autonomy and participation, and the British Raj, to an order wherein national and state identity became mediated by a myriad of fragmentising counter-identities or aligned movements. In some way, these all had a subversive, yet reinforcing and stabilising effect on the validity of Indian nationalism as inclusive, secular and progressive. They, paradoxically, gave substance

to and facilitated the coagulating function and success of the nation state also after 1950.

By being dependent on the depiction of the system as (possibly) total and unequivocal, the passive revolution argument seems to be a prisoner of hegemonic state ideology itself.¹² What ought not to be neglected is that at the time of independence the ‘longed-for reversal’ was ‘already operative’ (cited formulations borrowed from Žižek 1999: 71). If gazed at from a contemporary viewpoint (or from 1986 or 1993), we might be tempted to ascribe retroactive closure or totality to the discourse in the late 1940s and during the 1950s. It seems more fruitful, however, to try to position ourselves at the ‘open’, complex juncture of the embryonic Indian nation state. What ought not to be overlooked is that a radical shift, ‘the movement from one stage to another’, does not consist in a motion ‘from one extreme, to the opposite extreme, and then to their higher unity’ (Žižek 1999: 71). The change is taking place when we are waiting for it to happen. Writing about the twentieth century, Badiou – in the voice of Brecht – has asked:

When will the new finally come? Is the new already at work, can we already discern its development? Or are we still spellbound by what is merely an old form of the new, a ‘new’ that is all too ancient because it is still prisoner to destruction?

(Badiou 2007: 44)

In the context of the independence of India and Pakistan, the response would be: the new came; it was already at work and its development could be discerned. Those who yearn for and lament that a more drastic break did not take place in 1947 might not themselves be ‘radical’ enough.

Truly radical difference does not consist in total destruction, of obliteration. It is rather to be found in what Badiou refers to as ‘minimal difference’, *viz.* that which is produced through a motion of ‘subtractive assumption’. Difference in the shape of a minimal gap ‘constituted through the erasure of every content, every upsurge’ (Badiou 2007: 56). What those advocating a lack of rupture and novelty are failing to consider is that ‘[t]he question of the real/semblance relation will not be resolved by a purification that would isolate the real, but by understanding that the gap is itself real’ (*ibid.*).

Instead of endeavouring to embrace the ‘passion for the real’ – that is, excavating a pure identity, unmask copies and simulacra, discard fakes – we ought to recognise that such an exertion to establish purity and to saturate and overwrite the gap is mistaken. It is also Badiou who, through a reflection on Kasimir Malevich’s poetry, offers us a key to the post in postcolonial (a subject that we return to in Chapter 3): the subtraction, or ‘act of subtraction’, consists in inventing ‘content at the very place of minimal difference, where there is almost nothing’ (Badiou 2007: 57). What the present chapter has endeavoured to convey is that transmutation, not straightforward or linear inheritance, ought to be stressed. The significance and meaning of

certain identities, institutions and social stratifications during British rule was at the time of independence under severe strain, in a state of fluctuation and indistinctness. It meant that the political elites had to make judgements and decisions in a way that resembled an act of subtraction; an act that was both performative and which produced meaning in the very moment of becoming and transition. Or, to once more speak with Badiou: ‘The act’, performed by the conductors of Indian and Pakistani statecraft, ‘is’, in other words, “‘a new day in the desert’” (ibid.).

Notes

- 1 It has become commonplace to utilise the concept of discourse while probing the social and political – to the extent that it is, at times, employed in a ‘commonsensical’ and, hence, opaque manner. One attempt to invest the term with meaning is offered by John S. Dryzek, who describes it as ‘a shared set of concepts, categories, and ideas that provides its adherents with a framework for making sense of situations, embodying judgements, assumptions, capabilities, dispositions, and intentions’ (2006: 1ff.). Dryzek aptly notes that discourses ought to be viewed as both constituted through language and practices. However, in tandem with Ernesto Laclau and Chantal Mouffe, I deem it proper to be unequivocal – to not leave any space for unnecessary doubt – in the stress of discourses and the discursive as most aptly understood as both ‘meaningful’ and as structuring ‘meaning’ (Laclau and Mouffe 1990: 100ff.). Actions and ideas, objects and the semantic alike, thus, need to be recognised as constructs *and* constituents of the discursive.
- 2 John McCormick has pointed to how Derrida, in ‘Force of Law’, drew ‘three aporias of law’ from Carl Schmitt’s writing (McCormick 2001: 403) – all related to the present undertaking. First, how judges might be said to ‘conserve yet destroy the law’ by both relying on existing ‘rules’ and by making law ‘in the moment of decision’. As such, they concurrently amount to ‘machines’ and ‘founders’. Second, the significance of an ‘undecidable’ and ‘haunting’ element of each application of a rule, each attempt at arriving at and enacting a decision. That, in other words, which fails to be integrated, yet holds constitutive qualities. Third, the (‘mad’) ‘urgency’ that is a key aspect of any decision. As McCormick writes, ‘a decision must be rendered *now*’, it ‘cannot be put off’ (ibid.). For reasoning on Schmitt’s view of ‘constituent power’ as ‘an unstructured “Urgrund”’ and “‘absolute beginning’”, see Jason Frank (2010: 47ff.).
- 3 An example of ambiguity was the lingering uncertainty regarding the terms ‘national’ and ‘domicile’ in Pakistan, which caused a lacuna that was debated on 15 May 1948 in the Constituent Assembly of Pakistan. In it, Sardar Abdur Rab Nishtar made the argument that ‘considering the fluctuating state of population and the fluid state of circumstances in which we are, it is not desirable at all to define the word “national”’ (*Constituent Assembly of Pakistan Debates (Official Report)* 15 May 1948). As seen in the case of Jinnah’s attempt to allow for secularism, such an intervention was, however, outdated.
- 4 In Torfing’s analysis of the ‘modern welfare state’, from which the utilised definition of the state is extracted, the key rationalities are identified as ‘its articulation of a socially responsible state, an organized capitalist market economy, and a civil society of private associations and households that to an increasing degree are organized around consumption’ (Torfing 1999: 227ff.).
- 5 Alain Badiou traces a thematic that is reminiscent of Foucault’s reasoning in a text by Bertolt Brecht (Badiou 2007: 45). In Badiou’s reading of it, Brecht seems to

- suggest that 'the new can only come about as the seizure of ruin'. He continues: 'Novelty will only take place in the element of a fully accomplished destruction'.
- 6 We find a noteworthy reference to Dalits in the constituent assembly debates in Pakistan. Vocalised by Liaquat Ali Khan, it reads: 'The backward and depressed classes are our special charge. ... we are not responsible by any means for their present position. But now that they are our citizens, it will be our special effort to bring them up to the level of other citizens' (*Constituent Assembly of Pakistan Debates (Official Report)* 7 March 1949). It is remarkable that there has been scarce interest in thoroughly exploring the subject of all those on the outside of the caste system who remained in Pakistan or who decided to migrate to India. A notable exception is Ravinder Kaur's endeavour 'to insert the missing parts ... in the Partition resettlement puzzle' by considering "'Untouchable" narratives' on displacement (Kaur 2008).
 - 7 If seen, with Callinicos, as a 'gradual, molecular, top-down process of change', which founds a ('bourgeois') 'domination' that is set in a 'form heavily marked by its origins' (2010: 498).
 - 8 One illustration is available in the Pakistani Constituent Assembly debates on 18 May 1948 in which the topic on how to decide who is eligible for election to the assembly was conferred. An interesting consequence of this debate is the closure on the idea of who belongs to the category of 'Muslims' falling under the purview of the state of Pakistan. As H.S. Suhrawardy observes: 'Sir, if you make this rule that it is only a permanent resident of Pakistan who can help you in the Constituent Assembly you are eliminating the Indian Muslims' (*Constituent Assembly of Pakistan Debates (Official Report)* 18 May 1948).
 - 9 The primary benefit of their critique, for us here, is that it brings attention to the implicit 'essentialism' and 'historicism' of the passive revolution argument (Chakrabarti and Cullenberg 2003: 145ff.). Whereas the first mentioned is manifest in the reliance on a view of 'capital accumulation as the source of change in society', as the 'essence ... of society' (ibid.: 145ff.), the latter assumes the contours of a notion of 'transition' as a 'stage of history' particular to 'underdeveloped countries' – partly residing in the insistence on 'the failure of primitive capital accumulation to fulfill its projected historical role' (ibid.: 151ff.). Both are clearly discordant with the overall theorising in the present book.
 - 10 This draws attention to another element of the novelty in the early years of Independence. The two constituent assemblies did not try to legitimise the new states by their inheritance of an insignia or seal of authority from previous sovereigns. They based their legitimacy exactly in the overthrow and discarding of the source of their power.
 - 11 Was the trajectory towards a failed transition to democracy present in the very enactment of closure? Sardar Abdur Rab Khan Nishtar on 10 March 1949 posed a telling question to the Constituent Assembly of Pakistan, namely: 'Is it necessary to borrow a word and put it in this Resolution [on aims and objectives of the Constitution] which has lost all its meaning; I mean the word "democratic" [?]' (*Constituent Assembly of Pakistan Debates (Official Report)* 10 March 1949). Two days later, Omar Hayat Malik answered his own question 'whether [the Pakistani state] will be [a] democracy or a limited democracy [?]' by stating that 'the answer is very plain: it will be a limited democracy. The people will have some power but they will not have all power. ... certain things have to be resolved by God' (*Constituent Assembly of Pakistan Debates (Official Report)* 12 March 1949). The reasoning was extended by Mahmud Husain who suggested that '[o]urs will be a democracy which will have all the good points of democracy in it ... the principle of equality, the principle of liberty, the principle of tolerance, the principle of social justice ... Sir, the word "democratic", therefore, is quite unnecessary. It will either mislead people or it will be something which will be meaningless in this

context'. Here, 'democracy' as a nodal point acquired a function and significance devoid of meaning.

- 12 Here my position resembles Pheng Cheah's assertion that '[a]s long as we continue to think of "the people" or "the people-nation" in analogy with a living body or a source of ever present life, then the postcolonial state qua political and economic agent is always the necessary supplement of the revolutionary nation-people, the condition for its living on after decolonization' (Cheah 1999: 247; see also Chakrabarti and Cullenberg 2003: 142ff.). This is, in other words, one of the enabling conditions for speaking of a 'failure' or 'betrayal', of the nationalist movement, in terms of a passive revolution. Such a gesture towards possible 'completion' is, as John Roosa notes, problematic in the absence of an absolute 'norm' by which to judge the 'partial' or 'fully accomplished' revolution or transformation (2001: 59). Further, and to tentatively link this to the discussion in subsequent chapters, the nation should not be seen as the principal embodiment of 'the promise' of decolonisation (for more on this, see Cheah 1999: 248). Accordingly, I do not subscribe to the 'basic distrust of the state' and the 'basic belief in the spontaneous transfigurative power of the people' that, according to Cheah, underpins Chatterjee's theorising (*ibid.*: 236; see also Cheah 2003: 4).

2 Caught in the parallax?

Partition scholarship and the unspeakable

For the former colony, decolonization is a dialogue with the colonial past, and not a simple dismantling of colonial habits and modes of life.

(Appadurai 1996: 89)

Since the origin of authority, the foundation or ground, the position of the law can't by definition rest on anything but themselves, they are themselves a violence without ground.

(Derrida 1992: 14)

In September 2000, the exiled leader of the Muttahida Qaumi Movement (MQM) – a party claiming to represent Pakistani citizens whose families migrated from the United Provinces at the time of the Partition – Altaf Hussain described the Partition as a mistake. On 4 June five years later, the then Bharatiya Janata Party (BJP) – India's second-largest party, which is often described as Hindu nationalist – President L.K. Advani portrayed M.A. Jinnah as a 'man with a secular outlook' on a visit to his birthplace, Karachi. Both comments stirred considerable controversy, reinforcing Altaf Hussain's exile and almost forcing L.K. Advani to resign from his position as the head of the BJP.¹ The strong reactions articulated in the media and among the political establishments imply that there are discernible and not easily traversable limits to the public discourse on the Partition and Independence in contemporary South Asia. In India, the constant reproduction of an imagery of categorical dichotomy between secular nationalism and (religious) communalism, and the near-to-obsessive anxiety about internal threats to the Union and to unity, are embodiments of the fragile base underpinning the postcolonial nation state.

One premise of the Indian postcolonial state, thus, seems to be the bifurcation and severance of secularism and communalism; while, in Pakistan, state and society were from the outset erected along another binary notion, the two-nation theory, which states that Muslims and Hindus compose separate nations. We are here dealing with two inner walls that both gained justification and ostensible confirmation in August 1947. Another duality that often haunts descriptions of the two states is the prevalent tendency in India,

in official and popular accounts alike, to insist upon the benign, progressive and democratic character of India as divergent to the authoritarian, instable and reactionary disposition of Pakistan (for an analysis of India's 'Pakistan' and Pakistan's 'India', see Nandy 2007: 23ff.). Pratiksha Baxi *et al.* observe one manifestation of such a representation in their study of 'honour killings'. In India, the practice is often reduced to being regarded as a custom that stems from the kind of feudal and communal mindset that, it is argued, is emblematic of Pakistani society (Baxi *et al.* 2006: 1248ff.). Honour killings are, hence, not viewed as a natural part of the modern rational Indian state wherein the acts are regarded as abject, as anachronisms or social maladies. Apart from amounting to a reproduction of the dichotomous logic of 'modern' India and 'archaic' Pakistan, the example points to a fear of the Indian state becoming indistinct from its neighbour – of being confused and too alike. This part of the book is an attempt to address some of the naturalised assumptions and silences that were installed in the wake of the Partition. Consequently, the underpinning question is: at the constitutive moment, if conceived as a rupture and as necessitating performative meaning ascription, what certainties regarding 'history', 'memory' and 'belonging' were inscribed?

A revived interest in the Partition and Independence, both by individual scholars and by state-initiated projects, surfaced in conjunction with the fiftieth anniversary of Independence in 1997 (for an account of celebrations and commemorations at the time of the latter, see Kudaisya and Yong Tan 2000: 1ff.).² A major change in scholarly work on India during the last years of the twentieth century was the increased focus on 'fragmented' history. The impetus to study the local level and to make the usually 'voiceless' speak, advocated by the standard bearers of subaltern studies since the early 1980s (for a detailed overview, see Chaturvedi 2007; for a critical appraisal of subaltern studies, see Chakrabarti and Cullenberg 2003: 99ff.), morphed into a range of studies of the individual and collective Partition experience (for example, see Bhasin and Menon 1996; Butalia 1998). In these, particular consideration has been given to the often painful experience of women. Without suggesting that an immediate connection exists, it might be worthwhile here to connect the incipient ability to conceptualise the 'territorial' function of bodies in the violence during the Partition to the disturbing developments in the Balkans in mid-1990s. Publications seeking to link the Partition to similar events elsewhere seem to substantiate such an indirect push for scholarly attempts at recollection (for example, see Glasson Deschaumes and Ivekovic 2003; Ivekovic and Mostov 2004; Bianchini *et al.* 2005).

Another reason for the opening of a new dialogue on and interrogation of the event(s) appears to have stemmed from the Indian experience of anti-Sikh riots in 1984 and the mounting influence of Hindu chauvinism, which – after passing through the demolition of the Babri Masjid and the resulting riots in December 1992 (see Sabrang Communications and Publishing 2001; Jaffrelot

1999: 449ff.; Blom Hansen 2001: 181ff.) – culminated in the electoral triumph of the BJP-led National Democratic Alliance (NDA) in 1998. These factors might all be asserted as influencing the drastic shift in how studies narrated and conceptualised the Partition, Independence and the identity of India's Muslims. The Gujarat pogroms in 2002 (see Human Rights Watch 2002; Varadarajan 2002; Anand 2005: 210ff.), the 1999 *coup d'état* in Pakistan and the repetition of military-backed hostility between the two states, with the aftermath of the terrorist attack against the Indian Parliament in December 2001 as the latest example, have not seemed to attenuate the need to revisit the context of decolonisation. A parallel, yet more inceptive, redrawing of the Partition landscape seems to have emerged in Pakistan (for example, see Talbot 1996; Talbot and Singh 2000; Ansari 2005). Below I will try to draw upon some of the strands of scholarship – which try to explain and interpret the constitutive moment beyond dominant and state-sanctioned historiography – that have emerged in recent years.

2.1 Memory, history, violence

The most fruitful scholarly work that has been produced on the event in the last two decades explores the relationship between memory, history and violence. Inconsistency is a shared entry point for those contributing with productive conceptual insights, e.g. the incongruity between the Partition and Independence, the discrepancy between a triumphant anti-colonial struggle lapsing into fratricide, the simultaneous occurrence of optimism and grief, the contradictions inscribed into a process of national and territorial integration that was realised at the cost of discounting, even erasing, existing identity markers and borders, and, finally, the gaps and forgetfulness inherent in the official memorialising and historiography (for example, see Pandey 2001; Samaddar 2003; Das 2004).

In sum, the explored tension is one between Nehru's famous 'tryst with destiny' and the so-called 'other face of freedom' (a phrase employed both by Hasan 2001: 100 and Kudaisya and Yong Tan 2000: 7). In some cases, scholars seem to hesitate while confronted with what is perceived as an event – like the Jewish Holocaust – which is so exceptional that it evades theorising; a thing outside language that cannot be compared and, thus, not represented. Partha Chatterjee's question, '[i]s there some mystery here about the nature of the violence of 1947 that defied representation?' (2005: 96), might act as an envoy of numerous enquiries during the last decades. In other words, is there something that our concepts fail to identify and theorise? In an attempt to terminate a phase of repressed memory, a generation of scholars engaging with the Partition and Independence focus on the crevices, the ideological conjunctions, which hegemonic narratives on the end of colonialism and the coeval transition have come to exclude. As one would expect, they too fail to cover all aspects of the division of British India and decolonisation. Ranabir Samaddar, for example, has accused Gyanendra Pandey of

composing a final, and to him somewhat inaccessible, reading of the event(s) (Samaddar 2005b: 92ff.), while Samaddar himself repeatedly ventures into the global geopolitical level to show that the division ultimately was about great power strategy and deliberation (2003: 21; 2005b: 116). Veena Das elaborates a somewhat deterministic, yet attractive, account of violence as a concurrently signifying and muting act.

In her commendable essay 'The Anthropology of Pain', Das (2004) advances an explanation for the apparent silence on the human dimension of the atrocities that Indian scholarship has been draped in during most of the post-1947 period. Das claims that the silence is ingrained in a condition with a dual connotation: more precisely, the violence that accompanied the division of British India rendered language impossible as the intermediate 'between the past and the present' (ibid.: 184). This function of violence elevated the body into the sole medium and interlocutor. As a result, memories of violence were speakable only as a bodily experience of pain. Das' reasoning, thus, suggests that the silence on human suffering – both in academic accounts and in the political sphere – should not be conceived as bearing witness to either deliberate amnesia or indifference (such as Pandey's argument about the elevating of independence and muting of partition seems to suggest). It rather confirms that the magnitude of violence and pain itself partly extinguished language and the possibility to communicate the experience.³

Giorgio Agamben, in trying to capture and encapsulate the horror of witnessing what was taking place in the Nazi concentration camps, writes of what he calls the *Muselmann* (not to be read as Muslim) (2002: 41ff.). The *Muselmann* does not have the capacity to give testimony to the atrocities placed before him. In Žižek's description, Agamben's *Muselmann* ought to be conceived 'as a kind of absolute/impossible witness', which seemed to have been "'burned by the black sun" of the horror he saw' (Žižek 2006: 112). In a text published after 'The Anthropology of Pain', Das has, in a similar fashion, described the silence following excessive brutality and pain as a setting wherein victims of the Partition violence – in Das' writing, specifically women – appear to have been trapped 'in the impossible situation where the obligation to maintain a narrative continuity with the past contradicted the ability to live in the present' (Das 2007: 29).⁴ There were, hence, two ways in which the ability to communicate the ghastly events was restrained: by fully erasing authorship (e.g. women narrating their own story as hearsay) and through the lack of a forum in which they could speak, be taken notice of and be accommodated.⁵

Many female survivors told their stories in third person. A clue as to why might be available in Judith Butler's notion of the 'detached narrator' and in her question '[w]ho "am" I, without you?' (2004: 22ff.). Butler writes: 'When we lose some of these ties [to others] by which we are constituted, we do not know who we are or what to do' (ibid.). The labour to find a new subject position, thus, appears to have been linked to something more than identification with a 'new' community – the loss of ties to neighbours, to people

populating the space of everyday life, was equally difficult. As in the case of Agamben's *Muselmann*, only imperfect witnesses and imperfect recipients of suffering and humiliation survived the most horrible of the Partition violence. In these situations, it is not only that the witness cannot report the event in a complete way; there is also 'no Big other' – no recipient with the potential to securely store the testimony (Žižek 2006: 113; see also Felman 2002: 125ff.). Or, if inverted, one can only 'bear witness' in a manner that coheres with and corroborates the dominant representation of the event and the embedding 'discursive order' – in a manner that 'domesticates' the testimony (Azar 2008: 46ff.) and 'restores' the 'sociability' of the 'victim' (Mayaram 1997: 163).

Still, even if we accept that the terror could not be communicated by language alone, the question of why historians and social scientists refrained from exploring the issue still remains unanswered. Das does, however, provide us with a hint when she writes that 'the appropriation of the body of the victim for *making* memory through the infliction of pain was itself an important component of the terror' and that 'the idiom of the body ... was part of the terror itself' (Das 2004: 188). Even on the most intimate and individual level the bodies spoke the language of (two) communities, of nationalism moving from, to use Samaddar's formulation (2001: 19), being 'inadequate' to 'complete'. Or, to be consistent in our deployment of the term complete, we need to note that it is misleading to talk of the nation as becoming complete in an absolute sense since it is always partial, always wanting. With Žižek, it might be argued that every nation 'exists only insofar as its members take themselves as members of this nation, and act accordingly' (2006: 46ff.). This is exactly what unfolds in accounts of the Partition violence: the nation gains substance and actuality through the acts and the parallel inertia of those forcibly interpellated as its members. On the individual, communal as well as national level, the division signified the formation of new spatial and symbolic borders. On all these levels, the experience of the partitioning was verbalised in corporeality – e.g. the loss of limbs – and by references to the family.

Evidently, there was a genuine difference between the effects of the Partition on the individual and state level. While numerous individuals suffered severe physical pain and experienced traumatic loss (for more on the latter, see Chakrabarty 1998), the corporeal dimension of state dissolution was purely symbolic. Since there was no short circuit or immediate connection between these two layers, the descriptions and meaning-ascribing activities that took place in the Indian Constituent Assembly did not constitute a domain where painful accounts, especially of women, could be heard (Das 2004: 192ff.). It is a development that connects well with the seeming blindness of sovereignty towards the graveyards upon which it is erected; or, as R.B.J. Walker would have put it: '[M]ost accounts of the history of state sovereignty ... seem eerily bloodless. A legal norm has become codified and amended, but the relationship between legal processes and the transformation

of social forces ... remains rather obscure' (Walker 1990: 170ff.; cf. Benjamin 2009: 14ff.).

The blind spot does, certainly, also apply to other 'marginal' or 'distant' members of the new national collectives than women, such as peasants, Dalits, adivasis, children, etc. While we know that violent manifestations of the event were insufficiently confronted, almost refuted, by the Indian and Pakistani states, Das and to some extent Walker seem to suggest that there was no other way to respond. The lack of tribunals, museums, commemorations, public mourning and recognition of guilt are all rooted in the muting quality of violence. In the case of India and Pakistan – in seeming incongruence with Jenny Edkins' observation regarding memorialisation 'in the aftermath of genocide' (2003: 2) – we do not find that '[e]vents are named, memorials and museums set up, and the identity of at least some of the victims established';⁶ at least not an officially enacted, sanctioned and recognised narrative.

In heightening how violence tends to engrave and mute meaning, Das emphasises its signifying quality. Violence, in other words, ascribes and attributes meaning to collective identity and instils it with delineation *and* direction. As David Campbell remarks, such recognition of violence as simultaneously performing 'political inscription and transcription' isolates and conveys its constitutive function (1998: 86). Here I would, however, like to interject a minor reservation. If the 'event' – wherein signification is inscribed through pain – is described as a juncture in which meaning is constituted, a point that establishes *and* continues to structure meaning, are we not overestimating the force of its 'radiation'? To what degree does violence ascribe and sustain a particular meaning and to what extent does it annihilate itself and its own content?

In a reference to violence taking place in Delhi in 1947–8, Pandey has argued that the death of Gandhi at the hands of former Rashtriya Swayamsevak Sangh (RSS) activist Nathuram Godse transformed Delhi into a peaceful city overnight. The 'bodily sacrifice' and 'martyrdom' of Gandhi and the murderous act by a Hindu extremist, in other words, managed to fulfil what he had struggled for when he was alive (Pandey 2001: 145). His murder drastically changed the situation for Delhi's Muslims and allowed the Indian nation state to erect itself as inclusive, democratic, composite, etc.⁷ The murder also, as noted by Pritam Singh, made Gandhi impossible as a future symbol for the Hindu Right (2005: 910). Here Pandey appears to pronounce a different notion of what violence might achieve: instead of affirming and cementing the logic of identity acted on by perpetrators, violence transcends and spawns something new – 'a new kind of political community' (Pandey 2001: 145). His observation contains the seed to my doubt. Is the altered atmosphere after Gandhi's death most accurately read as another example of the violent inscription of meaning and silence or is it more correctly comprehended as going beyond and erasing, of transcending, meaning itself? As we shall see, the here proposed answer is that violence, in addition to containing

and enacting, inscribing and transcribing modalities, carries the potential of surpassing meaning *per se*. Violence, at times, founds and grounds; it embodies the capacity to afford the continuum of time with rupture and novelty.

However, even though I have the above reservations about to what extent the constitutive moment, and the violent act accompanying it, invests and thereafter structures and determines meaning, I do agree with Das about the active memory-inscribing role of violence and pain. As evident from the discussion hitherto, Das, Samaddar and Pandey have influenced the present analysis. All write on the Partition; all assume critical excavating viewpoints. Samaddar returns time and again to the production of space: either by dissecting the practice of partitioning or by examining and laying bare the necessity of the internal alien to the Indian concept of the citizen. He tries to do the multiple layers of the Partition justice by promoting sensitivity towards the role of 'dialogue' – and, what he argues, is a 'more contentious, thereby more political' depiction than Pandey's (Samaddar 2005b: 93). He, thus, aims at making us aware of the manifold paradoxes involved in the events leading to the partitioning as well as of the many options and choices that were available in and just after the event. In his work on the Indian state's consolidation and frailty over time, Samaddar devotes two whole chapters to alternative 'revolutions' that took place in the 1960s and 1970s (2001: Chapter 2–3). He, consequently, points to the incompleteness and brutality of the national project.

At the same time, Samaddar, to my mind, faultily (and in contradiction to the promising recognition of complexity and undecidability) employs a global viewpoint wherein he endeavours to fit the developments occurring in the late 1940s. He, accordingly, asserts that the division was only one out of many in a century characterised by multiple partitions (Samaddar 2005b). Even if I refrain from arguing the uniqueness or paradigmatic character of the disintegration of British India, it is worth recalling that India and Pakistan were the first postcolonial states outside the European context. As S. Mahmud Ali has highlighted, it meant that they had no existing form or archetype to imitate (1993: 9). To imply that the experience was multiplied in a direct and linear fashion, universal in kind, appears invalid.

Pandey explores and criticises Indian historiography and, in the progression of such a deconstructing motion, he interweaves an exposition of the poignant themes of citizenship and national identity, while Das primarily gazes at the event from the perspective of violence and identity. Noticeably, there is divergence in terms of the domain of analysis – a divergence that seems to reflect their disciplinary partisanship, namely history and anthropology. One contribution of the present study is its (strategic) insistence on retaining an abstraction level conventionally adopted by scholars working in the field of political science. Although it endeavours to incorporate insights regarding power as a constitutive and not a transferable element of human interactions, it persists in adducing importance and centrality to elite narratives and to the configurations and expressions of the state.

2.2 The fractured togetherness of citizenship

Another kind of violence to the one explored above appears in the shape of a tacit revolution in which the nation both abruptly and slowly carved out a hegemonic space by simultaneously consuming and alienating. In his book on national integration in India, Sri Lanka and Pakistan, Swarna Rajagopalan suggests that the process of decolonisation gave rise to three necessary modes of integration: of ‘territories’, of ‘administrations’ and ‘of the various peoples who lived in new territories and under new administrations’ (Rajagopalan 2001: 1). The concluding type of national integration seems to imply both unfinished inclusion and the existence of an exclusionary tendency in the nationalist project itself. Two apparent examples are the Indian ban on dual nationality and the gendered disposition of citizenship – if understood as a lived emblem and practice, not only as a legal concept – in both countries.

Samaddar tries to introduce an additional and less domestic dimension when claiming that two subjects constitute the Indian nation: the citizen and the alien (to be read here as the migrant) (2001: 193ff.). He asserts that cross-border as well as internal [m]igration flows ... create decentred spaces’, which exist parallel to those spaces inhabited and governed by the logic of nation states (Samaddar 1999: 21). The citizen attains completion by his/her difference from its other: namely, the alien (Samaddar 2001: 210). At first, Samaddar’s recognition of the co-constitutive dimension of the Self/other dyad seems to offer an adequate account. I would, however, suggest that he fails to satisfactorily develop a promising idea regarding parallel spaces of circulation (of bodies, of subjects, of goods and services) and of their intrinsic connectedness. In Samaddar’s reasoning, the alien is foremost equivalent to the ‘immigrant from “near abroad”’ (ibid.). I see no reason, however, why we should not broaden the term to incorporate other ‘marginal’ and officially ‘indiscernible’ identities that the nation fails, refuses or does not have the capacity to distinguish and, even less, accommodate.⁸ The last two chapters are devoted to such muting of certain subject positions as well as the inclusions and exclusions inscribed into the term and practice of citizenship in the Indian context.

A second step that Samaddar fails to fully take is the move past a simple dichotomy between ‘we’ and ‘the other’. He downplays that the other is not external to ‘we’. It is inside, not outside. It is a neglect he shares with many – not least Sanjay Chaturvedi, who bases his whole argument on othering or otherness as a reflexive process going on *between* nations (Chaturvedi 2002). The citizen (as subject) does not, however, depend on the (exterior) other for its completion. The subject as such is, rather, fractured in its innermost kernel. To illustrate the internally fractured character of the citizen and its relation to the here elaborated notion of violence and its inscription of meaning, let us consider one manifestation of the contemporary status of the Muslim ‘minority’ in India – a status that has been indicted for its socio-economic and political marginality (for details, see Prime Minister’s High

Level Committee, Cabinet Secretariat 2006). In their study of communal riots between Hindus and Muslims in Mumbai in the wake of the demolition of the Babri Masjid in December 1992, Deepak Mehta and Roma Chatterji have stressed the tendency of violence to reformulate space and to carve out boundaries (Mehta and Chatterji 2001). In the Mumbai slums, Muslims were accused of being Pakistani and Muslim neighbourhoods were designated 'mini-Pakistans'.

While analysing the essentially fractured disposition of the Self/other and the dynamic constitutive dyad of inclusion/exclusion, one key condition that needs to be kept in mind is that, although British colonialism had bestowed Indians with subjecthood, it denied its subjects citizenship (Chakrabarty 2002: 76). One decisive element of the altered state of membership and belonging that arrived with independence was the transformation of the peasant's status. The citizenship that was introduced with the formation and ordering of the nation state came without an urge for the peasant to go through a metamorphosis from peasant to blue-collar worker. Or, as Dipesh Chakrabarty has formulated it: '[M]odern politics in India was not founded on an assumed death of the peasant. The peasant did not have to undergo a historical mutation into the industrial worker in order to become the citizen-subject of the nation' (ibid.: 19).

The same is, however, not true in the case of tribal communities. These communities became portrayed as in need of a gradual inclusion into the modern and, thus, in all the participatory aspects of citizenship. It is a subject that will be elaborated on in Chapter 4. The case of tribal communities teaches us that we need to be wary about the expanse and perimeter of citizenship in the Indian context. The same rings true for assertions regarding the peasant's status as citizen. Although it is accurate that, in contradiction to his/her status in the colonial system, the peasant was not signified as 'pre-political' in the nationalist struggle or in the logic of the Indian nation state, such a description does not provide the whole picture (see Guha 1997: 97ff.). The modernisation project entailed a problematic and crucial tension: namely, the tension between the 'civilising' project, initiated by the British, and the recognition of 'full' membership, participation and equality for the peasant (ibid.).⁹

Nevertheless, the conferral of 'universal' citizenship was a momentous feature of independence, a cause for pride and celebration. It ought to be recognised, however, that – as will be returned to throughout the book – a range of exclusions and exclusionary practices was inscribed into the enactment and reproduction of citizenship. One of the first to manifest itself was entwined with the enactment and reproduction of 'proper' gender and kinship relations and, hence, with the naming of conduct and identity markers deemed as 'transgressive'. As in the case of the relation between violence, memory and narration, Das offers an apt entry point to such a gendered type of inclusion/exclusion.

Through her research on violence directed against men, women and children during the Partition, Das concludes that men, as heads of households,

were represented as citizens of the state, while women became (portrayed as) citizens only insofar as they give birth to children of ‘right’ lineage and kinship (Das 2007: 35ff.). In the first tentative motions of the postcolonial state, sexual disarray – viz. inter-communal and inter-religious marriage – was discursively amalgamated with the social chaos that the state’s monopoly of violence had to respond to and correct. Das shows how the origin of the state is partially traceable in the restoration of a specific logic of kinship and honour. To supplement the insight, it seems relevant to insert Butler’s reflection on grief:

When grieving is something to be feared, our fears can give rise to the impulse to resolve it quickly, to banish it in the name of an action invested with the power to restore the loss or return the world to a former order, *or to reinvigorate a fantasy that the world formerly was orderly.*

(Butler 2004: 29ff.; italics added)

Women (and girls), thus, had a precise location, which they should not contravene or violate.¹⁰ They filled the function of ‘returning’ the world to order.

It is, in addition, notable that their position was firmly entwined with religion, which points to the actuality that the Indian state’s approach to national identity and belonging, although upheld as inclusive and hospitable, was tinted by a symbolic and material disavowal of Hindus and Muslims. Religious identity transpired as the ‘correct’ identity marker and the state took on the task of upholding “‘correct’ relations between communities’ (Das 2007: 33). In the recovery of abducted women in the wake of the Partition (for elaboration, see Butalia 1998), the Indian state adopted practices and legal instruments that in ‘normal times’ fell outside the purview of the ordinary, which was justified by allusion to a ‘state of exception’ aimed to re-establish ‘normality’ (Das 2007: 21). Normality ought here, according to Das, to be read as ‘the acknowledgment of the authority of the father as the necessary foundation for the authority of the state’, and the ‘exception’ refers to women being out of place (ibid.: 34). An abducted woman giving birth to the child of the abductor, thus, commits a transgression best defined as ‘treason’, not ‘infidelity’ (ibid.: 35ff.). As a citizen, you are, in other words, required to recognise and, through your actions, acknowledge who you ‘ought to die’ and suffer for. In the exchange of the abductees negotiated between India and Pakistan, women’s bodies were ostensibly traded for peace of borders. Das, accordingly, suggests that the postcolonial nation state was a ‘masculine’ nation state geared towards the safeguarding of ‘honour’, ‘purity’ and fractured citizenship (ibid.: 25).

A state manoeuvre that was related to the recovery of abducted women is the procedure whereby citizenship became institutionalised on an individual basis while the two states continued to sanction personal laws defined by religious creed. In their deconstruction of the Shah Bano case, which, in India, emerged as a critical site for contestation in the 1980s, Zakia Pathak

and Rajeshwari Sunder Rajan distinguish two main factors behind the state's particular wariness to intervene in issues traditionally considered to belong to the domain of the family (Pathak and Sunder Rajan 1992: 265). First, due to the intertwining of personal with religious law and, second, as an effect of the construction of the private/public divide in terms of the family and the state. Ayesha Jalal is, according to the reading proposed by Pathak and Sunder Rajan, right in accentuating that an order wherein the citizen is regarded as 'an individual in public' and as 'a member of' the 'community in private', has far-reaching consequences on the rights of women – 'particularly those belonging to the lower [socio-economic] strata' (Jalal 2000: 567). The phallogocentric logic of kinship and identity, thus, found a guardian in the post-colonial state. By responding to the vacillations and subversions of 'order' in the moment of becoming, the Indian state re-inscribed and reified a groundwork informed by notions of purity and honour as well as of the separation between the family and the state.

As witnessed above in the case of abducted women, the disintegration of British India seemingly verified the two-nation theory as the Muslim League had propagated it. In the Indian context, it also appeared to confirm the validity of a Muslim communal mindset and the support of the Hindu majority for the secular nationalism embodied and promoted by the Congress. Both were, as depictions of actual boundary drawings, erroneous, yet they retroactively ascribed truth to claims about the incompatibility and distinct borders between Muslims and Hindus, between communalism and secular nationalism. As Jalal has noted, the Partition had a kind of reversed teleological effect on the foundations of India and Pakistan: a failure to differentiate between 'religion as faith' and 'as social demarcator' was elevated into a dominant imaginary (Jalal 2000: 575). At the moment of state formation, a 'true' narrative unfolded; a discourse expunging contradictions and complexity from the past trajectory and the progression lying ahead. What happened, for example, to those Muslims contesting the creation of Pakistan and to those segments of Indian society wanting the British to stay? Why is it that, as Jalal has stressed, the idea of Muslim nationalism in the early twentieth century is often designated as separatist when it was articulated in a milieu where 'the idea of an Indian nation was itself in the process of being forged, negotiated and contested' (ibid.: xiii)?

At the threshold of the 1950s, the plasticity and diversity that defined the discourse on the nation before 1947 was no more. Notions of universalism, community and popular movements not fitting the official ideology were silenced. Via the violent enactment of a rift between confessional and secular nationalism, the fundamentals of the two states materialised as unquestionable, to be taken for granted. Their creation was merely the acting out of sentiments and differences that were always already there and that the British had managed to artificially curtail. Here we encounter one of the components in the process of legitimising the new orders. No sanctioned space was left for notions external to the conceptual framework disseminated by the inheritors

of authority. It is, therefore, as pointed out by Jalal and as noted in the previous chapter, incongruous that Jinnah, at the brink of the Partition, advocated secularism and in the end established a nation state that eventually, and after his death, transmuted into an Islamic state; whereas Gandhi, persistently employing Hindu symbols in the freedom movement, was the prime champion of India as a secular, composite and inclusive edifice (Jalal 1995a: 27; see also Nandy 2002: 118, fn. 34).

In order to describe the type of authority that was invested in, and through, decolonisation or transition and how the term 'transfer of power' ought to be comprehended, it seems appropriate to return to Jacques Derrida's well-known text *Force of Law: the 'Mystical Foundation of Authority'* (1992). In David Campbell's interpretation, Derrida suggests an understanding of the founding moment (of a constitution, of the law, of political authority) as entailing 'an interpretive and performative force' (Campbell 1996: 165). According to Derrida a 'violent structure of the founding act' is inherent in the institution of authority (1992: 14). Although based in this simulated or baseless 'original' – this juncture at which the state itself is being produced – authority is proclaimed to be stable and to represent what will have been there or, what Derrida refers to as, the 'future anterior' (ibid.: 35). As applicable as such theorising seems to the cases of India and Pakistan, there is still a risk that the utilising of it tends to posit and represent state formation as devoid of material and discursive constraints. In other words, to regard the state as, what David Harvey would refer to as, 'some mystical autonomous entity' (2001: 279).

Another consequence that needs to be avoided is the potential tendency to portray the junction at which state authority is instituted as singular and 'one-dimensional' as it then tends to become a 'mysterious "how" ... without a "why"' (Trainor 2006: 772). In the case of the Partition of British India, an ample range of partitions and boundary drawings accompanied the decision to divide. It was not only the division of India that occurred in 1947: Punjab and Bengal were cut in half, the Princely States ceased to exist and communal and national identities emerged as key ordering principles. Although the first two, and especially the Punjab (see Aiyar 1998: 18ff.), became the main scene of the Partition tragedy, new borders were drawn on all levels and in all parts of the subcontinent. At the same time as the Punjab stood out as the 'nucleus of the demand of the Muslim League for Pakistan [which] made it the hot-bed of all types of political intrigues' (Rai 1986: 60), it was also the case that the divide spawned further divisions 'by marking out the separateness of the various solidarities' (Samaddar 1999: 20).

Still, there are at least two valuable insights to retrieve from Derrida while endeavouring to conceptualise the solidifying of the independent state and of state rationalities. First, the recognition that the double movement of institution and erasure, of novelty and stability, is present in the creation and establishment of authority; and, second, the notion that the labour of articulating meaning at/in the constitutive moment is an act that relates to the new

authority as well grounded, legitimate and universal. To once more employ Campbell's reading, it might be argued that one utility of Derrida's theorising is its capacity to explain those political orders that represent efforts to 'found an ethnically homogenous state when polyethnicity and national heterogeneity are the reality of the time' (Campbell 1996: 174). If we insist on retaining the term 'ethnically', the applicability is, hence, more valid in the case of Pakistan. If we allow ourselves to be more imaginative in our construal of the qualities of the Derridean notion of the 'force of law', its recognition of the requisite for the conductors of statehood to erect homogeneity, singularity and legitimacy is equally pertinent in the instance of Indian state formation.

2.3 The postcolonial state and its pursuit of oneness

As alluded to in the previous chapter, postcolonial India was for a long time characterised by the dominance of one party and a dynastic legacy of leadership, whereas in Pakistan the bureaucracy and military have dominated the state since Independence. Both states have vehemently defended the centre's strong influence on and presence in the federal states and provinces. However, while Pakistan went through a second division in 1971, in which Bangladesh came into existence, India has managed to avoid a reduction of its territorial expanse. As evident from the reasoning hitherto, the structure and extension of the postcolonial state are inexorable parts of the study. In the Introduction, it was spelled out that one of the analysis' objectives revolves around the institution of novel socio-historical orders. In the cases of India and Pakistan, this, more specifically, refers to the evolution of states rising from and, as Arjun Appadurai notes in the chapter's epigraph, negotiating the (animate) necropolis of colonialism.

In an additional delimiting move, it was proposed that India and Pakistan arrived at corporeality partly via a negation of counter-narratives, i.e. through the suppression of ideologies, identities and subject positions challenging and threatening to subvert the prioritised underpinnings of the new states. So far, I, thus, seem to suggest that we should principally ponder the abject, the disparate, in our excavation of the postcolonial state and its various manifestations. Although the two final chapters will examine a number of margins that were at the core of state formation, it does not seem to be a viable strategy to approach the dominant meaning and role of the state by solely focusing on that which was placed outside the hegemonic discursive horizon. Contrarily, in order to grasp the naturalisation of a specific chain of equivalences at the expense of contesting ideologies and voices, it is vital to mark out the sanctioned version of the states' self-depiction. We will here abide by Butler's pertinent argument that '[i]ndividuation' – in our case, of the nation – 'is an accomplishment, not a presupposition, and certainly no guarantee' (2004: 27).

The pivotal role of the state must, hence, be taken into consideration. As a contested, generic and potentially volatile concept, how do we detain its meaning? Does the state need a purpose, an imperative? Should we restrict the current definition to the forms of statehood that have been deployed in the context of South Asia or would it be more rewarding to aim for a broader definition? Even though we – partly as a consequence of the Indian and Pakistani states’ inclination to replicate and enact a nation-state model with prototypes outside the region, and partly due to a belief in the interconnectedness of the rationalities and modalities encapsulated by the state – will move beyond the precincts of the subcontinent for a practicable and tenable definition, it appears courteous and relevant to enumerate some of the alternative statehoods that never gained full recognition. Prominent examples include Gandhi’s concept of *panchayati* democracy (see Corbridge and Harriss 2000: 26ff.; Austin 1966: 27ff.), Jinnah’s secularism (see Jalal 1994), federal alternatives put forward by Muslim Leaguers and other prominent Muslims, and Communist notions of the state.

In Gandhian attempts to formulate an Indian alternative to European and American constitutions and political systems, the village acquired a central role (see Jodhka 2012: 46ff.). The state and government were to be kept minimal and power decentralised to village *panchayats*. Among the things advocated by Gandhi was the dissolution of political parties, including the Congress (Austin 1966: 28). The Muslim League, on the other hand, prior to division, had embraced the view that Indian sovereignty should be considered ‘divisible and negotiable’ (Jalal 1995a: 14). It signalled that autonomous India, in opposition to ‘the unitary and centralised’ arrangement of the colonial state, ought to be a ‘geographic and, at best, an administrative rather than a political unity’ (ibid.). Such a notion of India as a federal union based on religion did not easily fit the Congress’ stance, which advocated ‘an indivisible and non-negotiable sovereignty’ (Jalal 1995a: 14). In the mid-1930s, the dominant meaning of ‘Pakistan’ was not equivalent to an ambition to establish two sovereign states founded on religious belonging. It was, rather, the articulation of a wish to transform an independent India into “‘a United States of Southern Asia’” (Jalal and Seal 1981: 449).

Further expanding on Jacob Torfing’s idea, introduced in the preceding chapter, that the (notion of the) state ought to be conceived as an ‘empty signifier’ (1999: 225), I will – again with Torfing – posit the term as corresponding to ‘a complex ensemble of various discursively formed rationalities’, e.g. ‘law, sovereignty, various claims to “expertise”, information and knowledge, ... ritualised forms of legitimation, organisations of coercion and control’ (Torfing in, and as read by, Finlayson and Martin 2006: 162). As is evident, the definition does not recognise an essential unifying element of statehood. The state has an evolving character and consists of practices, actions and reactions. Still, it is an important object of analysis, since it, as suggested by Colin Hay and Michael Lister, functions as ‘the institutional landscape which political actors must negotiate’ (2006: 10). In the present

case, the discursively formed rationalities are in a state of flux, need to be constructed and arranged. The centre is not immutable and fixed. The rationalities are not yet combined and recombined.

One of the most pressing issues that the two states had to address in August 1947 was the establishment of legitimacy. How could (a divided) sovereignty and unity be legitimised both internally and externally? Both India and Pakistan turned to existing elites and the institutional structure already in place. The two main bodies in the struggle for autonomy, the Muslim League and the Congress, became the successors of the British Raj. In a move to build something new, India and Pakistan, somewhat paradoxically, drew much of their legitimacy from the ornament of British artefacts. As noted above, constitutions were formally and outwardly framed in seeming accordance with the Government of India Act of 1935, the administrative apparatuses remained almost intact and society remained stratified along colonial modes of classification. The suspended colonial authority, in other words, seemed to bleed into the new system.

Jalal has raised a germane question regarding the foundations of the post-colonial state: why did indivisible sovereignty underpinned by a centralised state, a notion explicitly propelled and sustained by colonial ideology, become 'replicated at the central apexes of the two independent sovereign states' (Jalal 1995a: 28)? Federalism steeped in state/province autonomy was considered inferior, even perilous, to the concord of the centre. The Princely States were expected to become fully integral parts, and border areas populated by collectives not considering themselves as belonging to an Indian or Pakistani nation had to conform. As a state on the perceived 'brink of disorder', India was invested with qualities of 'discipline' and stability (Brass 1994: 13). The same observation applies to Pakistan. The postcolonial state, as a result, assumed the shape of a strong and unified entity, which policed each attempt to challenge its cohesion and integrity.

An issue connected to the need to imbue the new with legitimacy, thus, revolved around the drive to institute an ostensibly solid core and self-identity. Simultaneously as India and Pakistan had to, on the one hand, commit themselves to the ordeal of avoiding economic as well as moral bankruptcy and also had to, on the other hand, incorporate spaces and collectives remonstrating inclusion, they faced the dilemma of having to stabilise meaning. As argued above, these processes were (by necessity) concurrent and entwined: the significations of the nation state were constituted in and through the ways the two states responded to the challenges of the Partition, Independence and decolonisation. Still, although both states had to relate to the 'same' constitutive moment and shared the immediacy to solve issues of legitimacy and self-identity, the empirical developments convey an image of considerable divergence. The two states moved in different directions and solved similar problems in different ways. Their relationship also deteriorated swiftly and the hostility reached its climax with the first war in Kashmir during 1947–8.

One reason behind the divergent trajectories after Independence might be located in the uneven distribution and transfer of resources, which left India in an economically and administratively privileged position (Jalal 1995a: 22ff.). Pakistan had a catastrophic economy in the early 1950s; India, likewise, went from being a 'net earner of dollars' prior to 1947 to having decreased its 'inherited sterling balances by half, from Rs. 1750 crores to Rs. 825 crores' halfway through 1949 (ibid.: 23). In August 1947, Pakistan only became the heir of a small amount of industries, banks and trading firms, and, hence, took over an economy that was basically 'feudal' (Sen 1982b: 81). It is a picture reflected in much of the available scholarship. According to figures cited by Jalal, at its dawn Pakistan merely had 30 per cent of the military and 17.5 per cent of the economic resources of British India (1995a: 22). It also had comparably fewer industries and considerably less employment opportunities than India (ibid.: 23). The numbers seem to suggest that the Pakistani state was (economically) very fragile in its initial years. With such a weak economy, how could Pakistan endure and avoid a collapse already in the first decade? According to Anupam Sen, the Korean War that commenced in 1950 is the key factor to Pakistan's continued existence and stabilised economy by the end of the decade (Sen 1982b: 82). The jute export that boomed in the course of the war gave a much-needed increase in foreign exchange. A notable development – which would have considerable implications later – was the asymmetrical distribution of inflowing capital. Although jute production was entirely situated in the east (today's Bangladesh), the bulk of capital was invested in industrialising the western part.

The divergence between the two states was also an effect of the geographical and territorial detachment that was a defining trait of the Pakistani state until 1971. While India could direct attention towards the ideational unification and integration of its disparate parts, Pakistan had to come to terms with the separation of two sizeable segments of territory. It was a separation that, to some extent, also inscribed an imbalance in terms of access to political influence between the two parts; an imbalance that, above all, negatively affected the eastern or Bengali part of Pakistan. Furthermore, in an environment where strategic considerations promptly became prioritised, the lack of a land route connecting the western and eastern wing was a major predicament for Pakistan. To India, the creation of East Pakistan meant that its north-eastern region was only attached by a narrow land-line. To Pakistan, divided Bengal signalled a type of sovereignty not witnessed before.

In India, the rejection of the Gandhian notion of governance – which promulgated non-party government and decentralisation wherein the village *panchayats* were to comprise focal units – might be traced to the importance ascribed to security, both internal and external (Corbridge and Harriss 2000: 27). Why was centralisation the main security concern of the Indian nation state at its inception? Where did the impetus stem from? It was an anxiety primarily catalysed by the experience of division. As Zoya Hasan has underlined, the impetus for Indian centralisation was strengthened due to territorial

severance and the perceived need for far-reaching national cohesiveness (1989: 20ff.). To illustrate clearly, it is pertinent to consider the restricted scope of Indian reforms aimed at decentralisation. At the superficial level, these encouraged local participation and devolution of political power. The main objective appears, however, to have been the reverse. Even though Nehru himself spearheaded some of them in the 1950s, both the *panchayati raj* and the community development programmes were primarily expected to unite through a feeling of involvement and to integrate through diffusion (Austin 2003: 167).

According to Rasheeduddin Khan, it was the Partition experience that made the Indian Constituent Assembly promulgate a predisposition towards centralisation and to place the main part of the judiciary system at the centre (Khan 1989: 47). There are a number of indicators verifying such a link: the constitution's enactment of a single citizenship, the preserving of a unified national civil service, the establishment of a singular non-divided judiciary and the choice to allow uniform criminal law to encompass all states (*ibid.*). In other words, from the very inception, the status of the Indian federal states *vis-à-vis* the centre was subordinate. The centre was present in the workings of the states in numerous modes, e.g. through the function of the governor and the All-India Services (the former Indian Civil Service) (Corbridge and Harriss 2000: 28). Additional instruments were the economic dependence of the states upon the centre and the centre's option to impose direct presidential rule and to use emergency powers.

In an attempt to explain the weak political support for Gandhian notions of decentralisation, Granville Austin points to the freedom movement's urge for centralising measures (2003: 145): although Gandhi's rhetoric articulated an alternative type of governance, his political campaigns were manifestly centralised. He also consistently regarded united opposition to the British as more important than regional and local interests. One reason behind India's push for a strong centre, hence, appears to be traceable in the praxis of the Congress during its anti-colonial struggle. An additional reason was the composition of the Indian population. At the moment of transition, the two states did not consist of populations showing much similarity or integration. Austin has reminded us that 'India was not, and its peoples were not, one at the republic's beginning' (2003: 143). The same applied to Pakistan (and still applies to both states). We might affix to such recognition, of the multitude of identity markers and affiliations, a thought conveyed by Mushirul Hasan, namely that 'most "Hindus", "Muslims" and Sikhs had no feelings for national borders or the newly created geographical entities' (2000a: 15). Or, as Bhalla has remarked, it would be a mistake to view the majority of Partition 'migrants' as occupying a position in and through which they saw 'themselves as the makers new nations' (Bhalla 2007: 4). These factors of sedimented praxis and indisputable fragmentation influenced the political elite's eagerness to attain a high degree of cohesion and integration, i.e. a strong centre in a federal structure.

2.4 Official truths and suppressed rumours

In light of the above, the question ‘must the state have a purpose, a reason?’ might be posited. Paul R. Brass has described the Indian state as a ‘state which exists for its own sake’ (1994: 20). What he refers to is an unvarying instrumentality of the Indian state. Regardless of political ideology and the dominant conception of ‘common good’, the state exists to supply and distribute the resources that its citizens need (ibid.). Although it sounds like a tautology, I think Brass aims at a bit more sophistication. What he seems to suggest is that class coalitions and Centre-state relations are of secondary importance to our understanding of the Indian state. Ideological constructs and rhetoric are all fine. They do not, however, radically alter the sub-structure, the everyday life and the rituals of the state (and of that which falls outside its ambit).

One of the most interesting aspects of South Asia in the late 1940s and early 1950s is that the Pakistani state seemed to exhaust and move beyond its principal rationale, i.e. the creation of a secure homeland for those educated middle-class Muslims that lived in Hindu majority districts, at the moment of its own creation (Alavi 1972: 76). As we shall see in Chapter 4, the Congress faced an analogous lack of purpose and direction after the death of Gandhi and the installing of Congress in formal power. Here Pakistan will, however, fleetingly remain the focal point. ‘After all’, as B.R. Ambedkar wrote in 1941,

Pakistan is no small move on the Indian political chess-board. It is the biggest move ever taken for it involves the disruption of the State. Any Mohammedan, if he had ventured to come forward [at the Round Table Conference in 1930] to advocate it, was sure to have been asked what moral and philosophical justification he had in support of so violent a project.

(as cited in Hasan 2000b: 53)

According to Hamza Alavi, the ‘Muslim movement’ behind the call for a separate homeland was ‘dominated above all by Muslim professionals and the *salarial*¹¹ ... of northern India, especially of the UP ..., Bihar and Punjab’ (Alavi 1988: 65). It represented members of a class, not an entire community (Mohammad Mujeeb, cited in Hasan 2000a: 14). It was, in other words, not catapulted by religious groups; these interests were, contrarily, wholly distant to the activities of the Muslim League and particularly opposed to the idea of Pakistan (Alavi 1988: 66). As Alavi emphasises, the ‘Pakistani movement’ was advocating secularism and class-based interests, not the ‘fulfilment of millenarian religious aspirations’ (ibid.). Islamic ideology was employed first after the advent of the new state and for the reason of countering mobilisation on the basis of regional and ethnic affiliations (ibid.: 70ff.).

The premature loss of impetus expectedly left the state in precarious, yet open circumstances. Pakistan had not been the ‘dream’ of the entire Muslim

population and not all had regarded Jinnah as their rightful 'leader' (Hasan 2000c: 35). As mentioned above, Muslim nationalism had a frail base in the Muslim majority provinces of colonial India and the *salariat* as an interest-based coalition dissolved with the autonomy of Pakistan (Alavi 1988: 67). A consequence of the creation of Pakistan was that a social stratum that had previously been under-privileged in relation to the Hindu *salariat* now belonged to the privileged section of society. Pakistani nationalism thus mutated; it became an ideology of the fortunate, of the political, military and administrative elite. Since these groups did not have aspirations overlapping with the interest of the masses, they refrained from allowing electoral involvement in the policy process (Sen 1982b: 83). We here encounter an additional element of the failure of the first Pakistani Constituent Assembly to finalise and promulgate a constitution and the abandoned attempt to institute a democratic political system.

It is in the light of the above that we should read Tariq Ali's remark from the preface of *Can Pakistan Survive?* (1983): 'The question which now increasingly haunts the new generations in Pakistan is not simply whether the country can survive, but *whether its existence was necessary in the first place?*' (ibid.: 9ff.; italics added). What is the purpose of a state that loses its, already restricted, impetus? A state that even today is conventionally referred to as an entity in search of a coherent and stable identity; a state that has failed to overcome the flux and uncertainties opened up by the Partition and Independence. It might here, of course, be interjected that, according to the theoretical assumptions guiding the present analysis, all identities are in search of stabilisation and coagulation. Contrarily to a view that sees it as a state to be overcome, it is the very condition of identity.

Specific identities attain the appearance of being tangible and consistent through their position in a diversifying framework that enables and provides them with a relational character; or, as Victoria Grace has maintained, since it is not possible for identity to become fully saturated or complete, it, as a consequence, has to exist and gain actualisation within 'a floating logic of difference' (Grace 2000: 62). Butler has, accordingly, stressed the need to 'locate the political in the very signifying practices that establish, regulate, and deregulate identity' (1999: 188). Rather than maintaining that Pakistan might one day reach a stage of Oneness, it seems more fruitful to talk of the possibility of Pakistan coming to terms with its diversified set of identities. Instead of asking 'what might Pakistan do to attain the level of homogeneity and constancy that has been a core premise of the nation-state model?', it seems more valid to probe the limitations and prospects of those signifying practices that have been repeatedly enacted and articulated.

The sceptical stance of Ali is based in a tripartite frustration: the condition of the nation state after 35 years of existence, the manifold regional identity markers that differentiate the polity while not attaining official recognition and, finally, the ideational and material distance between what he calls 'the Muslim aristocracy of the United Provinces' (Ali 1983: 28) and the poor

peasants that one day woke up as Pakistani citizens. Perhaps the response should be sought in Brass' aforementioned view of the Indian state. The drive is devoid of moral goods. It is pure instrumentality. That might explain why the postcolonial state, although it is dressed up in ideological standpoints, primarily adopts a pragmatic and operational posture. We have already touched upon the ostensible obsessions of the Indian and Pakistani states: no further fragmentation, a commitment to the project of modernisation and the intent to replace communal and regional identity with adherence to the nation. Since we, simultaneously, ascribe significance to the process whereby these fixations developed and assumed a specific shape as well as the impossibility of singularity and totality, it seems erroneous to settle with a notion of the state as devoid of contention, of deliberation, of action and of contradictions.

Might Hegel and his notion of the state as 'the self-conscious ethical substance' (as cited and discussed in Žižek 2006: 66) help us deepen Torfing's conceptualising of the state as consisting of a complex ensemble of discursively formed rationalities? In Slavoj Žižek's employment, the phrase ought to be conceived as equivalent to the idea that '[a] state is not merely a blindly running mechanism applied to regulate social life; it always also contains a series of practices, rituals, and institutions that serve to "declare" its own status' (ibid.). Such a definition of the state seems to conflate with Alain Touraine's notion of society as a self-producing entity: 'society is not just reproduction and adaptation; it is also creation, self-production' (Touraine 1977: 3). These concepts of the state and society – as both automation and creation – appear to reflect the workings of the Indian and Pakistani states in the immediate wake of decolonisation.

State regulation with its drives for completeness and modernity did not penetrate all layers and compartments of society – a phenomenon still present in the continuing existence of conduct designated as 'social evils' and 'pre-modern sociability'. With her notions of rational-bureaucratic and magical presence, Das has presented us with an analytic tool that enables sensitivity to the parallel existence of the state and of ways of socialising and regulating everyday life that does not stem from or adhere to the signifying practices of the state (Das 2007: 162ff.). According to Das, the state functions as a mode of regulation and mediator even when its rational-bureaucratic appendages are not directly informing the behaviour of citizens and communities (ibid.). At the local level, the state acquires its shape through a delay between the rational-bureaucratic function and a set of 'magical' practices with concrete material outcomes; or, as Das formulates it: 'The state is present in the form of rumor – its signature is read everywhere' (ibid.: 177).

This means that 'the community and the state' should not be conceived as 'different forms of sociality'; rather, 'in everyday life community, domesticity, and the sphere of the personal bear the tracks of how the state is re-created *within* and not only outside such forms of sociality' (ibid.: 180). For the purpose of the present analysis, I would like to invert this. The state is not

separable from the sociality of everyday life, which is the main clue to understand how Brass confuses deep-rooted structures with a 'state existing for its own sake'. It is rather that bureaucracy, as God, takes on the qualities of being 'simultaneously all-powerful and impenetrable, capricious, omnipresent and invisible' (Žižek 2006: 116). In the context of India and Pakistan, the totality and singularity of the state become visibly impossible; it is a context that allows for the discernment of inadequacy and partiality.

The reasoning articulated in the current chapter might be condensed into the following assertion: although the postcolonial state became an impossible witness to the ghastly violence taking place in those regions and localities that were directly affected by territorial division, it came to structure and frame the meaning of belonging and the significance of the event (of partition, of independence). The latter found one of its key enunciations in a move away from multiplicity and syncretic identity formations and in the parallel striving for singularity and unity – a tendency that manifested itself in the propensity to mute counter-narratives to the hegemonic narrative on state formation and nation building. In the next chapter, we will – by engaging with notions of space, the issue of migration and cartographic practices – deepen the consideration of the modalities whereby a sense of certainty and Oneness in the areas of legitimacy, state building and national identity was realised.

Notes

- 1 The incident has a more recent counterpart. In August 2009, BJP politician and former Minister of External Affairs Jashwant Singh was forced to leave the party for having referred to Jinnah as 'secular' in a book titled *Jinnah: India-Partition-Independence* (Vyas 2009).
- 2 It is notable that, whereas in India and Pakistan the moment of independence in 1947 was officially celebrated and described in positive terms, the fiftieth anniversary of the end of British rule was in Bangladesh declared 'a day of "national mourning"' in commemoration of the murder of Sheikh Mujibur Rahman – considered, to employ Gyanesh Kudaisya and Tai Yong Tan's formulation, the "founder" of Bangladesh' (2000: 5).
- 3 An alternative understanding might be at hand if we, with Giorgio Agamben, posit that 'experience' is a condition that lies out of reach for modern beings: in the same manner as 'modern man' has been dispossessed of 'his biography', he (or she) has become incapable of communicating experience (Agamben 2007: 15; cf. Deranty 2008). Such a comprehension appears to imply that the inability to convey, to vocalise, the experience of violence was related to the inauguration of a state project closely entwined with notions of the modern and of modernity.
- 4 We find echoes of this in Shail Mayaram's study of the Meos in the Princely States of Bharatpur and Alwar. According to Mayaram, 'most Partition descriptions are short, abbreviated and condensed, almost all pronouns being deleted in the process' (1997: 193). Alok Bhalla has made a parallel claim regarding the availability of 'morally coherent narrative traditions' to 'writers' and 'novelists' at the time of the Partition (2007: 44ff.). As a more general comment he writes: '[T]he partition actually erased all sense of an available past and a possible future for millions of human beings'. However, in light of the overall reasoning in this chapter, it seems

- to be somewhat overstated. Mayaram's argument that 'the time of the nation' inscribed itself onto 'community time' appears more tenable (1997: 193).
- 5 Sven Spieker draws attention to another aspect of the failure to convey the experience of trauma – or, more precisely, the experience of trauma that 'leaves no traces' in the archive – namely, the impossibility of 'objectivist historiography' (2008: 44).
 - 6 In addition, it is not evident that, in the case of the Partition, it is appropriate to limit a definition of trauma to instances of violence or threat of violence where that which 'protects' and 'gives security' assumes the role of 'tormentor' (Edkins 2003: 4); or, phrased differently, 'when the community of which we considered ourselves members turns against us or when our family is no longer a source of refuge but a site of danger' (ibid.). The Partition testifies to a trauma where the 'continuance of the social order' is, to some extent, reinforced; that which is expected to be trusted can be trusted. Edkins' assertion that '[a]buse by the state ... cannot be spoken in language' (ibid.: 7), hence, seems more applicable to Partition violence, since language – in our case – was a prerogative of the state.
 - 7 Hugh Tinker, similarly, wrote in 1962: 'Gandhi's martyrdom provided a catharsis. Many were startled into a realisation that they had fallen into the attitude where all Muslims were seen as enemies, or at least mlecchas. ... In dying, Gandhi had made his greatest service to ahimsa, non-violence, and to the idea of a non-communal India' (Tinker 1962: 43).
 - 8 Bhalla has, for example, proposed that we – with fictional work on the Partition – bring attention to how the migrating 'characters' principally come to the realisation that they constitute 'exiles and aliens', that a prevailing sensation is the failure to 'retrieve their lives again and remake their homes' and that the Partition stands for 'the end of their life-story, not the beginning of new entanglements in "human-time" or a pilgrimage towards the divine' (Bhalla 2007: 9ff.).
 - 9 An indication of the Indian state's 'true' perception of peasants, and of its limited will to recast the old order, is apparent in its decision to make free trade unionism ineffective in one of its first legislative acts and in the state's early engagement in forcefully curbing peasant rebellion in Telangana and Maharashtra (Washbrook 1990: 501).
 - 10 The same logic was at work in the so-called Ameena case that attracted mass media attention in 1991, in which a young girl was married off against her will by her parents to a middle-aged Saudi man, retained by the Indian state and finally returned to her family (Sunder Rajan 2003: 47).
 - 11 The *salarialat* is defined by Alavi as 'the urban, educated classes who qualify for employment in the colonial state' (1988: 67). Alavi refers to it as the 'central driving force behind the Muslim movement' (ibid.).

3 Production of space

Identity, singularity and legitimacy

[T]here will never be a present time in which ‘only the place itself will take place’.

(Žižek 2000: 31)

Inheritance is never a *given*, it is always a task.

(Derrida 2006: 67)

In the spring of 1950, the reforms commissioner to the Government of Assam, a state in the north-east of India bordering today’s Bangladesh, encountered a predicament while trying to determine whether ‘persons of Pakistan origin, who were resident in the present territory of India, prior to the partition’, should be allowed to obtain Indian citizenship (43/30/50-Ests. 1950). His adopted position was

that as they did not possess the requisite domicile qualification, they were not eligible ... and further that since they were already residing in the present territory of India they could not be regarded to have migrated to the Indian Union ...

(ibid.)

The problem represents an apt illustration of two fundamental dilemmas at the time of independence, i.e. the quandary involved in coalescing the scattered fragments (of sovereignty, of territory, of community) into one cohesive entity and the predicament of decisively naming those who belonged to the nation. It is the interplay between these two conditions that comprises the focal point of the analysis in this chapter. Expanding on the reasoning in the previous chapter on the role of violence in founding, inducing and transcending meaning, this chapter explores the manner in which particular identities and subject positions were named as part of the spatial expanse of the nation and the national community.

In the above-mentioned case of Assam, these predicaments were further intensified since Sylhet, the most heavily populated district of the province and – as noted by Susanta Krishna Dass – ‘the second most populous district

of undivided India' (Dass 1980: 852), came to belong to Pakistan after August 1947. The tentative belonging in newly formed border regions, such as Assam, in the wake of the Partition and Independence, on the one hand, amounts to a manifestation of the precarious, near-to-desperate liminality of certain subjects and subject positions – subjects imbricated in localised social networks, yet regarded as an alien and redundant excess. While, on the other hand, the categorical reception of Hindu and Sikh migrants from Pakistan, conversely, testifies to the spatial plasticity of Indian nationhood in the late 1940s. The Indian nation was, thus, both delineated by *and* had failed to coincide with newly drawn territorial borders.

The initial response in the Ministry of Home Affairs to the commissioner's assessment was that the position was 'untenable'. It was a reaction that set a fascinating inter-ministerial procedure to define 'migration' in motion. A member of the Ministry of Law expressed the opinion that, in the void created by the absence of a clear definition of 'migration' in the constitution, 'it should be seen whether the intention to settle in India existed so as to make it possible to treat the residence in India not merely of a casual nature but [as] an act which can be called migration in the proper sense of the term' (43/30/50-Ests. 1950). Those originating from a region now – but not formerly – designated as Pakistan should, according to the pronounced logic, prove that they moved to India with the intent to stay permanently. The problem was, of course, that when they moved they did not move *to* India, they moved *within* India.

As demonstrated by the above example, migrants, migration and the lack thereof form key parts of upsetting and shaping taxonomies, hierarchies and a sense of inhabited place. Concurrently, as these phenomena induce a process of re-localisation and adaptation, they act as catalysts for (and nodal points of) sensations of deficiency, displacement and nostalgia. Nostalgia ought here to be read as equivalent to the 'yearning for a different time' and as connected with a search for 'the repetition of the unrepeatable, materialization of the immaterial' (Boym 2001: xv, xvii). In the late 1940s, these aspects of migration between India and Pakistan were entangled with and structured by the logic of the nation state. It was a logic that had no recognised place for a constitutive paucity, melancholy or nostalgia; its gaze was principally forward-looking and 'progressive'. The reasoning in the present chapter testifies to how those imaginations and counter-narratives not fitting the totalising practices enacted by the two states were silenced and overwritten. It is a dynamic that becomes particularly perceptible in the dyadic relation of migrant identity and (religious) minorities asserting their right to remain and to be fully recognised.

3.1 Post in postcolonial

Assam constitutes a particularly interesting case in relation to the influx of refugees as it, on the one hand, came to host Hindu refugees and migrants

from East Pakistan, while it, on the other hand, was – like other areas inhabited by ‘tribal’ communities – projected as a ‘special’ case in need of protection and a degree of exception. The trope of ‘Assam’, hence, became a vessel and stage for two key dynamics at work in the stabilising of ‘India’, namely the separation of ‘Indians’ from ‘Pakistanis’ and the inclusion of groups on the symbolic and geographical margins of ‘Indianness’ and ‘Indian’ society.¹ Groups populating Assam, apart from the above-mentioned ‘Pakistanis’, came to be viewed as an essential and autochthonous, yet suspended and ambiguous, constituent of the ‘new’ India.

Besides the indefinite representation of those inhabiting spaces on the Indian side of the border, a core element of the Indian state’s representation of the border landscape between India and the eastern wing of Pakistan was entwined with the perception that harsh and intimidating conditions for Hindus in East Pakistan forced them to leave even after the initial phase of migration in 1947. The push for relocation along the lines of religious belonging in Bengal had its animating backdrop in extensive communal violence that occurred in Calcutta at the end of the summer of 1946, which claimed an estimated 3,000 lives (Chatterji 2007a: 997; cf. Feldman 2003: 114). In contradistinction to the case of the Punjab and its neighbouring provinces and Princely States (for an analysis of the latter, see Copland 1998: 215ff.), Bengal did not become a site of violence resembling genocide (Chatterji 2007a: 997). Nevertheless, in a letter to Gopalaswami Ayyangar, then Minister of Transport and Railways, dated 6 July 1949, Minister of Home Affairs Sardar Vallabhbhai Patel forwarded a report from an intelligence officer based in Calcutta who articulated concerns regarding the hardships experienced by Hindus. The report contained an excerpt stating that ‘[t]he Pakistan authorities and the Muslim leaders are tactfully creating such a situation gradually in East Pakistan as to compel the Hindus either to evacuate or embrace Islam’ (Das 1973: 51).² The minutes of a Cabinet-appointed meeting, which preceded an inter-dominion conference in Calcutta in April 1948, on the related issues of ‘the movement of goods’ across the border between India and East Pakistan and India’s ‘anxiety over the increasing large-scale exodus of non-Muslims from East Bengal’, attests to the centrality of the perceived lack of a sense of security among Hindus in East Pakistan in the relations between India and Pakistan (51/248/48-Public 1948). The rupture of the Partition and of Independence, thus, generated a nationhood and state responsibilities that were simultaneously more capacious *and* of lesser expanse than the territorial extent of the Indian state – although the case of Bengal bears witness to a reluctance by the Indian state to encourage and facilitate migration (see Kudaisya 1998; Chatterji 2007a; Bandyopadhyay 2009: 36ff.). It should also be noted that, in contrast to patterns of migration across the western Indo-Pakistan border, the six million Hindus who moved to West Bengal from East Pakistan did so over an extended period – not all resettled in the immediate aftermath of Independence (Chatterji 2007a: 997ff.).

Although the attainment of dominion status and the formation of national identity under the auspices of the new states suggest that the colonial era was ending, it is not obvious – as the cumulative migration from East Pakistan to West Bengal testifies to – where to locate and how to conceptually capture the transition. What was ‘postcolonial’ about the Pakistani and Indian states after 14 and 15 August 1947? What might be designated the before and after? Where, if such a threshold even exists, might we situate the moment of passage and of constitution? Is the post in postcolonial equivalent to the new in newness? These queries do not merely constitute temporal considerations; they are also intimately entwined with the issue of space. One example of the latter is how spatial considerations of unity are reconsidered, reified and even promoted, although a territorial scission has taken place. Another, the imagining of the possible plenitude and advance of the nation state, and the community it represents, at a time of ‘crisis’ and penury; a third, the severance of the colonial from the anti-colonial, postcolonial and modern in the reproduction of ‘Indian identity’ as a separate temporal space (see Robb 1997: 247).

To snare the post in postcolonial, to pin it down, it might intuitively seem required to delineate the colonial. If we, however, were to follow Derek Gregory’s rendering of the postcolonial, we would initiate an exploration of the distinction by outlining the extension of the postcolonial ‘from the inaugural moment of the colonial encounter’, namely ‘that dispersed moment’ from which ‘histories and geographies have all been made in the shadow of colonialism’ (Gregory 2004: 6ff.). To trace such a shadow of colonialism, it appears necessary to abandon a view of the relation between the colonial and postcolonial where Partition and/or Independence constitute the line of demarcation.

Nevertheless, let us for a moment postulate August 1947 as the cusp of ‘inauguration’. At this point in time, we find the famous ‘transfer of power’, division of assets and resources, erection of territorial borders and ‘exchange’ of populations. It is, however, not clear why it represents a juncture that ought to be isolated as *the* moment. Much remained the same: not all Princely States had yet made the choice of accession, the British lingered as members of the army and bureaucracy, Mountbatten became an independent India’s first governor-general and the legal groundwork underpinning the effort to enact constitutions was carried over into the novel state edifices. Do we perhaps more successfully find the moment in 1950, when the first Indo-Pakistan war had been replaced by a ceasefire, the two states had reached a certain degree of cohesion and stability beyond the initial exigency and the Indian Constitution was enacted; in the realisation of the first general elections in India in 1951–2; or in the disbanding of the Constituent Assembly of Pakistan in 1954? Still, these elements or junctures did not mark a complete termination of a ‘past’, colonial order, pertinently illustrated by emerging controversies over regional and linguistic identity. We, in other words, in line with Gregory’s suggestion, find that it is problematic to write the distinction between the colonial and the postcolonial in binary terms.

First of all, it seems erroneous to talk about the moment (of transition, of independence, of constitution) as momentary. The becoming, the not always already in place, seems to be temporally longer than an instant, than a fleeting moment of coming into being, of emergence and creation. It, hence, appears fruitless to seek out and name solely one moment, to detect a singular threshold of transition and inauguration. Gyanendra Pandey has, for example, convincingly demonstrated how the Partition might be divided into several partitions or ‘conceptions of “partition”’ (Pandey 2001: 21ff.); others have referred to the event as the ‘second partition of Bengal’ (Chatterji 1994: 220; Chatterjee 1997: 27ff.). Second, it does not appear productive to think of the colonial as terminated with the inauguration of the postcolonial. As Peter Hallward has pointed out, it would be incorrect to define the post-colonial solely as after-, anti- or counter-colonial (2001: xiii). This is one of the reasons why the present study focuses on an interim space of becoming where the political as a moment of openness arises rather than on a precise moment of transition or on developments leading to, or accumulating into, a formal transfer of power.

From the above, it follows that it is flawed to assume that the postcolonial signals the cessation of the colonial. The post does not, in other words, imply the end of colonialism as a set of meanings, ideas and symbols (Gregory 2004: 7ff.). It, rather, refers to an intensified tension between colonial rationalities and narratives challenging them. Does Gilles Deleuze and Felix Guattari’s remark that ‘[a] path is always between two points, but the in-between has taken on all the consistency and enjoys both an autonomy and a direction of its own’ (2004: 419) offer further guidance regarding where we ought to place the emphasis? If not equivalent to an after, is the postcolonial more accurately grasped as an ‘in-between’? Such an understanding would seemingly confirm Sankaran Krishna’s description of the Indian state as intrinsically caught between being ‘ex-colony’ and ‘not-yet-nation’ (1996: 194ff.).

The events in August 1947 and after did not, in the area of spatial reordering, solely result in a cartographic reconstitution of territory and borders. The colonial era had, although here regarded as not terminated or replaced, ostensibly come to an end and was replaced by an order inhabited by states founded on the logic of national identity. Apart from redrawing the landscape of the officially recognised and policed borders, the changes affected people’s sense of association and their inclusion in collectives primarily solidified by mutual creed. Not only were India and Pakistan separated and differentiated on the basis of religious identity, but also Indian society was in official idiom compartmentalised, on the one hand, along the lines of religious belonging and, on the other hand, on the basis of a rough distinction between groups in need of preferential treatment and special consideration and those already considered ‘mature’ and ‘productive’.

Although the first-mentioned consequence might appear self-evident, as the novel borders intrinsically indicated a bifurcation between Muslims and non-Muslims, it is still noteworthy that the dichotomy inscribed into the

two-nation theory managed to annul composite cultures and identities in the border tracts. Even if liminal identities and shared ways of socialising in local contexts endured the division, the Partition resulted in the forceful obliteration of mutual space in the novel border tracts between India and Pakistan. Muslims, Sikhs and Hindus – Islam, Sikhism and Hinduism – were detached from each other in the Punjab, Bengal was divided into one Hindu-dominated western and one Muslim-dominated eastern part, and the district of Sylhet was separated from the Indian state of Assam. Simultaneously, as Pakistan came to represent Muslim space and India endeavoured to portray itself as an inclusive secular state, internal compartments separating the majority from the minorities were installed. Citizens were, in other words, classified as belonging to disconnected categories that were seen to embody different social spheres, cultural expressions, traditions, sacred spaces and rituals. The far-reaching complexity of belonging and sense of habitat were in many parts of South Asia disrupted in the wake of the Partition.

Related to the tendency to institute taxonomies that replicated the logic inherent in the rationale underlying the division of British India was the states' treatment and depictions of refugees and migrants. In consonance with Vazira Fazila-Yacoobali Zamindar's reasoning, it is here maintained that the Indian nation state sought to distinguish itself and was distinguished from Pakistan through a selective range of representations of the refugee and via the deployment of a particular notion of rehabilitation, which became inscribed into state practices, particularly in the area of planning (Zamindar 2007: 3). Zamindar asserts that '[t]he violations of permit regulations ... became the first site for contesting and giving shape to the unresolved questions of citizenship in a partitioned subcontinent' (ibid.: 103). Due to the incomplete nature of the constitution and the lack of citizenship laws, the body and metonymy of the refugee transpired as a stage for establishing belonging as well as estrangement.

We ought not to, however, overlook the persistence of the complexity and syncretism of the everyday. Yoginder Sikand, for example, narrates a visit to 'one of the most popular' of the Sufi shrines that still dot the East Punjab landscape, even though hardly any Muslims have populated the area since the Partition (Sikand 2003: 197ff.; see also Kumar 2004: 142). A shrine devoted to the *pir* ('Sufi saint') Haji Baba Rattan is located at Bhatinda close to the Indo-Pakistan border. It has remained an important site for people irrespective of religion or caste. Today it is mostly visited by Hindus and Sikhs who regard the *pir* as 'their own', although he was a Muslim Sufi. All over South Asia similar challenges to and subversions of a simple binary between Muslims and Hindus are still articulated (see Roy Burman 2002: 16ff.; cf. Alam 1999).

Furthermore, at the same time as the experience of partition obliterated numerous regional, local and everyday spaces, it did, however, also create novel 'mutual' spaces. One example was the 'inter-dominion' level of interaction and exchange between the two governments. The latter, in its imprecise,

plastic form, was a temporary, short-lived space; it was a peculiar, paradoxical space as it existed alongside a relation that became increasingly infected and problematic. It is of concern to us as its closure accompanied and indeed constituted the overall discursive closure under scrutiny. Its importance might be illustrated with the words of Ghazanfar Ali Khan, Minister for Refugees, who told the Pakistan Constituent Assembly that 'we are now at the stage where all-important matters have to be decided at Inter-Dominion level' – a remark that was followed by: 'There must be a uniform policy throughout the two Dominions. It is only the Centre that can ensure that the policy will be uniform throughout the Provinces' (*Constituent Assembly of Pakistan Debates (Official Report)* 22 May 1948). Although the subjects of evacuee property and border disputes were accentuated, in numerous matters that had an Indo-Pakistan dimension an inter-dominion exchange was realised. The first one took place in New Delhi in December 1947. Subsequent inter-dominion conferences were held in Lahore in July 1948 and in Karachi in January and June 1949 (Schechtman 1951: 409ff.).

In Chapter 1, Radha Kumar's rejection of an understanding of the western Indo-Pakistan border as closed and that cooperation between the two states was non-existent in the initial years of independence was referred to (Kumar 2005: 23ff.). In Pran Chopra, we find further attestation to a considerable degree of collaboration and congruity between the political, military and bureaucratic elites of India and Pakistan (Chopra 1968: 45). An initial attempt at coordination occurred on 8 August 1947 when a joint military headquarter, with the explicit purpose of guaranteeing the safety of refugees, was instituted. Agreements to counter illegal activities and to set up refugee camps ensued. According to Chopra, the two states, in a spirit of reciprocity, issued a shared plea to those instigating and participating in violent activities to quit and a joint statement expressing their will to curb the violence on 18 August (*ibid.*). On 8 September, the two prime ministers declared that 'rioters should be shot at sight' (*ibid.*). Nehru added to the declaration the next day when he announced that "action on a war basis" would be implemented "with no mercy for offenders" (*ibid.*). In addition, a Partition Council, an Arbitral Tribunal and a Joint Defence Council were in existence and, according to Chopra, functioned 'surprisingly' well (*ibid.*: 78). The governments also agreed to establish a military command, the Military Evacuation Organisation, with the task of facilitating the secure transportation and arrival of migrants to refugee camps. In addition, numerous non-state actors and delegations met to establish code of conducts that would deter communal disturbance. One of these was drawn up by editors from the major newspapers who agreed on a policy that opposed 'inflammatory writing and propaganda in each [dominion] against the other' (*ibid.*). The above tells us that it should not be taken for granted that no sense of cooperation and mutual interest existed between the two states. To some extent, a growing enmity and attempts to peacefully co-exist and collaborate were coeval.

3.2 Minorities and refugees: objects and embodiments of the nation

As the previous chapter sought to demonstrate, two things that intensely affected the experience of partition both at the state and individual level were the violence that accompanied the division and the ensuing uncertainty regarding what marked out and circumscribed identity. An indicator of the prevailing ambiguity, as regards the space and identity of the new states, was that the borders were not finalised until a few days after dominion status was formally effected (for a more detailed scrutiny of the Radcliffe Award, see Chatterji 1999;³ Chatterji 2007b: 19ff.);⁴ another vestige of the suspense at play in the migration and territorial division is that the authorities in East Pakistan did not register the number of people that crossed the Indo-Pakistan border until April 1950 (Rahman and van Schendel 2003: 556, fn. 13). The latter should be seen as a consequence of the absence, before October 1952, of a demand on those crossing the border between India and East Pakistan to verify their nationality with visas and passports (*ibid.*: 557).⁵

A sign of the collapse of order is the way grave violence in the Punjab blurred the distinction between the old and new. It was unclear where the authority of the colonial state apparatus ended and where independent India and Pakistan began. It was a confusion most pertinently exemplified by the ineffectiveness and disorderly conduct of the Punjab Boundary Force, which had been jointly set up on 17 July 1947 to specifically tend to disturbances related to the division of the province (for details, see Jeffrey 1974; cf. Marston 2009). It was an ineptness occurring within the wider context of a collapsing civil administration in the Punjab and a parallel partitioning of the Indian Army (as analysed by Marston 2009). In the disarray, communal violence forcibly installed and surveilled boundaries of national identity. In the autumn of 1947, national identity was based on creed: being Muslim meant that you were linked to Pakistan, whereas Hindus and Sikhs were regarded as Indians.

In an assessment of the 'situation in India and Pakistan' signed by the British General Scoones, P.S.O. Commonwealth Relations Office, on 14 October 1947, the positions of the two Dominion Governments, the Princely States and refugees were evaluated (CAB 121/746 1947). A commentary on the 'communal situation' reads:

Communal hatred has now reached such a high pitch that it has permeated all walks of life in the two new Dominions. Neither side trusts the other in any way. Both sides have been guilty of atrocities on a scale and of a kind which are hardly believable in the year 1947. Minorities on both sides are in real danger of extermination and, so long as refugee movement continues, the massacres of the last few weeks are likely to continue. The scale of killing may be reduced temporarily, but the spirit to do so remains and the smallest incident may easily reproduce an uncontrollable situation at short notice.

(*ibid.*)

The situation had already spiralled out of control. Neither the Punjab Boundary Force nor the Indian or Pakistani army managed to curb the violence and were taken aback by the number of refugees and migrants. An early estimation, based on figures from the Indian Ministry of Rehabilitation and the Pakistan Ministry of Refugee and Rehabilitation, maintains that around five million Hindus and Sikhs left West Pakistan for India and that approximately 7,900,000 moved in the other direction (Schechtman 1951: 406; cf. Samaddar 2004: 56 and Ahmed 2011: xli).

The above excerpt from the British appraisal stresses two acute elements of the instauration of the two states: namely, the treatment and status of religious minorities as well as the accommodation and absorption of refugees. It is, thus, particularly notable that the Congress and the Muslim League prior to Independence had both drawn the inference that no large-scale movement was to be expected. In a later passage, the document refers to the (in)stability of the Indian Dominion Government. Even though, compared to Pakistan, it had a functioning institutional infrastructure, the bulk of the subcontinent's industries and relatively extensive assets, it was not

by any means self-supporting as regards food, and much of the grain from the areas now incorporated in Pakistan has hitherto been exported to India. Although superficially the newly formed Government of India appeared to be a stable and strong Government, events in the last few weeks have shown that this is not really the true position.

(CAB 121/746 1947)

In comparison, the capacity of wheat production in West Punjab seemed to be able to secure the Pakistani food supply if peace came about (*ibid.*). The document, thus, validates a premise of the present analysis: the months after the Partition bore witness to the – materially as well as symbolically – fragile base of the Pakistani *as well as* the Indian Government. A subsequent remark further corroborates such an assumption:

Early in September, Delhi, the seat of Government, was literally overrun by the Sikhs and for some days it was doubtful whether the Government would be able to control the situation. They did regain control, but it was a touch and go affair.

(*ibid.*)

As was outlined in the introductory chapter, in order to deduce how the Indian and Pakistani states managed to actuate consolidation, although they lacked both firm ground and favourable circumstances, it is crucial to probe the finer details of the initial years of independence.

As Yasmin Khan notes in her study of refugees in the United Provinces (after 1950, Uttar Pradesh [UP]), the refugees were regarded, by a significant section of the political establishment in India, as the 'embodiment of the new

nation' (Khan 2003: 516). The Hindu Right and the rightist elements in the Congress (and sections of the refugees themselves) especially adopted this view (*ibid.*), as refugees were perceived as persons who had made a considerable sacrifice and who had forsaken significant markers of identity, such as home and locality, for the inclusion in a nation. The incongruity of the identification of Hindus and Sikhs leaving Pakistan as voluntarily seeking inclusion in a wider, abstract community is that many migrated to escape violence, forced conversion and death, not on the basis of a preference to become members of the Indian nation. Since the 'inclusion', in many cases, was a forced incorporation, the nation came to symbolise a safe haven – a place that could harbour and protect its members.

In addition to being portrayed as metaphorically integral to the project of ascribing authenticity and essence to nation building, many of those leaving West Pakistan in 1947 moved back to the districts of East Punjab that they, their parents or their grandparents had left when the irrigation system was expanded into West Punjab at the end of the nineteenth century. Near to a million Punjabis had settled in the Canal Colonies to work on the new farmland created by the enlarged canal system (Talbot 2002: 73). According to M.S. Randhawa, a government worker involved in the administration of the refugee camps in the Indian part of the Punjab, many of the immigrants to East Punjab 'were colonists, peasant proprietors and middle-class farmers who originally belonged to East Punjab' (Randhawa 1954: 33). The refugees who came from the canal districts in West Punjab, in other words, were looked upon as people returning home. They, thus, represent a contrasting case to those inhabitants of Assam who in 1950 were designated as being of 'Pakistani origin'. They were also viewed differently from the Hindus leaving East Bengal for Calcutta and the surrounding area, although the latter often had 'previous, long-term interactions with residents and institutions in the city' (Feldman 2003: 113).

When refugees could, they settled in towns where they were able to join kin and fellow caste members (see Khan 2003: 513). In a setting where the nation was represented as a vessel for everyone independent of kinship, caste and birthplace, these attributes did not dissolve or abate in significance. Socio-economic standing was another constant. It was primarily the poorest Hindu and Sikh migrants that were dependent on the Indian state in locating a 'home' (*ibid.*). Caste and class, thus, constituted supplementing inscriptions in the body of the nascent nation state that interlaced with that of gendered citizenship and creed.

Ravinder Kaur notes how the dominant historiography in India on the experience of migration at the time of Independence as harsh and austere fails to do justice to the various modes of journeying (Kaur 2007: 82). In particular, accounts of air travel are omitted. Kaur conceives the partiality as a symptom of the forceful linking of imagery of the Partition with notions of 'traumatic territorial dismemberment and loss', and as an indication of the crucial significance representations of migrants acquired as illustrations of

how ‘the new nation [was] built on struggle, sacrifice, and the indomitable spirit of the refugees who lost everything but succeeded in rebuilding their lives’ (ibid.; see also Talbot 2011). At the same time as R.B.J. Walker’s remark – that the founding of sovereignty is often depicted as ‘eerily bloodless’ – seems valid in the case of India and Pakistan (see Chapter 2), the bodily and symbolic sacrifice, hence, breathed life into the nation. In addition, it allowed the two states to simultaneously activate an imagery of being protective and caring *and* to inscribe authority. As Kaur writes:

It is in the moments of arrival that state [sic] seeks active engagement with the displaced population – while the state clearly failed in stemming violence and discouraging forced population movement, the arrival of refugees presented an opportunity to fully redeem and establish its authority.

(Kaur 2007: 30)

If the ‘violations of permit regulations’ were, as Zamindar has maintained (2007: 103), one site for the erection of certainty and the restoration of order, we here encounter a second.

Across the border, refugee identity was even more imperative to nation building and state formation. From its inception, the idea of Pakistan was linked to a particular language, class and specific occupations – all stemming from the United Provinces. It was an asymmetry that became most visible in the marginal position of the eastern part in state affairs. Although Bengalis amounted to the majority of Pakistanis and Bengali was the most widely spoken language – which might be compared with Urdu that was only used by 4 per cent of the population (Shah 1998: 506ff.) – these two actualities found minor recognition in the conduct and operations of the political leadership and top bureaucrats. The bulk of the political and bureaucratic elite in and after August 1947 were themselves migrants or refugees (*muhajirs*, which literally means ‘refugees’) (see Wright Jr. 1991: 299ff.), Urdu was the language attributed to state institutions and Karachi – like Delhi – became a refugee city. Zamindar describes how

[a]s a governmental category, ‘*muhajirs*’ figured prominently in the 1951 Census, which enumerated Urdu-speaking *muhajirs* in particular as a majority in the city of Karachi. The census defined *muhajir* as a person who had moved into Pakistan ‘as the result of or fear of disturbances connected with Partition, no matter from where, when *or for how long a stay they have come*’.

(Zamindar 2007: 48)

As in the case of India, we find that the emblem of being migrant – of being *muhajir* – is ideationally connected with the notion of sacrifice. The struggle for a separate Muslim state by Urdu-speaking Muslims and the willingness to

leave their homes is, on the one hand, linked to a sacrifice for Pakistan and, on the other, held up as a testimony to the longstanding role of Muslims in northern India in protecting and furthering 'the cultural and religious identity of India's Muslims' (Jalal 1995b: 83).

The elevation of refugee identity – and the related upheaval and sacrifice – into the embodiment and epitome of Pakistani identity, and the perseverance in projecting Urdu as the national language both demoted the appreciation of existing identity markers and entwined the struggle for influence over state institutions with the identity of the 'migrant'. In 1954, when the work on formulating a constitution seemed to alter the existing power balance and, in 1958, when elections threatened to erode the dominance of a political elite with roots in UP and of a military elite largely derived from the Punjab, the response came in the form of military interventions seeking to 'reinstitutione' order (for an account of the latter, see Wilcox 1965). We here encounter two main divergences with the case of India: the continued centrality of elites installed at the time of independence and the tendency of the military to police any democratic challenges to the state structure and its underpinning rationalities. As developments during the second half of the twentieth century confirm, the suppression and marginalisation of the regional and local has come to haunt Pakistan in the form of insurgencies and demands for autonomy. The strong presence of *muhajirs* in Karachi and in the state of Sindh has also resulted in an enduring conflictual relationship with other groups.

In Pakistan, a parallel antagonism developed over the outer limits of 'being a member'. While 'refugees' gained a dominant position in the ascription of a right to belong to the 'nation', the religious minorities – who according to their own description ought to be regarded as 'sons of the soil' since they had 'no separate existence' (formulations taken from Kamini Kumar Datta's speech in the Pakistan CA 8 March 1949) – found themselves situated on the discursive 'outside' of nation building. The Pakistani case, hence, to some extent, mirrors the Indian state's handling of the question whether 'Pakistanis' that had never moved to Assam had a right to citizenship. How ought those not easily recognised as a telluric part of the 'majority' community, yet indisputably rooted in localities and embedded in common beliefs and expectations integral to the territory of the new state, be treated? Whereas the refugees, the newcomers, were seen as an innate constituent of the nation, the minorities had to articulate and try to motivate the basis of belonging.

In the new order, it was not sufficient, however, to lay claim to territorial or ancestral anchorage. Being 'not migrant' fell short of representing a valid claim to the nation – a circumstance that is apparent in the failure of the opposition in the Pakistan CA to find acceptance for the avail that '[w]e have lived in this land for generations unknown, we have loved this land, we have fought and suffered for its liberation from foreign yoke' (*Constituent Assembly of Pakistan Debates (Official Report)* 9 March 1949). Sris Chandra Chattopadhyaya, similarly, remonstrated: 'But we belong to East Bengal. One-fourth of the population is still non-Muslim. ... We are not going to

leave East Bengal. It is our homeland. It is not a land by our adoption' (*Constituent Assembly of Pakistan Debates (Official Report)* 12 March 1949). He continued: 'I claim that East Bengal and East Pakistan belongs to me as well as to any Mussalman and it will be my duty to make Pakistan a great, prosperous and powerful State ... because I call myself a Pakistani'.

One enquiry we, thus, seem to persistently revisit is the issue regarding how the 'national' intersects with the experience(s) of the citizen and the non-citizen? How does the dominant narrative relate to and render the local and the ancillary? What is the interplay and exchange between the emerging contours of the nation state and the 'neighbourhood' as a public or shared space wherein everyday life takes place? Deepak Mehta has pertinently argued:

[T]he neighborhood is a space that is the product of two nonsymmetrical movements, one of which is nonvisual and local, and the other that inflects the nonvisual with the practices of naming, mapping, and quantification, as much as it shows how local geography is translated into national boundaries.

(2006: 210)

The 'neighbourhood' might, of course, be comprehended as an instance of 'local' space in an absolute sense: a space in which (human) interactions cluster and are carried out. However, it might – although 'local geography is translated into national boundaries' – also be understood as that which does not exist or occur on the same abstraction level as the 'national'. In the case of religious minorities asserting their claim to acceptance and community, it appears as if the 'national' in the moment of becoming could not speak to and incorporate the 'local' dimension and the everyday life of those who found themselves represented as abject subjects within the newly formed state borders.

3.3 The force of utterance: bringing the discursive to life

Hitherto, the moment or place of partition and independence have been conceptualised through a motion wherein its 'local' and 'national' significance and specificity has been inferred as the favoured level of abstraction. What might be derived if we, conversely, query the event(s)' place within the previous century? In his publication devoted to the meaning of the twentieth century, Alain Badiou – in order to capture the gist of what was then considered, and what we now regard as, 'the century' – refers to a poem written in 1923 by Osip Mandelstam (Badiou 2007: 18). In the poem, Mandelstam offers the twin(ned) depiction '[i]n order to pull the age out of captivity, [i]n order to begin a new world', which Badiou clarifies by stating that '[t]he century is simultaneously a prison and a new day, a doomed dinosaur and a newborn beast' (ibid.).

Does the excerpt encapsulate something crucial in the instance of the oscillation between novelty and repetition, of corrosion and permanence? Is the Partition, and the concurrent Independence, a paradigm case of what the century 'was', if the term is defined as the era that 'strove to think the enigmatic link between destruction and commencement' (ibid.: 44)? A dominant narrative portrays independent India and Pakistan as ensnared in colonial institutions, colonial knowledge of the self/other distinction, economic dependency, an escalating security dilemma, poverty and filth, chaos and overpopulation, natural and man-made disaster. At the same time, the two states, at their inception, embodied emancipation, achievement and the hope of developments that would bring about a less violent, more tolerant and egalitarian society. The theme of destruction and commencement is also contained in Jawaharlal Nehru's famous speech on the advent of self-rule when he maintained that India 'long years ago' had made a 'tryst with destiny'. In one of its passages, Nehru asserts:

Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless the past is over and it is the future that beckons to us now.

(*Constituent Assembly of India Debates (Proceedings)* 14 August 1947)

The distinction between and convergence of the new and old evades us. We, and Nehru, struggle with the spectral conundrum of past and present, end and creation; those vital yet volatile components of the Partition, of Independence, of 'being' postcolonial.

When does the new stabilise and coagulate? It might, for example, be maintained that 1965 stands out as a possible point from which to start working backwards. An interesting observation, which I borrow from Percival Spear, is that after the death of Nehru in 1964 the portrayal of him was generally negative (1967: 15). It was claimed that his was a period that had failed to bring about positive changes. As Spear writes: 'If Mahatma Gandhi was the forgotten man of early 1965, Nehru was the rejected man' (ibid.). We, thus, find a second pivotal element to the discursive stabilisation that came about in 1965 in conjunction with the second Indo-Pakistan war. The political climate in 1965 was very different from the one in 1947 when Nehru came out of fierce competition for party dominance as the leader of the Congress party. Quite contrary to what many observers claim, Nehru's leadership and his election as prime minister in 1947 was not a straightforward uncontested choice. His main competitor was Patel, a man who, according to Spear, 'represented militant western India as distinct from Brahmanical Hindustan, the high capitalism of Bombay and Ahmadabad against left-wing socialism, and Hindu feelings of solidarity, rather than secular nationalism' (Spear 1967: 16).⁶

Here we encounter an antagonistic current installed at the very heart of Congress activities and decision making. Prior to Patel's death in December 1950, which ended the rivalry, Nehru's dominant position was far from consolidated and the path had a direction of its own not yet subject to one strand's control. One explanation of Patel's temperance between August 1947 and his death might almost certainly be distilled from the predicament of managing the Partition crisis (*ibid.*). By making the choice to support an orientation of the Congress party where he and Nehru were both assigned influential positions, Patel did not have the chance to steer 'the Indian state in a Hindu revivalist, economically conservative, and authoritarian direction' (Rudolph and Rudolph 1987: 71). Patel's death was near to concomitant with the adoption of the Indian Constitution, formal independence and the cease-fire in Kashmir and, thus, marked the end of an initial undecidability and plasticity regarding the status, form and extent of the independent Indian state. Thus, 1950 represents an earlier juncture of partial closure and possibility – the latter assuming the form of universal citizenship, democratic institutions, general elections and economic reforms intended to enhance conditions for all Indians. One element of this initial stabilisation was such a prosaic thing as the names of the two states: 'India' and 'Pakistan'.

Pritam Singh conceives the name 'India' as an insignia of majoritarian domination – a domination that commenced with the composition and idiom of the independence movement and later saturated the postcolonial state (2005: 910ff.). Let us examine 'India' as a name. The Indian Constitution commences with a sentence that entails the following passage: 'Name and territory of the Union. – (1) India that is Bharat, shall be a Union of States'. It is notable that India is equalled with Bharat since the latter term is derived from *Bharatvarsha*, which historically has been used in Hindu and Buddhist traditions to designate South Asia (Barrow 2003: 38). The insertion of Bharat, in part, seems to be a manifestation of how the Indian state tried to unfasten itself from the cartographic activities of British India. During the eighteenth and nineteenth century, India replaced Hindustan as the most commonly used name. The shift coincided with the transformation of the British presence from a conquering force to an administrative apparatus. According to Ian J. Barrow, the amendment was a symbol of both altered European conceptions of the region and a British effort to portray South Asia as a unified delimited part of its growing empire (Barrow 2003: 39ff.).

According to Singh, the inclusion of the word Bharat attributes the constitution with an allusion to a golden past (2005: 911). It infuses it with the notion of a mythic pre-Muslim and pre-British era of unity. Singh, further, notes that the choice to place it at the beginning of the constitution is highly symbolic and seemingly aligns the Republic closely with Hindu culture. Singh, resultantly, concludes that the incorporation of the word into the opening article was intended to engrave a notion that India was finally a Hindu property after several hundred years of foreign domination (*ibid.*: 911ff.). In this construal of the connotations of the introductory article, not

only the British, in other words, represented foreign reign. Also the Moghul rulers were symbolically entwined with the alien and external. To Singh, independent India was through its constitution projected as a sovereign unit that Hindus could identify as their state and their government. India was, in other words, depicted as above all Hindu space – it, thus, in part reflects the manner in which India was portrayed as the self-evident space of non-Muslim migrants.

The discrepancy ('non-Muslim' is a wider category than 'Hindu') is, however, indicative of where Singh is mistaken. If we were to agree with his reading, the paradox at hand is, of course, that 'India' also came to include and stand for the religious minorities, the Northeast, the adivasi communities, etc. Although marked by an idiom leaning towards concepts and symbols belonging to Hindu cartography and mythology, 'India' was foremost and inevitably constituted by and through multiplicity and the antinomy of the singular. However, this does not imply that imageries of India as Hindu space were not crucial in establishing taxonomies and drawing distinctions between different types of subjects. The idea of India as Hindu space, again, became particularly poignant a few years after the Partition. In 1950, a wave of migrants from East Pakistan reawakened the demand for India to be a state primarily geared to protect Hindus and Hindu culture (Khilnani 1999: 37). According to figures cited by Mushirul Hasan, close to one million Hindus left East Pakistan between the beginning of 1950 and mid-October 1952 (2001: 167; see also *ibid.*: 170ff.). In the same year, Patel died, however, and Nehru took control over the Congress and manoeuvred it in a secular direction (Khilnani 1999: 38).

Pakistan's choice of name, and the related naming of space, similarly attests to the mutual, inseparable imbrications of the discursive and the material. The narrative on its genesis has become an ingrained element of Pakistani historiography. According to the authoritative account, the word 'Pakistan' has its etymological extraction in the writings and campaigning of a Cambridge student, Chowdhary Rahmat Ali, in the 1930s. In Urdu, 'Pak' carries the meaning of 'pure or chaste', and hence – as Ishtiaq Ahmed draws attention to – Pakistan, in Rahmat Ali's construal, implied the establishment 'of pure Muslims, pure Islam and a pure state' (Ahmed 2002: 13). It should be noted, however, that the Muslim League showed no signs of agreeing with Rahmat Ali's notion. The establishment of 'Pakistan' was first made an official desire at the annual Muslim League session in Lahore in 1940. Hasan has argued that one would have to 'dig in vain to unearth the two-nation theory' in speeches delivered and texts written by Jinnah prior to March 1940 (Hasan 2001: 58). The adopted resolution did not explicitly demand a sovereign Muslim state entirely detached from an independent Indian Union comprised of a confederation of states. The resolution stated:

[N]o constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, *viz.*,

that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign.

(cited in Wheeler 1970: 28)

After Independence, the resolution became a source of contention. Its controversial nature is evident in a debate in the CA of Pakistan on whether Karachi as the capital of Pakistan ought to be administered by the Centre or the province of Sind. In the debate, Raj Kumar Chakraverty alluded to the Lahore Resolution when stating:

Sir, my idea of the Government of Pakistan is that it should be a federation of certain autonomous Provinces and States. As a matter of fact if I remember [it] aright, that was the basis of the famous Lahore Resolution on Pakistan, *viz.*, the Provinces would have autonomy.

(Constituent Assembly of Pakistan Debates (Official Report)
22 May 1948)⁷

It was not, in other words, only before its realisation that it was a source of uncertainty. Its ambiguity fitted well into a wider antinomy not clearly solved prior to the Partition: ought Pakistan to be 'a national state of Muslims or a theocratic Islamic state based on Sharia' (Ahmed 2002: 20)? The lack of a clear response to this question, and thus an evident vision of the state's expanse and function, has made Ahmed pronounce Pakistan as an 'unimagined nation'.

If we take our cue from Jalal (1985), we see how the imprecise definition of Pakistan became instrumental to its realisation. It is interesting to note that the Muslim League phrased their demand for Pakistan in flexible terms. Its exact extension and the desired form of sovereignty were not defined prior to the announcement of the Radcliffe Award on 17 August 1947. In one respect, it was defined by its very elasticity. At the same time, Jalal ascribes an active quality to the imprecise formulation of the name. She writes: '[B]y keeping the demand for "Pakistan" vague, and its territories undefined, Jinnah had made it possible for his followers to exploit the League's communal demand without having to face its implications: the partition of the Punjab and Bengal' (Jalal 1985: 31). Another root to the prolonged ambiguity was Jinnah's, and the Muslim League's, inclination to first settle on and be given a promise regarding the territorial extent before deciding on where the centre of the sovereign state or the all-India federation ought to be located (*ibid.*: 30).

It was, however, from its inceptive articulation restricted in one crucial sense: the term consisted of the names of the north-western provinces of

British India, i.e. Punjab, NWFP-Afghan Province, Kashmir, Sindh and Baluchistan (Hussain 2005: 53, fn. 163). We here come across both a banal (discursive) underpinning for the conflict over Kashmir and a reason for the marginal position of East Pakistan. Concurrently, as the name (its parts, the reference to Islam) indicated its limits, the idea of Pakistan did not end at these. Pakistan as a sovereign entity was meant to accommodate all religious communities and extend beyond state territoriality. The word was both circumscribed by its parts and, at the same time, generic. Pakistan was, on the one hand, demarcated by the structure of its name and, on the other hand, it did not exclusively denote Muslim space. Religious minorities were portrayed and regarded as an essential part of Pakistan.

At the time of the Partition, the upper echelon of the Muslim League still held a conviction that Muslims who remained in Muslim minority provinces would be indirectly linked to Pakistan via their religious identity. Their safety and equal status would be secured through the existence of Hindu, Sikh and Christian minorities in Pakistan. It was not until after the grave violence erupted and the large-scale movement of populations was underway that the political elite understood that there would be no supra-territorial link between Muslims in India and Pakistan. In stark contrast to scholars emphasising the weight of the deliberations and activities of the Muslim League, Jalal asserts that it was the Congress that heralded and initiated the idea of a division that would leave the five provinces that together aggregated the term Pakistan – some in truncated form – outside an independent India (Jalal 1985: 33). In a reaction to the deadline the British set up for the transfer of power, the Congress suggested a Pakistan that Jinnah earlier, in 1944 and 1946, had described as ‘mutilated and moth-eaten’ (ibid.). According to Jalal, the Congress saw a chance to ‘win its strong centre but also permanently eject the League and its rump of supporters from the all-India arrangements’ (ibid.). It was, hence, in Jalal’s elucidation, the pressure and proposition from the Congress that catalysed the coming-into-being and materialising of an idea that had been equivocally posited in 1940. Pakistan as an epithet for the nationhood of South Asian Muslims, thus, assumed a fixed meaning first with the actualisation of the Partition.

3.4 The space of time

How was absolute space reconstituted in the aftermath of partition; how were maps and borders redrawn? Two crucial cartographic ramifications of the division were the unification of India into a singular geographical entity and Pakistan’s dyadic composition. These consequences were intimately interwoven with security concerns regarding strategic and military vulnerability in the new border areas. They were also entwined with a fear of balkanisation and the potential estrangement between political elites in various parts of the two states. While the geographical separation of Pakistan’s two parts provided fertile ground for both, India’s initial three years of independence has been

described, by Pran Chopra, as a period when India, on the one hand, was under severe risk of further fragmentation and, on the other, managed to hurriedly integrate numerous 'virtually independent states' into a unitary state entity with nominal 'use or threat of force' (1968: 32). Chopra here has the inclusion of the Princely States in mind.

Production of space was, in other words, apart from being tied to the project of establishing the limits and content of the nation, also linked to security policy and the consolidating of territorial borders. The issue of security was in 1947 firmly entwined with national interest – a linkage that became especially potent in the case of India's engagement in Kashmir.⁸ Contrary to Christophe Jaffrelot's claim that the Indian state, remaining 'almost intact' and 'uninterrupted', did not foremost revolve around notions of insecurity (2002: 255), it is here maintained that both external and internal security has been a governing preoccupation of the Indian state since its foundation. Sankaran Krishna has pointed out that the discourse on national security in India has often been amalgamated with a fear of internal weakness and disunity (1992: 860). At every 'historical' juncture of internal domestic division of the polity, an alien invader, characterised by its unified composition, is claimed to have taken advantage of the situation and imposed political control (*ibid.*). This portrayal of the past and the related need for unity is deployed in order to legitimate the adverse aspects of the national security project in India (for example, see Singh 2007; 2009).

The establishment of Pakistan meant the creation of a number of border regions that were highly precarious from a strategic perspective. The straddling of the north-western and north-eastern parts of the subcontinent resulted in a seeming necessity to invest heavily in the army – a requirement that Jalal has described as 'beyond the capacities of the newly created state' (1995a: 22). The responsibility to police borders and a mounting antagonistic relationship with India put considerable strain on the budget. Development ambitions had to stand back in order to sustain military forces. To craft a functioning and strong centre was another challenge for the embryonic Pakistani state (Jalal 1985: 29). Contrary to India, Pakistan did not inherit the resemblance of 'unity', 'continuity' and the political metropolis or nucleus of the colonial state. 'Transfer of power', thus, meant different things to the two. In the case of Pakistan, power was not merely transferred – it, more importantly, moved. It was relocated to a new locus, a new point of unity; and, to – once again – borrow one of Jalal's formulations, the parts and provinces that left the 'Union of India' were regarded as areas 'contracting out' (*ibid.*: 36).

Still, we should not overlook that the manner in which the 'transfer of power' was actuated and represented allowed for and enabled a 'strong' centre in Pakistan. The events in the Punjab, among other developments in the initial years, were employed as rationales for the presence of the Centre in the Provinces. One vindication is available in the Pakistan CA debates, in which Ghazanfar Ali Khan said:

The necessity of the Centre's being actively associated with the Provinces in this upheaval was realised at a very early date, particularly in the West Punjab where the number of people who migrated into Pakistan from India ran into 50 or 60 lakhs.

(Constituent Assembly of Pakistan Debates (Official Report)
22 May 1948)

Later the same day, [Begum] Jahan Ara Shah Nawaz told the assembly:

The days of full provincial autonomy are gone, and the time has come for us to have more or less a centralised form of Government, and when I say this I am voicing the sentiments of a majority of Members of this House.
(*ibid.*)

The latter assertion was supported by [Begum] Shaista Suhrawardy Ikramullah, who claimed:

Provincial autonomy is a legacy of the past for Provinces alone had some power and the Centre was entirely controlled by the British. I think we should get rid of this fallacy and realise that Centre and Provinces are one.
(*ibid.*)

We, thus, see how the way in which independence came about was employed in both states as justification for the realisation of centralising tendencies.

Another notable aspect of boundary drawing, which occurred with the erection of frontiers that partitioned the Punjab and Bengal, was that the recognition of shared identity transcending sectarian or tribal alignments seemingly achromatised and vanished. The prospect or existence of pan-Punjabi and pan-Bengali identities is seldom recognised as a conceivable option after 1947. As Ahmed states regarding the first-mentioned: '[T]he two Punjabs remain inaccessible to each other' (2011: 699). Once again, this development might not seem surprising from the vantage point of historical distance. If we, however, consider that, prior to the Partition, shared identities and a joint cultural sphere existed it becomes less clear why no attempt to subvert the division has been articulated. The borders of colonial Punjab and Bengal had, over a long period before the Partition, been distinct and demarcated. The ostensible silencing and disappearance of mutual space across the borders after August 1947 are, thus, startling. In the case of the Punjab, it implies that the communal violence was of a magnitude that nearly eradicated subaltern and regional patterns of identification. At the expense of dissident notions of belonging and affiliation, Indian and Pakistani national identity relentlessly carved out and occupied individual as well as public space. However, a closer look indicates the partiality of such a gesture.

What did it signify to be Punjabi before and after 1947? As Ian Talbot points out, the two principal features of the Punjab in the colonial era were its unchanged rural character and the overlapping quality and the mutual space of the Hindu, Sikh and Muslim communities (Talbot 2002: 5). The British deliberately opposed and counteracted taxation of agricultural revenues and industrialisation in the Punjab (*ibid.*: 75). The reluctance to impose tax was primarily due to the likelihood that it would undermine the dominant position and power basis of those groups that traditionally had supported British rule and provided the British Indian Army with the bulk of its soldiers (*ibid.*). The region bore an unusual imprint since the colonial state to a large extent had intertwined its authority with the hierarchy in the rural tracts of the province (*ibid.*: 70ff.). In the Punjab, these two facets, the persistence of rural landlordism and the 'cross-communal' imprint of identity, found a political voice in the Unionist Party, which was founded in 1923 (*ibid.*: 1). The party was established to speak for landlords and land proprietors independent of religion or caste (Talbot 2002: 70ff.). The Unionist Party did, however, draw its main support from those groups that the British designated 'martial castes', i.e. the various Punjabi groups that constituted three-fifths of the British Indian Army from the First World War and onwards (*ibid.*). The 'martial castes' was the name attached to Muslim Rajputs, Hindu Dogras and Sikh Jats who in total comprised a mere 1 per cent of the Indian subcontinent's entire population (*ibid.*).

An interesting aspect of the colonial period was how the notion of Punjabi society, as principally built along the axis of tribal belonging, was ascribed a sense of permanency in the 1900 Alienation of Land Act. The Act prohibited 'non-agriculturalist tribes' from acquiring land from 'agriculturalist tribes' (see Talbot 2002: 76ff.). It further stipulated that the candidates in those constituencies considered rural had to belong to the agriculturalist tribes (*ibid.*). The law, hence, entailed two consequences for the stratification of society. On the one hand, the agriculturalist tribes had to be located and categorised; on the other hand, the concept of tribe gained a stature overriding other patterns of identification (*ibid.*). The former included the 'martial castes', the Muslim religious elites – such as *pirs* – and other cultivating groups. The latter, i.e. the elevation of the tribe into the chief societal category, resulted in an environment where political mobilisation utilised the tribe as its focal point (*ibid.*). Here we, with Talbot, find an additional explanation to the late advance of the Muslim League in the province. We also find a reason behind the final erosion of the Unionist Party's position and the success of the Muslim League in urban centres. The 1900 Alienation of Land Act drastically increased and reinforced the divide between rural and urban Punjab (*ibid.*). What took hold of the Punjab and its self-perception in the 1940s was the slow advance of a changing discursive milieu where religious identity was elevated into the primary marker around which collectives were aggregated (see Talbot 2002: 128, 196ff.). The tribe had to stand back or be incorporated into a wider field divided along confessional lines.

In the preceding paragraph, we saw how a redrawing of ownership regulation in 1900 had both discursive and material consequences in pre-independence Punjab. Two related questions are: how did the redefinitions that were formulated in postcolonial India and Pakistan affect the region and were the developments in Bengal similar? How did regional identity transform to fit newly erected borders? What happened to the shared culture, language and traditions transcending communal barriers, and what happened to voices advocating a common identity and mourning the end of composite culture? As Indian states were erected on the basis of language in 1955 and 1960, it is somewhat contradictory that the vernacular had no substantive meaning whatsoever between parts of the divided Punjab and Bengal.

As alluded to above, the Indo-Pakistan border was less unequivocal than the conceptual bifurcations friend/alien and internal/external predicate. In particular, the border between India and East Bengal (today's Bangladesh) has been transgressed and made unfeasible by ponds, fields and rivers. A flow of labourers, migrants and commodities over the border has generated what Ranabir Samaddar has designated 'decentred spaces', namely, 'the space of flows that exist alongside the space of national units' (1999: 21). According to Samaddar, the cross-border migration between India and Bangladesh (or East Bengal) should be grasped as a 'deep ecological process, better understood in terms of what Fernand Braudel has called structure or *longue duree*' (ibid.: 90).⁹ Movement across the border ought not, in other words, to be primarily perceived as an insignia of the illegitimate or of trespassing. The 'unlawful' migrants, at the same time as they contravene state borders, instil them with inertia since they allow the two states to mobilise on issues related to the line of demarcation (ibid.: 20).

We here encounter two mutually supporting dynamics. Migrants exposing the fragility and porosity of the border are simultaneously 'naturalising' it by allowing India and now Bangladesh to police the distinction between citizens and non-citizens. Concurrently, the border ascribes illegitimacy to age-old patterns of mobility and commerce. Willem van Schendel has, analogously, employed the case of the Indo-Bangladesh border – with its 197 'enclaves', i.e. 'a portion of one state completely surrounded by the territory of another state', constituted at the time of the Partition – to illustrate that '[t]he contiguous, uninterrupted homeland is a fiction' (van Schendel 2002: 115ff.). In van Schendel's rendering, the border in its 1947 avatar amounts to 'anything but a straight line; it snaked through the countryside in an irregular zigzag pattern' (ibid.: 120).

As the case of the scission of British India points to, the spatial notion of the state, even while being tied to arguments premised on time (past, present and future; the process of national integration, past glories, future social harmony and economic growth, etc.), to some extent, supersedes temporality. There appears to be a dual mechanism at work in the institution of the post-colonial nation state: first, the violent forceful erection of a stable legitimate

foundation and, second, the codification of the political community and its temporality through spatial categories. The former corresponds to Jacques Derrida's notion of *coup de force* (see above), while the latter reiterates R.B.J. Walker's argument that, to the spatially defined state, notions of time and alterations represent threats that need 'to be contained' (1990: 173). In the cases of India and Pakistan, this particularly pertains to the past. History is utilised as an entity outside the temporal and the actual events of the pre-Partition period are expunged. In India, the space and identity of the nation state was, accordingly, made inseparable from a number of temporally tinted themes, such as secularism, modernisation, development and national integration, premised on a firm belief in the benign character of causality, rationality and progress.

An illustration is available in the form of the (economic) five-year plans devised and implemented by the Indian state. The first was initiated in April 1951 in accordance with the recommendations of the Planning Commission, which was set up in 1950 to promote state conduct that would meet objectives articulated in the constitution. The opening paragraph of the first five-year plan includes an excerpt that enunciates the aim to abide by the Fundamental Rights and the Directive Principles of State Policy, thus encouraging a trajectory whereby

the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life, and shall direct its policy towards securing, among other things (a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; and (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. Having regard to these rights and in furtherance of these principles as well as of the declared objective of the Government to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production, and offering opportunities to all for employment in the service of the community.

(Planning Commission, Government of India 1952)

According to Bidyut Chakrabarty, there were three sources to Nehru's propensity towards planning (1992: 277ff.). A first basis was the so-called 'national democratic ideology', which Chakrabarty specifies as the idea or will to facilitate India's future economic self-reliance and autonomy from other states. A second derivation was the seemingly promising experience with planning in the Soviet Union. A third grounding was the favourable response,

detectable in the phrasing of its various resolutions on the economy, the idea received within the Congress party.

To the above, I would like to add a fourth, and imperative, dimension – that of its public utility, of its capacity to aggregate people into a collective. As Badiou has commented apropos the five-year plans in Stalin's USSR: 'The five years of the five-year plan are much more than a numerical unit, they are a temporal material in which the collective will inscribes itself, day after day' (Badiou 2007: 105). Evidently, the five-year plans in India, to a significant degree, differ from those of 'Stalin's USSR'; however, they similarly represent a 'temporal material' in the sense that Badiou alludes to. At first, Badiou's comprehension of the five-year plans seems to challenge Walker's notion of the secondary function of temporality in the modalities of the territorially circumscribed state. However, if we take a closer look they converge. The temporal is ingrained in the materiality of space, in the texture of everyday life. The nation state and its function here becomes a spatial container situated outside time and history. Time and history are evoked and articulated severed from their temporal position.¹⁰ They foremost become instruments in corporeal nation building.

To sum up what has been suggested above, the manner in which the two states related to migrant and minority identity became crucial to the demarcation of the nation, to the delineating of notions of belonging. In other words, these two identities or subject positions filled an imperative function in naming those who were to be conceived as integral to the space(s) of 'India' and 'Pakistan', to the 'Indian' and the 'Pakistani'. Such delimiting occurred through a motion of multiple and sequential permutations and closures rather than through a single decisive enactment of certainty regarding the exact members and content of the newly spawned collectives and notions of domicile.

Notes

- 1 It is relevant to note that eastern Assam became the stage for one of the first secessionist challenges to the Indian state post-Independence (see Baruah 2003). The Naga National Council (NCC), functioning in the manner of 'a federation of several tribal councils' (ibid.: 328; see also Misra 1978: 619), announced in a letter to Nehru in November 1947 that the Naga Hills, which were part of the state of Assam, would 'cease to be part of the Indian Union from December 6, 1947' (Yonu cited in Misra 1978: 620). The NCC absented from participating in the first general elections and an armed resistance against the Indian state was initiated in the early 1950s. To counter insurgents in the Naga Hills and other unstable areas of north-east India, the *Armed Forces Special Powers Act* was promulgated in 1958 (for further elaboration, see McDuaie-Ra 2009).
- 2 It ought to be interjected that a parallel 'renewal' or 'second wave' of migration (to the one taking place across the western Indo-Pakistan border in the wake of the Partition) occurred in 1950 when numerous Muslims decided to leave the United Provinces and resettle in West Pakistan in response to heightening communal tension (Khan 2003: 513).

- 3 The uncertain environment that prevailed in the months before the eventual scission might be illustrated with the case of the Bengal Legislative Assembly's decision on whether the province of Bengal ought to be divided or not. It was stated in the 3 June Plan that the assembly ought to meet in two separate sessions, one in which members from Hindu majority districts participated and one in which those members who represented Muslim majority districts assembled (Chatterji 1999: 188ff.). The two most striking aspects of the voting and decision making was, first, that the members of the assembly did not know the exact anatomy and location of the border and, second, that – although only the first-mentioned group opted for a division of the province – the 'will to partition' was assumed to have 'been sufficiently established' (ibid.: 189).
- 4 The displeasure with the outcome of the Radcliffe Award led India and Pakistan to concur on the issue that a tribunal – The Indo-Pakistan Boundary Disputes Tribunal – was to be set up to resolve dissensions, which included the exact extension and location of the Assam–East Bengal (or East Pakistan) border (see Ahmad 1953; Chatterji 1999: 219ff.).
- 5 It should also be recognised, with Shelley Feldman (2003: 112), that the division of Bengal in 1947 reversed the logic – i.e. Bengal as unified and singular, even though containing a variety of religious identities (see Chatterjee 1997: 28ff.) – that had been brought about by the 1911 abandonment of an earlier idea to partition the province (described by one of the main figures of the Swadeshi movement as 'unsettling the settled fact').
- 6 In a telegram dated 1 November 1947, dispatched from the British High Commission in New Delhi to the Commonwealth Relations Office in London, the following was written: 'For Carter from Shone. You will have seen copy sent to you by Grafftey-Smith of his personal and secret letter of October 22nd to me about rumour that a coup d'état in Delhi is planned with the object of bringing about [sic] Nehru's replacement by Patel. We have heard stories of this kind before; and while I do not want to attach undue importance to this particular one I have the impression that fear that something of the kind may be in the offing has perhaps been more prevalent lately' (CAB 121/746 1947).
- 7 The debate is also interesting for its many references to despotism and dictatorship to which Malik Mohammad Firoz Khan Noon found it fit to reply: 'I tell you that today dictatorship is not a bad thing for Pakistan. Every time I would prefer benevolent dictatorship to inefficient and corrupt democracy which has existed in the Province (*Loud cheers*)' (*Constituent Assembly of Pakistan Debates (Official Report)* 22 May 1948). The seed of authoritarianism was already planted.
- 8 A message from Nehru to British Prime Minister Clement Attlee, communicated on 25 October 1947, contains the following justification for India's actions as regards Kashmir: 'We have received urgent appeal for assistance from Kashmir Government. We would be disposed to give favourable consideration to such request from any friendly state. Kashmir's northern frontiers, as you are aware, run in common with those of three countries: Afghanistan[,] the U.S.S.R. and China. Security of Kashmir, which must depend upon its internal tranquility, and existence of stability of Government, is vital to the security of India, especially since part of the southern boundary of Kashmir, and India are common. Helping Kashmir, therefore, is an obligation of national interest to India' (CAB 121/746 1947).
- 9 It is a conception, however, that risks becoming redundant in light of India's extensive fencing of the border since 2002 (see Jones 2009).
- 10 An auxiliary example might be retrieved from the infamous Chauri Chaura incident that occurred in 1922 and its place in the memorialising of the freedom struggle. As Shahid Amin writes: 'The "true" significance of Chauri Chaura in Indian History lay outside the time and place of its occurrence. A spontaneous and

mindless riot, it was quarantined within a consequentialist past' (1995: 9). Another case transmuted to sustain the nationalist myth is the controversy surrounding the book 'Mother India' in the 1920s. By its inclusion into the narrative of the nationalist struggle, with its alleged maturation, and the making of the film 'Mother India' in 1957, (the memory of) the controversy 'passed from being a historical event to a marblelike nationalist myth' (Sinha 2006: 250).

4 Writing the genre of the new

Constituting the nation, community and universal citizenship

I am part of the government. I live in Delhi. And night and day I have to live under guard. If I go out, there are soldiers in front of me and more following behind. This is no way for a human being to live; it is deeply disturbing, having to live in a cage. This is more of a prison for me than Ahmednagar or the other jails were. The real imprisonment for me is here and now.

(Jawaharlal Nehru 13 March 1948, in Gandhi 2007: 59)

‘Self’ cannot precede itself, because ‘self’ is precisely the form and movement of a relation to self, of a going to self and a coming into self.

(Nancy 2002: 4)

For Jawaharlal Nehru, and many others with him, freedom arrived incomplete. Given the soaring expectations preceding, and the jubilations coinciding with, its arrival, the actual proceedings of self-government seemed hopelessly inchoate and came accompanied by a concatenation of disappointments. But, as Jean-Luc Nancy reminds us, “‘Self’ cannot precede itself”; and this applied also to the unconsolidated selves that were independent India and Pakistan. In India particularly, the constituent assembly debates became a crucial space for the obscuring and surmounting of disenchantments and deficits.

The present chapter, which is a close reading of themes in the debates related to the delineation of the new from the old and to the formulation of citizenship, consists of an exposition of the laborious, and at times dissonant, task to enact two constitutions. The constituent assembly debates in India specifically demonstrate the ambiguous non-teleological character of the ethos, rationale and vision adduced to infuse the nation state with stable meaning at the juncture here designated the ‘constitutive moment’. It is an argument that, in concurrence with the reasoning in previous parts of the book, diverges from most scholarly accounts through its insistence on the heterogeneity of the possible developments in and after August 1947. The initial openness was, however, promptly substituted by certitude: notions of belonging and singularity were firmly laid down.

Why focus on debates that seemingly only perpetuated elite conceptions? Why not devote all consideration to the fragment, the marginal and

‘subaltern’? I discern two reasons. First, a study of constituent assemblies aids us in chronicling the hegemonic – in our case, elite – discourse. Second, it facilitates sensitivity towards the conflicting visualisations of the nation state that were articulated inside the assembly. To be more precise, the debates offer a unique chance to reconstruct the conceptualisations and depictions that enveloped the nation state at its inception. By inducing a conflation of corporeal and ideational elements, the debates attest to the convergence of the material and the discursive in consummations of closure. In the case of India, a less circuitous answer is that ‘[p]olitics were partially in a condition of suspense during the first three years of independence’ as the political elite was mainly preoccupied with finalising the constitution (Tinker 1962: 49). In sum, an analysis of the debates amounts to a scrutiny of the process whereby national identity, community and universal citizenship – three elements palpably marked by a constitutive fracture (in its Žižekian sense) – were linked.

In India, the debates represent a rich source of concord and contradictions. Although the initial endeavour to draft and promulgate a constitution in Pakistan succumbed in 1954, the intricacies of the failure to ratify it provide us with important counterpoising insights. As outlined in preceding chapters, the overall objective of the analysis is to analyse the moment of ‘end’ and ‘beginning’ as well as the partial (and inherently impossible) closure with regard to notions of space, time and identity. I share Srirupa Roy’s view that we are likely to find the key to the scarcity of analyses of (Indian) nationalism in the immediate period after August 1947, in the prevailing tendency to elucidate it as ‘a story that is only too well known and understood’ (Roy 2007: ix). By way of later developments during the so-called Nehruvian era, it is generally assumed that we have come to grasp the ‘source’ or point of origin as well.

Roy’s objection is, however, not exhaustive. The post-Independence period is simultaneously conceived as the prolongation, the inextricable living out, of the events prior to the Partition. It is, thus, routinely looked upon as pre-ordained, neutral and as stemming from ‘known’ episodes. The first phase of consolidation, in other words, appears ‘straightforward’ both from the vantage point of evaluation (‘we have borne witness to the Nehruvian years’) and from the view that the historical backdrop resulted in a specific course (‘could only cause one order, one chain of occurrences’). What is omitted in both these perspectives is – what Roy has referred to as – the ‘context of uncertainty and flux’ (ibid.: 26).

4.1 Name of the many, will of few

Four years after Independence, D.D. Wallace wrote that the Indian ‘Constitution is no sudden miracle performed by Indian jugglers, but a very skillful structure of materials from the past’ (1951: 269).¹ Although most scholars would not subscribe to such a crude description, there seems to be a

consensus that the Indian Constitution was almost entirely replicating the colonial form and its legal framework. As I argue here, such focus on the lack of novelty overlooks an important aspect: the attribution of new meaning both to the constitutional edifice itself and its constituents. I, hence, contest the notion embraced by Dietmar Rothermund when he asserts that ‘the making of the new Indian constitution turned out to be nothing but a long process of reviewing amendments to the [Government of India] Act [1935]’ (Rothermund 1962: 518). Christophe Jaffrelot pronounces a similar assumption when he claims that ‘[t]he Indian constitution, promulgated on 26 January 1950, was a direct extension of the institutions of the British Raj: 250 of its 380 articles were drawn from the Government Act of 1935’ (Jaffrelot 2002: 253). The work on establishing a constitution in India did, however, entail much more.

First, it is possible to challenge the accuracy of Rothermund’s claim. Although the constitution came to reflect and was erected on constitutional arrangements that predated Independence, it was not primarily designed and implemented to preserve status quo. As Shibani Chakrabarti has demonstrated, apparent novelties were inscribed into it (2000: 102). Contrary to the Government of India Act 1935 and in accord with the proposals of the Cabinet Mission – which was sent to India in February 1946 to, together with the leadership of the Congress and the Muslim League, try to decide on future constitutional arrangements – the constitution included a ‘bill of rights’; it adopted an approach to special treatment that did not recognise religious minorities as in need of reservations; and – as a consequence of the choice to institute a republic – the division and specifics of power between the Centre and the states had to be revised (*ibid.*). Second, I oppose the idea that the debates were primarily about agreeing on the wording of a constitution. The debates themselves had a constitutive function and involved the enacting of dominant as well as counter-narratives. A close reading of the debates enables an identifying of issues that at the time were considered imperative and topical.

It is commonly assumed that the gist of the debates was the subjects discussed most vociferously and for the longest duration, including the integration of Princely States, the structure of the parliamentary system, the amount of power to be vested in the president and the governors, the role of the judiciary, Centre-state relations and the arrangement of the electoral system. There were, however, other crucial currents present throughout the debates, such as the contested site of minorities, the scope of land reforms, the definition and extent of citizenship, the issue of safeguards and reservations, the state’s relation to religion, the role of parties, the tolerability of conversion and, perhaps most importantly, the silences and dark matter. James Chiriyankandath is, hence, overly restrained in his claim that the focal points of the debates consisted of ‘minority rights; how to reconcile India’s Hindu character with the maintenance of the secularity of state institutions; and what place, if any, God and religious belief should find in the

Constitution' (Chiriyankandath 2000: 2). To reiterate, the debates were about much more.

One fundamental characteristic of the constituent assembly is that it was already inaugurated on 9 December 1946. We, thus, need to take into account the debates preceding the 3 June Partition scheme, the Radcliffe Award and actual independence. Since most of the early deliberations were concerned with the future, the envisioning of the postcolonial, it would be incorrect to regard them as unrelated to the closure and attribution of novel meaning after August 1947. The members of the original assembly, which later was divided in two, had been elected by the provincial legislatures, resulting in a distribution of seats that saw the Congress occupy 202 out of 206 so-called 'general seats', the Muslim League 73 out of 78 seats earmarked for Muslims and the Panthic Akalis three out of four seats for Sikhs (Chaube 2000: 4; see also Sarkar 2007: xvii). The Muslim League refused to take part in the proceedings until after Independence and no representatives of the Princely States joined until the 1947 spring session. After the declaration of the 3 June Plan, the composition of the Constituent Assembly of India was altered. New members were elected from the Punjab and Bengal, the Muslim Leaguers that had refrained from taking part in the conduct of the assembly joined it and those Princely States that had not previously sent any representatives decided to do so.

Across the border, the Constituent Assembly of Pakistan, which was inaugurated on 10 August 1947, contained two parties – the Muslim League and the Congress – and a few independent members. The representatives from East Pakistan were primarily middle-class men, whereas many members from West Pakistan were considerable landowners (Khan 2001: 78). One significant aspect of Pakistan's attempt to establish a constitution was that the assembly did not regularly meet in the aftermath of the Partition, since most of its members were preoccupied with establishing provincial governments (Symonds 1950: 46). In the Pakistan Constituent Assembly, a significant and modulated cleavage was the repeated emphasis of the opposition between the Muslim League members and those representing the Congress. A way of addressing the Congressmen was through references to 'the other side' of the House, 'on the left' and the opposition. It was an address that was used already during a debate on whether Jinnah should be designated *Quaid-i-Azam* ('Great Leader') in all official matters held on 12 August 1947 (*Constituent Assembly of Pakistan Debates (Official Report)*).

In India, there was a clear confluence of a particular type of political outlook as Maulana Hasrat Mohani highlighted a few weeks before the end of British reign:

Looking around, I find that except Nationalist members no one else is present here. There was one Communist member from Bengal, but somehow he has been ousted. From among the Forward Blockists, Sarat Chandra Bose has resigned from the membership. Mr. Tripathi of U.P.

and one Forward Blockist of C.P. ... for some unknown reasons they are not present in the House.

(*Constituent Assembly of India Debates (Proceedings)*
15 July 1947)

Mohani highlighted the lack of members representing the interest of the 'people', to which we might add Chaube's remark that the assembly consisted 'of men who represented the relatively propertied section of Indians' (2000: 45).² While most scholars have tended to interpret the former critique as principally a limitation, it also appears to hint at a seeming paradox. If the assembly was as homogenous and consonant as routinely assumed, why did it contain multiple strands of disagreement on key issues, diverse voices of dissent and numerous discrepant conceptions?

It is, for example, interesting to note that R.V. Dhulekar on 10 December 1946, nine months prior to the Partition, considered himself – in response to the chairman's question whether he was not able to speak in English since a considerable number in the assembly were not familiar with Hindi – to have sufficient discursive space to voice the opinion that '[p]eople who do not know Hindustani have no right to stay in India' (*Constituent Assembly of India Debates (Proceedings)* 10 December 1946; see also Guha 2007: 117). Although succinct, the fragment allows us to infer a number of assertions regarding what India was and how it could be imagined: it was a place that physically existed, it could be left, it had limitations regarding what groups and individuals it should accommodate, and rudimentary constituents of belonging could be unambiguously defined. It is notable that Muslims speaking Urdu would have understood the speech and, since no representatives from the Muslim League or the Princely States participated in the assembly's opening session, the audience must have consisted almost exclusively of Congressmen. Although the member can hardly be said to represent the entire assembly or to give voice to a dominant narrative on the nation state in the months prior to the Partition, the concise statement does entail assumptions that became central to the ascription of solidity to independent India and Pakistan. Similar premises regarding belonging continued to reverberate in assembly debates after Independence, although never with the same directness. The persistent campaign for and disruptions on the topic of Hindi as the sole national language do, however, signal the continued relevance of Dhulekar's stance also posterior to Independence.

There were other themes that became ostensibly superseded and unutterable after mid-August 1947. S. Nagappa vocalised one of these:

Sir, some of my friends who were speaking prior to me have been expressing some sorrow for the sections that are not present here. I think Sir that we should not have any sorrow for the people who are not present. Really speaking, they do not deserve to be here because they are not

Indians. They are more Arabs than Indians; they are more Persians than Indians; they are more Turks than Indians.

(Constituent Assembly of India Debates (Proceedings)
20 January 1947)

By now, probably most members thought that, in Muslims, as descendants of Arabic ‘invaders’ and ‘indigenous’ converts, he had located his foreign element. Nagappa continued, however:

We, the Harijans [‘Untouchables’] and Adivasis [‘tribals’] are the real sons of the soil, and we have every right to frame the Constitution of this country. Even the so-called Caste Hindus, who are not real Indians, can go, if they want.

(ibid.)

In the end, he added a peculiar (and rather confusing) twist, when stating that

So, Sir, we have also a right to ask the Aryan, the migrator to go. We have a right to ask the Mohammedan, the invader, to go out of this country. There is only one consideration. The Caste Hindus of this country do not have any other place to go to. That is the only consideration that they deserve. Sir, now we are all Indians. Everyone of us must feel like that.

(Constituent Assembly of India Debates (Proceedings)
20 January 1947)

As in the case of Jinnah’s attempt to portray Pakistan as a secular state, we here encounter a narrative that did not find explicit inclusion in official statehood. It did, however, indicate a concern that has been central to the politics of the Hindu Right in the post-Independence period, namely that, while Muslims have alternative ‘homelands’, (‘caste’) Hindus only have ‘India’.

Evidently, although we ascribe importance to the deliberations, it should not, as Aditya Nigam rightly asserts (2004), be ignored that much of the agenda setting and decision making occurred outside the assembly. Members were forced or inclined to follow the party line. As early as July 1946, the Working Committee of the Congress instituted a subcommittee with the responsibility to make arrangements for the facilitation of the workings and drafting of texts related to the future constituent assembly (N.G. Ayyangar papers 1946–47). In a note for the subcommittee, Nehru laid down the preferred order of assembly proceedings (first, ‘rules of business and procedure’; second, ‘general directives in the form of resolutions’) and that ‘the constitution will be of a republican State with a sovereignty residing in the people’ (ibid.). Whereas the external agenda setting mostly constituted a tacit background to the debates, at times it surfaced in the wording of comments,

such as when Govind Ballabh Pant – while speaking on the subject of the governor's role – added '[b]ut all the same[,] while I am bound by the decision of the Party and have to support Mr. Munshi's amendment' (*Constituent Assembly of India Debates (Proceedings)* 23 July 1947). It also transpired in Ahmed Ibrahim Sahib's complaint a month later. He said:

There are on the agenda paper numerous amendments. Suddenly member after member rises and withdraws them. It is obvious, Sir, that the withdrawal by the members is not due to their individual judgement, but is the result of decisions arrived at outside the House by the Party to which they belong.

(*Constituent Assembly of India Debates (Proceedings)*
22 August 1947)

It is, however, important to stress that the debates do not reflect a cold, machine-like and monotonous ratification of an already set agenda. They lasted more than three years and the minutes are brimming with conflicting viewpoints and unanticipated arguments. A persistent misconception haunting the members was that the constitution would be summarily drafted and promulgated. Quite the opposite, the date of finalisation had to be repeatedly deferred.

As described above, it is commonplace to argue that the Government of India Act 1935 remained almost intact. What is less recognised is that the constituent assembly executed its task both through a departure from the reliance on external authority and a falling back into the realm of colonial structures. Such an ambivalent motion is noticeable in Nehru's speech on 10 December 1946 when he proclaimed:

As the House knows, this Constituent Assembly has started without any rules and regulations made by any outside authority. It has to make its own rules. ... Now we have to function during these few days before our own rules have been made. It is desirable therefore that we should have something to fall back upon. And the easiest method is to adopt the rules of the Central Legislative Assembly ...

(*Constituent Assembly of India Debates (Proceedings)*
10 December 1946)

The move from old to new, the oscillation between rupture and continuity was central in many of Nehru's public statements in 1946–7. Moving a resolution on the objectives of the constituent assembly, he, accordingly, said: 'As I stand here, Sir, I feel the weight of all manner of things crowding around me. We are at the end of an era and possibly very soon we shall embark upon a new age' (*Constituent Assembly of India Debates (Proceedings)* 13 December 1946). In the same speech, Nehru told the other assembly members:

‘When I think also of the future, the greater future I hope, standing on this sword’s edge of the present between this mighty past and the mightier future, I tremble a little and feel overwhelmed by this mighty task’ (ibid.). Rather than solely revolving around the ‘reviewing of amendments’ to the existing legal groundwork, the debates emerged as a crucial site for efforts to demarcate the old from the new.

The idea of undertaking a journey was another recurring theme. Nehru, once more, gave voice to an apt example:

[A]nd my mind goes back to the great past of India, to the 5,000 years of India’s history, from the very dawn of that history which might be considered almost the dawn of human history, till today. All that past crowds around me and exhilarates me and, at the same time, somewhat oppresses me. Am I worthy of that past?

(*Constituent Assembly of India Debates (Proceedings)*
13 December 1946)

The query that ends the quote should also be read as a question whether the new India was worthy of the past and vice versa. While seconding Nehru’s resolution, Purushottam Das Tandon interjected the remark that ‘our past urges us forward’ and B.R. Ambedkar a few days later commented that ‘[o]ur difficulty is not with regard to the ultimate, our difficulty is with regard to the beginning’ (*Constituent Assembly of India Debates (Proceedings)* 17 December 1946). Simultaneously, the past and the ominous, the beginning and the prescient, took centre stage. It is a constitutive vacillation that numerous speeches by Nehru testify to. For example, when he declares that

sometimes in a brief period we pass through the track of centuries. It is not so much the mere act of living that counts but what one does in this brief life that is ours; it is not so much the mere existence of a nation that counts but what that nation does during the various periods of its existence; and I do venture to claim that in the past quarter of a century or so India has lived and acted in a concentrated way and the emotions which have filled the people of India represent not merely a brief spell of years but something infinitely more. They have gone down into history and tradition and have added themselves on to that vast history and tradition which is our heritage in this country.

(*Constituent Assembly of India Debates (Proceedings)*
22 July 1947)

Nehru’s depiction of the past, of the imminent independence and of the future India is, of course, a very selective portrayal. In it, there is no place for the communal fracturing of the struggle for independence, of the impending violent partition of ‘history’ and ‘tradition’, of the parting of ways.

4.2 Instituting nearby horizons

How are we to comprehend the phenomenon of constitution making? Fredric Jameson offers a useful conceptualisation when arguing that, in contrast to ‘the individual law’, what he terms ‘the genre of the written constitution’ is essentially concerned with preventing ‘certain kinds of political and historical events and catastrophes: most notably revolutions, but also more limited types of power seizure and power imbalance’ (Jameson 2007: 36). If we are to follow Jameson’s distinction, one parameter that we need to devise while analysing the formulation and enactment of constitutions is the attempt to preclude particular developments. We are specifically interested in what these possible ‘catastrophes’ were or could have been. A second parameter that needs to be taken into account is the visionary element, i.e. the opening up of opportunities and potential actualisations. In addition to the barring of political and social developments, constitution making contains urges, drives and impetuses to establish a new order – an order different yet not separate, since the sanctioned and the expelled are mutually constitutive, from that which is to be prevented.

In India, the first parameter is linked to a quartet of fears: anxiety regarding balkanisation, apprehension of popular uprising in the form of peasant and workers movements, the trepidation that state institutions and rationalities would amalgamate with the idea of India as a Hindu nation and, finally, a concern that Gandhian methods for mobilisation would endure. The latter was integral to an oft-cited speech in the constituent assembly (for example, see Guha 2007: 121). On 25 November 1949, B.R. Ambedkar proclaimed that ‘[w]e must abandon the method of civil disobedience, non-cooperation and *satyagraha* [‘non-violent resistance’]’ (*Constituent Assembly of India Debates (Proceedings)* 25 November 1949). He continued by vocalising that ‘these methods’ amounted to ‘nothing but the grammar of anarchy and the sooner they are abandoned, the better for us’. The wish for a cessation of Gandhian practices, which had comprised a decisive element of the eroding of British rule, is remarkable. It is a yearning for post-politics that we will return to in the next chapter.

As the work on the constitutions was under way, the emerging states sought to identify challenges to their authority. In India, the Rashtriya Swayamsevak Sangh (RSS), alongside the Communists, became the main target of repressive state operations in the years leading up to the promulgation of the constitution. A Ministry of Home Affairs document, formulating recommendations to Home Minister Vallabhbhai Patel regarding what to include in a speech to be given in the constituent assembly, refers to the principal threats to security in 1948–9:

The main forces which have led to a disruption of internal security in the last year are: (a) communal; and (b) communist. Under the head ‘communal’, H.M. might make a detailed reference to the R.S.S., the Akali

Dal and to Muslim organisations. ... It may be said that the worst phases of communalism which led to the partition of the country and to the aftermath of communal massacres in the Punjab are now a thing of the past. The *more serious danger* at present is that arising from Communism. ... On the 15th February, for which statistics are available, the total number of persons detained for communal activities, such as R.S.S., was 1400 and for communist activities, 1611.

(51/423/49-Pub 1949; italics added)

The preclusion of subversions included the naming of refractory and mutinous counter-narratives: more specifically, the notions of India as a primarily Hindu nation, which was a view advocated by members of the Hindu Right, and the projection of India as a socialist state along the lines of the Soviet Union.

A ban was imposed on the RSS in the wake of the assassination of Mahatma Gandhi in January 1948. The ban was lifted on 12 July 1949, after the organisation had followed a cluster of guidelines dictated by the government. These included commitments to restrict itself to cultural work, to codify a formal constitution, to keep member lists and only allow minors to participate in its activities with parents' sanction. In order to comply with these conditions, the RSS began establishing a number of affiliated organisations; thus taking the first step towards actualising its Sangh Parivar ('family of associations'). It would, thus, be erroneous to claim that the RSS as a perceived threat was tangential in the late 1940s – even though, as the above quote conveys, the Communist challenge was deemed more urgent. Particularly after its alleged involvement in the murder of Gandhi, it occupied the attention of the central government, thus making the state in part take shape *vis-à-vis* the movement and its attempt to conceive an alternative 'India'. The popular support for RSS activities and rhetoric in the late 1940s seems to be at a level that deserves recognition. It is, for example, telling that the RSS leader M.S. Golwalkar attracted a crowd of an estimated 80,000 people in Bombay in the fall of 1949 (25/2/49-Public 1949).

A gauge of the significance of the 'communal' is available in the Ministry of Home Affairs monthly summaries³ for the Cabinet from the final half of November 1948 to mid-August 1949 (60/22/49-Establishments 1949; 25/2/49-Public 1949). The summaries primarily deal with the 'Communal Situation in Provinces' and 'Volunteer Organisations'. The captions reveal the centrality of these issues. Although the impression was that the most abominable communal violence witnessed in the months before and after the Partition had abated, the summaries deal at length with the activities of the RSS. In the summary from October 1949, we read that

[a]lthough the Sangh was apparently cooperating in Government's schemes, there were indications to show that its secret activities persisted ... [and] though a constitution had been published under

government compulsion, in actual practice, the Sangh appeared to continue to be a Fascist body.

(25/2/49-Public 1949)

Even after the ban on the organisation was lifted, the ministry continued its monitoring and mistrust.

To probe the unfolding of the second parameter – the visionary, forward-looking gaze – one might turn to the published records (Gandhi 2007) of a conference attended by Congress politicians and constructive workers in March 1948 in Sevagram, the location of Gandhi's ashram ('hermitage'). The meeting took place in the shadow of Gandhi's murder and the ghastly violence in the Punjab, Delhi and Bengal. Gandhi's followers and former associates met to confer and cogitate how to interpret and implement his legacy. In addition, attention was devoted to the cognate issue of the direction and function of the Congress. Speaking on these subjects on 13 March, Nehru gave voice to distress and despondency. In lament he asked: 'Why have we become so weakened?'; '[w]hy, ultimately, did India get out of control?' (ibid.: 70, 72). The 'we' in the first question ought to be read as those active in the Congress, either in its political or constructive work, during the struggle for independence. Not all present were willing to speak of such a 'we', with shared experiences and visions, as still existent. Acharya J.B. Kripalani, formerly Congress president, had earlier the same day commented on Nehru's arrival and presence by saying that

[t]here are uniformed police with fixed bayonets positioned here, and barbed wire all around. We call ourselves non-violent – why do we need all this? ... Please relay our view that people who feel a need for such security should kindly not attend this kind of conference.

(ibid.: 53)

We here discern opposition between those advocating a Congress focused on constructive work along the lines of Gandhian thought and those involved in transforming it into 'an organised and well-disciplined political party'.

Another contour of disagreement at the meeting existed between those propagating non-violence and the increasing reliance on military and police force by the government. A third discord transpired between the incompatible ideals of recognising the village as the primary societal and political unit and the bolstering of a strong centre. Apart from manifesting uncertainty regarding the future role of the Congress, these rifts and irreconcilable ideas resonated basic cleavages regarding the desired shape of the nation state. The political leadership had to relate both to the critique vocalised by the sections of the Congress that were primarily devoted to social work and to the apparent hunger for influence by Congressmen involved in day-to-day politics.

On 8 December 1949, Nehru sent a letter to Rajendra Prasad – the chairman of the constituent assembly and a leading Congressman – that echoed the prime minister’s elegiac enunciation at the Sevagram conference. Nehru wrote:

What do we see around us now? I do not refer to the difficult economic situation that we have to face. ... But what distresses me even more is the cracking up, with great rapidity, of the noble structure that Bapu [Mahatma Gandhi] built. With all its failings, the Congress represented the spirit and mind of India This Congress is simply fading away before our eyes. Even a fading might have been tolerated, but something worse is happening. There is no discipline left, no sense of common effort, no co-operation, no attempt at constructive effort (apart from a few), and our energies are concentrated in disruption and destruction.

(Das 1973: 220)

He continued: ‘The major question before us I think is the future of the Congress’ (ibid.: 222). That the form and function of the Congress is pre-occupying the top echelon in late 1949 is noteworthy as it was, as discussed below, a quandary tended to in the immediate wake of Independence. Nehru’s worry is discernible in other letters too. On 19 June 1949, Nehru conveyed the feeling to Patel that

[o]ur Government is considered more and more as a police State indulging in detentions, police actions and our reputation is fairly low abroad. ... We are rapidly getting out of touch with public opinion and becoming just a Government and nothing more.

(ibid.: 244.)

David Arnold has noted how the Congress government in the years adjoining Independence came to rely on a police apparatus that had ‘grown enormously in response to the wartime situation’ (1988: 219). In response to the numerous ‘crises’ that the new state faced, ‘it was to the police even more than to the army that the government turned’ (ibid.).

However, despite the felt corrosion of the party and its popularity, less than three years later, the Congress secured an overwhelming victory in the first general election, whereby it was consolidated as a political party and as the dominant political force in the country. To Jameson’s conceptualisation (see above) we must, hence, add the feeling of catastrophe and the perceived lack of control, the insecurity regarding what was proceeding and what was about to take place. We need, in other words, to be sensitive towards the perceived turbulence that complicated a separation of ‘revolutionary aspirations’ and ‘democratic politics’.

4.3 To terminate a freedom movement

In a speech to the constituent assembly on 28 April 1947, Nehru said that

we have looked forward to the time when some of the dreams that we were indulging in might become true. Perhaps, they are coming true, perhaps not exactly in the shape that we want, but, nevertheless, they will come true.

(Constituent Assembly of India Debates (Proceedings)
28 April 1947)

Nehru's portent that independence would not arrive in his favoured version was realised on 3 June, when the transfer of power was announced. Independence would arrive in the shape of a partitioning of British India; violence and large-scale migration were its envoys. What then became the enduring symbolism of the formal transition? Ashis Nandy depicts the dominant narrative on the transfer of power by referring to how

[p]ublic memory identifies India's day of freedom with tens of thousands of people thronging the centre of New Delhi, Nehru's stirring call to the world in a midnight session of the Indian Parliament to acknowledge India's 'tryst with destiny', and the ritual lowering of the Union Jack after 190 years of British imperial rule. On 15 August 1947 India walked towards a new dawn of freedom; its journey towards nationhood and statehood had begun.

(Nandy 1999: 306)

The imagery to some extent mirrors the formulation chosen by the All India Congress Committee (AICC) in a summary of its meeting on 15 November 1947. It does not, however, capture the full gamut of it. The summary contains the following diagnosis: 'The achievement of freedom is the culmination of the long struggle of the Indian National Congress and the outcome of the sufferings and tribulations of the Indian people. Freedom brings responsibility and new burdens and problems' (AICC papers G-30/1946 1946–48). The burdens recognised here were both immediate and approaching. At the moment of becoming this was acknowledged, although later historiography has, until recently, come to focus on the celebratory aspects.

The first time violence and suffering were (explicitly) referred to in the constituent assembly was when Nehru brought up the subject on 22 July 1947. He did it in a seeming attempt to problematise the picture of a triumphant struggle for independence leading to the uncomplicated ending of foreign domination. In the analysed period, Nehru himself – as mentioned above – often represents an embodiment of a general vacillation between allegiance to the new and fidelity to continuity. Once again, we find an example in the assembly debates:

It is well that at this moment of strife, conflict and intolerance, our minds should go back towards what India stood for in the ancient days and what it has stood for, I hope and believe, essentially throughout the ages in spite of mistakes and errors and degradations from time to time. For, if India had not stood for something very great, I do not think that India could have survived and carried on its cultural traditions in a more or less continuous manner through these vast ages. It carried on its cultural tradition, not unchanging, not rigid, but always keeping its essence, always adapting itself to new developments, to new influences.

(Constituent Assembly of India Debates (Proceedings)
22 July 1947)

It is indicative of an attempt to temporally and spatially ground the Indian nation state that Nehru introduced such a mythical description of a monolithic India.⁴ It is also notable that he alludes to India as intrinsically tolerant and inclusive – especially as atrocities took place outside the assembly. H.V. Kamath offered a more explicit articulation of the latter theme:

Pandit Nehru referred to our role as peace-makers and peace-bringers. That is certainly true. India's role has been that from years sempiternal, from the beginning of time. In the words of Swami Vivekananda, we have never dipped our hands in the neighbour's blood, our embattled cohorts have never marched into other lands for conquest, and we have always been the harbingers of peace and the makers of peace in this war-torn, war-weary world.

(Constituent Assembly of India Debates (Proceedings)
22 July 1947)

We should not discount that the above narrative is strongly interweaved with the postulation, establishment and consolidation of state (and national) identity. The Indian state acquired and was imbued with traits of the non-violent, the benign, the peace maker and the charitable through wider claims about Indian history and culture – not only via references to Gandhian forms of resistance against colonialism.

In addition, it is worth accentuating the numerous examples of Hindu myth that were being employed to construct and defend arguments in the constituent assembly. Partly since it indicates that the utilisation of Hindu symbols and imagery was not only an element integral to the rhetoric of Hindu communalist organisations. It, thus, appears to substantiate Manu Goswami's argument that Indian nationalism was a vessel of two contradicting tendencies, namely 'a universalistic conception of national development and a particularistic, specifically Hindu understanding of nationhood' (Goswami 2004: 5). Once again H.V. Kamath, while opposing a suggested amendment that the presidency should alternate between north and south India, provides us with a suitable illustration:

[W]hen most of us here want to see the unity of our country restored to its pristine condition, it is amazing that a member of this House should stand up and draw a distinction between the north and south of our country. I was inclined to think that at least after the march of Agstya across the Vindhya and after the battle of Rama with Vali and Ravana, this difference between the north and south of India had been obliterated.

(*Constituent Assembly of India Debates (Proceedings)*
24 July 1947)

In the same assembly in which assurances about the equal status and categorical safety of minorities were repeatedly articulated, there were continuous allusions and references to Hinduism, Hindu mythology, the 'majority', 'we'.

On 28 July 1947, Tajamul Husain introduced reasoning in the constituent assembly on the rationales underpinning the Congress and the Muslim League and the probable withering away of them as parties after Independence (*Constituent Assembly of India Debates (Proceedings)* 28 July 1947). He argued that the old versions of the parties would cease to exist as their respective objectives had been achieved: the Congress had attained its goal of decolonisation and the Muslim League had realised its dream of partition and a separate state for Muslims. Husain's logic harmonised with Gandhi's suggestion that the Congress ought to be dissolved at the time of independence. Although the Congress was set on a different itinerary, the party devoted attention to the subject. Parallel to the matter of what the nation state should be(come), we, thus, find the dilemma regarding the Congress' main undertaking. Should the Congress continue to exist both as a formal political party and government *and* as a constructive body in civil society? Ought it to adopt a steering and guiding function or principally work among and for the masses – or both? As we saw above, these were queries that caused dissension.

Two weeks prior to Independence, on 1 August 1947, the AICC circulated a letter to all Provincial Congress Committees in which they were requested to submit opinions on 'the future of the Congress' (AICC papers 27/1947 (Part II) 1947). The issue was described as 'the most important question which is engaging the attention of all Congressmen' (*ibid.*). The letter itemised urgent questions to be answered:

Can the Congress continue to serve the Indian people in free India or should it be dissolved? If it is to continue what should be its objective and programme? Is it not necessary to make fundamental changes in the constitutional structure of the Congress?

(AICC-27/1947 (Part II) 1947)

The ambiguity between rupture/continuity and the new/always already existing in the domain of state formation, thus, coincided with the contested function and *raison d'être* of the freedom struggle's most prominent agent.

Let us consider the first query, i.e. on what basis, if any, did the Congress provide a platform and apparatus for change and stability? According to the four-page text enclosed with the letter

[t]he historic role or task of the Congress, namely to attain complete independence from the foreign rule has been fully achieved. But Congress worked and strived as much for unity as for freedom; and though it has achieved freedom, unity, let us hope temporarily, has slipped out of its hands. Therefore one may be justified in saying that unless this unity is regained, the role or task of the Congress cannot be said to be complete. (ibid.)

The passage encapsulates a number of key suppositions. On the one hand, it refers to ‘complete independence’, which aligns the document well with the conclusive framing out of dominionhood that was a leitmotif in Congress discourse on the ‘termination’ of imperialism and the inauguration of a sovereign and self-reliant state – capable of, and responsible for, instituting its own laws and decisions.⁵ At a juncture when it was still unclear what exactly the Indian Independence Act prescribed, the party acted on the assumption that independence was absolute, hence disregarding claims that the mandate awarded to the constituent assembly was circumscribed.

On the other hand, by portraying independence as achieved, the quoted text transcends the issue of freedom and replaces it with a focus on unity. It is a unity consisting of (at least) three layers: it refers to the preserving of the unity of the area that was to constitute India (thus, still vague), the unity of the Congress (which we know was contested) and unity as equivalent to the reunion of India with those regions that were to be part of Pakistan.⁶ A striking feature of the debates in the Indian Constituent Assembly was the assumption of numerous speakers that the territory of British India would one day be reunited (Brass 1994: 10). An instance of the latter is contained in Rajendra Prasad’s speech on the day of independence in which he told the assembly: ‘Let us hope and pray that the day will come when even those who have insisted upon and brought about this division will realise India’s essential oneness and we shall be united once again’ (*Constituent Assembly of India Debates (Proceedings)* 15 August 1947).

In the continued insistence on unity as territorial unity, in the wish for a repeal of the ongoing developments, there is an overlap between the idiom chosen by the Congress and that adopted by sections of the Hindu Right. At a meeting in early June 1947, the All India Committee of the Hindu Mahasabha, a prominent Hindu nationalist organisation, issued a resolution condemning the imminent partition. It was stated that

[t]his Committee deeply deplores that the Indian National Congress, after having given solemn assurance to the Hindu electorates that it stood by the unity of India and would oppose the disintegration of India, has

betrayed the country by agreeing to the partition of India without a referendum. The Committee declares that Hindus are not bound by this commitment of the Congress. It reiterates that India is one and indivisible and that there will never be peace unless and until the separated areas are brought back into the Indian Union and made integral parts thereof.

(Hindu Mahasabha papers C-162 1947)

The longing for reunion was, in other words, shared by Hindu communalists and some sections of the Congress alike. In the constituent assembly, others than Rajendra Prasad articulated a hope that the division would be reversed. Sarojini Naidu, for example, narrated a few weeks before the formal partition how, in response to a man asking her how she could 'speak of this flag as the flag of India? India is divided', she said that 'this is merely a temporary geographical separation. There is no spirit of separation in the heart of India' (*Constituent Assembly of India Debates (Proceedings)* 22 July 1947).

The above-mentioned document, which was distributed by the AICC, furthermore, proposed that the objective of the Congress should be

[t]he establishment and maintenance by all peaceful and democratic means (including strike and satyagraha), of a socialist democracy in India in which power rests with peasants, workers, artisans as well as with brain workers; which means a socialist democracy in which power rests in the totality of the people.

(AICC papers 27/1947 (Part II) 1947)

Could there be a more marked contrast to the cautious, almost fearful, attitude from Nehru and others in the political establishment to popular agitation and 'politics' a few years after Independence, to the elite composition of the constituent assembly and to the placing of 'minorities' on the 'margins' of the 'totality of the people'? The draft ends in the suggested directive that the Congress 'is now to be an organised and well-disciplined political party with definite socio-economic ideals and programme that will lead to the attainment of those ideals' (*ibid.*). As a minimum, its first part was realised.

Unity, although in a more inward-looking form, is a theme that runs through the Pakistani debates as well. In a debate on the status of Bengali, the language spoken by the majority, Liaquat Ali Khan told the Constituent Assembly of Pakistan that '[t]he object of this amendment', i.e. to include Bengali as one of the languages in which the constituent assembly would carry out its work, 'is to create a rift between the people of Pakistan. The object of this amendment is to take away from the Mussalmans that unifying force that brings them together' (*Constituent Assembly of Pakistan Debates (Official Report)* 25 February 1948). The Congressman Bhupendra Kumar Dutta countered by stating that

[i]n the Indian Union, they have adopted the language of the largest single section of [the] population. ... But here we are adopting Urdu. Urdu is not the language of any of the Provinces constituting the Dominion of Pakistan. It is the language of the upper few of Western Pakistan.

(*ibid.*)

A speaker agreeing with Liaquat Ali Khan, Alhaj Muhammed Hashim Gazder, added that '... though this amendment looks very innocent on the face of it, through it runs the danger of breaking Pakistan' (*ibid.*). Unity was both threatened through the existence of a neighbour that could be held up as a positive example and by regional identities not easily cohering with a unified and coherent national identity.

Across the border, the former colleagues of the Congressmen in the Indian Constituent Assembly, consequently, had to reorient their political aspirations and expectations. Kamini Kumar Dutta, ex-leader of the Congress party in East Bengal, dispatched a letter to the Secretary of the AICC on 1 November 1947 in which the situation of the Hindu minority in East Pakistan was described (AICC papers G-5/1947-48 1948). His correspondence raised the issue of the need to modify and shift allegiances and affiliations. To whom and what should the Hindu minority and specifically those with prior or existing links to the Congress now show loyalty? As Dutta specified:

Moslem League is the party in seizure of the state machinery in Pakistan and Indian National Congress is identified with the state in India, being the party in power there. Both parties are thus completely identified with the two respective states. ... [L]oyalty and allegiance to the two political organisations ... really amounts to loyalty to the two respective States and it is difficult to conceive that allegiance to any of the two political organisations can be consistent with loyalty to the particular State where that political organisation is not in power.

(AICC papers G-5/1947-48 1948)

Thus, while ideas about the outmoded function of the Congress and the Muslim League were in circulation, the two parties were also perceived as inseparable from the emerging state constructs. Dutta compared the fate of the Congress in Pakistan to that of the Muslim League in India. Just as it was not possible for the Indian branch of the Muslim League to continue in its previous form (see Wright Jr. 1966: 582ff.), the Congressmen in East Pakistan had to redirect their political ambitions and energies (AICC papers G-5/1947-48 1948). The discursive perimeters of the term 'loyal' did not allow (any sign of) lingering or nurtured solidarity and commonality with the parental body in the neighbouring state.

4.4 Minorities, backward tracts and the totality of the people

A central aspect of closure was entwined with the explosive language issue (as noted by Guha 2007: 117ff.). What role should English continue to play and should there be a singular or many national languages? The topic surfaced in the Indian Constituent Assembly: at times in the form of members expressing their impatience that Hindi still had not become the principal language; other times in the form of misunderstandings and incapacities to follow an unfamiliar language. Rajendra Prasad, chairman of the assembly, on 2 May 1947 had already posed the question ‘whether we shall continue forever in future to interpret our Constitution in English language ...?’ (*Constituent Assembly of India Debates (Proceedings)* 2 May 1947). To which he added: ‘I was wondering whether we could have a translation made of this Constitution as it is drafted as soon as it is possible, and ultimately adopt that as our original Constitution’. It is noteworthy that there were no facilities for translating speeches into the various languages understood by assembly members. In a reply to a member from Madras asking for translations of addresses in Hindi, Prasad said

I am afraid it is not possible to comply with that request because, in the first place, we have got no arrangement for an interpreter who would be able to translate all these speeches which are delivered in Hindustani, and I also know that there are certain members who do not know English and they would insist upon English speeches being rendered into their language, whatever that language may be.

(*Constituent Assembly of India Debates (Proceedings)*
17 July 1947)

A striking development of the debate on national language was the effect of the attempt in 1948 to produce a copy of the draft constitution in Hindi. The effort to translate it advanced a previously ignored dilemma, namely what type of Hindi should be chosen (Chandra 2001: 355). It also further complicated the sentiment expressed by R.V. Dhulekar that the Hindi version of the constitution ought to be regarded as the ‘original’ (*Constituent Assembly of India Debates (Proceedings)* 4 November 1948).

Roy has argued that India ever since its inception ‘has been represented in terms of its intrinsic and inalienable subnational diversity – nationhood called up as a mosaic of ethnocultural fragments’ (2007: 7). Much in the constituent assembly minutes and other sources suggests that she is overstating her point; a lot of time and energy in the debates is devoted to talk of unity, homogeneity, being alike and commonalities. We rather detect an obsession with how to overcome diversity, how to become one and a disregard for alternatives to the Congress formula of the nation. Especially one aspect emphasised by Roy – namely, ‘the presentation of the state as the successful manager of diversity’ (2007: 7) – proves unsuccessful in taking the entirety as well as

the details of the debates into account. As we shall see, the Indian state managed diversity in a highly selective manner at the same time as it tried to transcend and subdue diversity.

4.4.1 A proper site for 'minorities'?

During the 1940s and 1950s, many of the most significant and critical political concerns revolved around the issue of how to define the term 'minority' and the question of whether any specific provisions ought to be ascribed to it (Pandey 2007: 47). The evolution of the concept during these two decades, and primarily in the years immediately adjacent to decolonisation, has left indelible traces on post-independent and present-day South Asia. As the internal production of space and identity in India was firmly entwined with the issue of political representation, it seems pertinent to study the process whereby a, to a certain extent, stable definition of 'minority' was generated. In contemporary India, the concept of 'minority' is, according to official idiom, equivalent to religious minorities. In its most minimal definition, a member of a minority is, consequently, 'non-Hindu'. The distinction between Hindu and non-Hindu, majority and minority, blurs cleavages and differences internal to the categories as well as commonalities transcending existing conceptual boundaries. By reinforcing and upholding a compartmentalisation on the basis of religion, the Indian state reifies a set of collective identities and the way these are perceived to differ from each other. A critical gesture in the demarcation of the concept of 'minority' was the decision by the constituent assembly to refrain both from establishing separate electorates and providing reservation of seats to religious communities (see Bajpai 2000); another was the aborted venture by a section of the Dalit leadership to attain minority status or at least recognition of an identity separate from 'Caste Hindus'.

On 25 May 1949, Patel gave a description of the work by the Advisory Committee on Fundamental Rights, Minorities, etc. to the constituent assembly. His account, which incorporated a recommendation to the assembly to reassess its earlier approval of special provisions for minorities, reflects the details of a document circulated to the members of the advisory committee on 23 April 1949 (51/189/49-Public 1949). The latter document enumerates the resolutions suggested by its members as regards reservation for minorities. It confirms that the committee was in unanimous agreement that there should not be any reservations on the basis of religion, whereas the mechanism ought to be retained for the Scheduled Castes. The notice of resolutions reveals that all members agreed that reservations for religious minorities should be disposed of (*ibid.*).

We, thus, witness a simultaneous demotion of the issue of preferential treatment for religious minorities and an elevation of the effort to, through special consideration, eradicate caste and tribal identity as bases for social differentiation and socio-economic stratification. Chaube has argued that the actualisation of Pakistan altered the focus of the formulation of the Indian

Constitution as the “communal settlement” as contained in the Cabinet Mission’s plan became redundant’, which meant that the pressure to include “safeguards” and “autonomy” for the Muslims in India no longer carried the old sense’ (Chaube 2000: 180). Although Chaube’s observation is accurate in one regard, namely its acknowledgment of the attenuated possibility for Muslims to speak from the site of liminality and marginality, it also risks concealing the protracted centrality of the ‘communal’ that was exhibited above.

Partha Chatterjee accentuates another relevant aspect of ‘minority’ identity when he claims that ‘there was already a nuanced and differentiated notion of representation built into the idea of democratic legitimacy’ (Chatterjee 2005: 91). Despite that, separate electorates and reservations for minority communities became antithetical to the dominant conception of Indian society and polity, practices of and within these were left intact and were not subject to state intervention. Chatterjee exemplifies it with the religious character of personal laws (*ibid.*). While the Hindu Code Bill went through codification and modification to be more in line with the ideal of modernity, no parallel reforms were made in the case of the personal laws of Muslims, Parsis and Christians.⁷ Chatterjee argues that it bears witness to an ‘uncertainty as to whether the will of the people as expressed by a parliamentary majority carried an adequate measure of legitimacy for the minority communities’ (Chatterjee 2005: 91). One might add that it symbolically placed Muslims in opposition to modernisation and managed to turn the existence of personal laws into an enduring controversy.

Aamir R. Mufti has pertinently argued that “German Jew” and “Indian Muslims” are names not merely of social groups but of entire cultural and political problematics and trajectories; names, furthermore, of the respective torments of European and Indian modernity’ (Mufti 1995: 78). Chatterjee’s reasoning suggests that the minorities’ affairs were kept outside, kept ‘out of reach’ of the state apparatus – to which I would append, kept in check, kept in place. The power to regulate and police the categorisation of India’s communities was too imperative to fall outside the scope of state modalities. While considering the site/-ing of Indian Muslims, it is ironic, as Mufti has pointed out,

that the most effective Muslim critique of (and resistance to) ‘secular’ Indian nationalism came eventually to be identified with Muhammad Ali Jinnah ... while Abulkalam Azad ... an Islamic scholar and Quranic commentator of considerable stature, has come to be regarded as the very embodiment of the secularist ‘nationalist Muslim’ position.

(*ibid.*: 79)

Maulana Abul Kalam Azad was a prominent member of the Congress during the freedom struggle and became independent India’s first Minister of Education.

To this observation of how the predictable tends to mislead us, one might add Barbara Metcalf's analysis of the life of Maulana Husain Ahmad Madani (Metcalf 2007), who in 1927 assumed the office of rector at the Daru'l 'Ulum, the most prominent madrasa in the subcontinent located at Deoband in what was then the United Provinces. In her study, Metcalf shows how Maulana Madani, as one of the leading Islamic scholars in the Indian subcontinent, adopted a posture diametrically opposed to objectives propagated by those striving for the accomplishment of Pakistan as well as to the ideas of an Islamic state articulated by Abu'l A'la Maududi, the founder of Jamaat-e-Islamia (Metcalf 2007: 96ff.; for a study of Maududi and Jamaat-e-Islamia, see Jalal 2008: 242ff.). Maulana Madani, consistent with the majority of the ulama, rejected the idea of partition and of a separate state for Muslims. It is relevant to the present analysis that politically 'none of the traditionalist leadership of any religious tradition played a central role' in the period prior to the Partition (Metcalf 2007: 98). The exception was the aforementioned Maulana Azad.

Connected to the 'proper' place of the religious minorities was the issue of conversion, which was debated in the constituent assembly on 1 May 1947. In contrast to most days' sober exchange on the technical aspects of constitution making, the minutes testify to heated debate. Purushottam Das Tandon, in 1950 elected as the president of the Congress, claimed to speak for the majority of the assembly when proclaiming in Hindi that

[w]e Congressmen deem it very improper to convert from one to another religion or to take part in such activities and we are not in favour of this. ... [I]t is only at the request of some persons, whom we want to keep with us in our national endeavour that we accepted this.

(Constituent Assembly of India Debates (Proceedings)
1 May 1947)

We here encounter one of the constancies in the debates, *viz.* a paternalistic rhetoric towards 'minorities' and the nurturing of the idea of a benevolent majority. When the members considered the issue of the conversion of children, Tandon suggested that they should not be automatically converted with their parents. Instead, a system should be instituted in which guardians would raise these children. The tendency to speak of the majority as generous and compassionate continued later in the debate when Jagat Narain Lal said:

The fact is that we desire to make minorities feel that the rights which they had been enjoying till now shall be allowed to continue within reasonable limits by the majority. We have no desire to curtail them in any way. But we do not concede the right to do propaganda.

(*ibid.*)

The minorities should not insist on gaining further privileges, he maintained, as '[t]hat would be taking undue advantage of the generosity of the majority' (*Constituent Assembly of India Debates (Proceedings)* 1 May 1947). The conception of minorities demanding too much and being overly influential did not always come in the shape of the generosity argument. P.S. Deshmukh chose to portray the majority as being marginalised; he told the assembly that 'I am content that no minority is going to try any more to deprive others of what legitimately belongs to them. For many years past, it was the majority that has been tyrannized' (*Constituent Assembly of India Debates (Proceedings)* 27 August 1947). There are numerous examples in the debates of the assumption of a given majority possible to refer to as 'we'. Even though these do not directly correspond to the hegemonic discourse that later bled into state practices, the sheer presence of such remarks and outbursts attest to their validity.

One 'certainty' that, thus, evolved in the initial years of independence was the laying down of how to delineate and distinguish the majority and the minorities. The latter became defined in terms of religion, which resulted in the discarding and muting of other potential minority identities as well as of a number of prospective subject positions in the political sphere. One example was that of Dalits as a distinct group and political agent – a potential 'third force' as Sekhar Bandyopadhyay has labelled it (2000: 942). As Gyanendra Pandey has observed, in the wake of Independence,

a particular articulation of nationhood emerged, in which the Muslims had an unenviable place, the Dalits and other oppressed castes and classes were unseen or only symbolically present (as the 'backward' parts of the nation, to be lifted up by those who ruled in the 'general interest,' for the advancement of the nation as a whole), and other religious minorities and marginal nationalities had to work in collaboration with, and willy-nilly in subordination to, that other invisible category, 'the mainstream, Hindu majority.'

(Pandey 2007: 28)

One reason why the force and influence of Dalit politics abated at the time of Independence and after appears to have been that the political organisation led by Ambedkar, the All India Scheduled Castes Federation, due to its failed participation in the 1946 election, went from being regarded as the principal proxy of the Dalits to being looked upon as a peripheral agent (Bandyopadhyay 2000: 895). When the Federation came into being in 1942, it was written into its constitution that Dalits constituted a section of society that did not fall within the precincts of the Hindu community (*ibid.*: 900). When Ambedkar on 17 December 1946 in a speech expressed the sentiment that India would unite and that its various fractions and groups would inevitably become one, it, therefore, represented 'a total turn around' (*ibid.*: 935)

and the end of a political trajectory contesting the hegemonic significations ascribed to the Indian nation state and its members.

4.4.2 Including the partially excluded

Religion and caste were not the sole identity markers that indicated liminality or auxiliary status. Adivasi (tribal) identity was – like Dalit identity – conceived as in need of progress, of maturity and special treatment. Regarding the Indian state's position *vis-à-vis* the so-called Scheduled Tribes, Stuart Corbridge has highlighted that, on the one hand, '[t]he tribal Other was exoticized as well as patronized', while, on the other, it was portrayed as being in simultaneous need of safeguarding and progress (2000: 68). H.S. Saksena notes that the deliberations in the constituent assembly contained and reproduced a discord between the objective to end the 'isolation' of tribal areas, in order to move their inhabitants 'into the mainstream of the national life', and an avowal to prolong special considerations (Saksena 1981: xxv). In other words, the maturity, and thus consummate membership, of tribals was questioned. Not that the idea of a sheltering of tribal areas turned out to be successful: since Independence, an increased influx of 'outsiders', forcible and deceitful appropriation of land as well as large-scale exploitation and displacement has been taking place.

If inserted into a global frame of 'indigeneity', India ranks second in terms of inhabitants corresponding to established criteria of the epithet (Ghosh 2006: 505). The Indian state does not, however, officially subscribe to a terminology in which 'tribals' or 'adivasis' are classified as 'indigenous'. The reason why the term indigenous is problematic as an official term becomes evident if viewed in the light of Independence: the principles of centralisation and singularity did not allow any space for recognising the primacy of the tribals and their right to land. In connection with this, it ought to be noted, with Amit Prakash, that the concept of 'tribe' is and has not been ascribed a demarcated definition in the constitution and that it, hence, 'has a different meaning for different people in different contexts' (Prakash 1999: 135). Kaushik Ghosh goes so far as to claim that 'the figure of the adivasi repeatedly acts as a deconstructive case in Indian modernity in particular and the metaphysics of the state in general' (2006: 507) and he asserts that part of the state's approach to adivasis is that 'the principle of recognition is that of exclusion' (*ibid.*: 508). I would, however, contest the affirmation of deconstruction alone since the adivasis concomitantly seems to have been represented as the essence, the uncontaminated. We, thus, encounter a double bind between adivasis as an epitome of constitutive lack and of the origin(al) and pristine.

The conception of exclusion had constituted a main element in the British approach to areas predominantly populated by tribal communities. Under British sceptre, the use of the notion of exclusion as an official term and its ensuing articulations meant that 'ordinary' law as applied in other parts of

British India was not valid in so-called 'Excluded Areas'. These areas were directly managed by the provincial governors and not by provincial governments elected on the basis of the Government of India Act of 1919 and 1935 respectively (Prakash 2001: 45). An elucidation of the denotation of 'excluded' and 'partially excluded' areas – terms that were made part of the Government of India Act 1935 – and their inhabitants cannot discount the local and regional as significant elements in the 'completion' of the nation and of modernity.

With Amit Prakash, we might assert that the postcolonial state, in its regulation of tribal areas and of tribal communities, came to resemble its predecessor by retaining much of its idiom and practices (1999: 113). Prakash perceives such a continuation as, in part, a consequence of what he describes as a 'nationalist belief' in the promotion of 'the desirability of western rationality in the realm of the material' (ibid.: 116). This aspiration resulted, according to Prakash, in an undertaking by the constituent assembly 'to implement an integrationist policy with a developmental model premised on industrialisation and a rationally organised bureaucracy as the delivery mechanism for public policy' (ibid.). One underlying principle governing the approach to tribal areas, in and just after the moment of Independence, was the reasoning that disgruntlements and obstacles in these parts of India were primarily 'due to their exclusion from the mainstream development patterns' and that the apposite solution was to be found in 'industry-led development' (ibid.: 130). Although Prakash acknowledges that momentous reorientations occurred, e.g. a departure from the practice of 'rule of difference' and from a system in which tribal communities were denied 'full political status', his emphasis is on the upholding and furtherance of a 'paternalistic and integrationist discourse' (ibid.: 116).

In a study of Jharkand, at the time of Independence and until 2000 a region in the state of Bihar, Corbridge similarly draws attention to how a state discourse articulating and promoting the idea of shielding members of the Scheduled Tribes from the effects of a 'corrupting (anti)-civilization' was eclipsed by a concurrent mobilisation of a development schema that encouraged the expansion of industries, infrastructure and movement in(to) the region (Corbridge 2000: 74ff.). He adds:

Tribal people have tried to get a slice of the action, and tribal society has doubtless changed in the process – not that it was ever timeless in the way that it is sometimes portrayed in the ideology of tribal economy and society.

(ibid.: 75)

The state's approach to tribal areas, in other words, consisted both of a view of these as outside 'normal' spatial arrangements and of a temporal dislocation. It, simultaneously, placed these areas and their inhabitants in a precise, concrete time *and*, potentially, opened up and traversed time. It is, hence, a

practice reminiscent of what Paul Ricoeur has referred to as ‘amorphous time’ – a time that is ‘neither cyclic nor linear’ (2006: 156). We once more discern a seeming tension between the protean qualities of identity and the totalising meaning ascription that was initiated and sustained in the wake of Independence. The site ascribed to the Scheduled Tribes and the Scheduled Castes was closely linked with spatio-temporal representations of the nation state and its realisation. The members of these two categories were ‘marginal’ and ‘backward’ yet indispensable to nation building and state formation.

What exactly has the chapter sought to elucidate and convey? By employing constituent assembly debates as a vessel, the analysis has constituted an attempt to discern the presence of multiple strands and voices in the actuation of fixity, in the process of overcoming contention and undecidability. A close reading of the debates has offered an opportunity to recognise that the deliberations, at times, came to embody a vacillating stance on the relationship between the past order and that which had been inaugurated, between the sanctioned and that deemed as illegitimate and between the contours of the hegemonic discourse and potential subversions or counter-narratives. A crucial aspect of the latter is that it, somewhat contradictorily, seemed to enable stabilisation, rather than fragmentation and plasticity, of notions deemed equivalent to being neutral and normal – as well as to being responsible, mature and fully developed. In the following part of the book, we will further probe the role of alleged subversions, and the relation between the wish to achieve state-led development and progress and the formation of unequivocal citizenship.

Notes

- 1 In a similarly unrefined manner, Wallace commented on the first general elections: ‘With daring idealism it [the Indian Constitution] establishes universal adult suffrage for a vast mass of impoverished infants in intelligence and political experience’ (1951: 274).
- 2 Another alleged shortcoming of the constitution writing in both states, which – among others – was articulated by Mian Mohammad Ifikharuddin in the Constituent Assembly of Pakistan on 18 May 1948, was that the assemblies had ‘been elected by constituencies which no longer exist’ (*Constituent Assembly of Pakistan Debates (Official Report)* 18 May 1948).
- 3 The ministries compiled (secret) monthly summaries and weekly notes to be read by ministers and an exclusive number of officials in the concerned ministry.
- 4 It is equally noteworthy that M.A. Jinnah found no reason to evoke a past: ‘There is no time to look back. There is only time to look forward’ (*Constituent Assembly of Pakistan Debates (Official Report)* 14 August 1947).
- 5 On 16 November 1947, the Congress Working Committee agreed on a resolution, stating: ‘As the goal of *complete independence from foreign domination has been achieved* and in view of the new role the Congress Organisation will have to play under the changed circumstances, the A.I.C.C. appoints the following committee to revise the present Congress Constitution ... and to submit the draft revised Constitution prepared ... not later than the end of Jan. [1948]’ (AICC papers G-30/1946 1946–48; italics added).

- 6 The draft contains a second similar urge: '[A] United India is an imperative necessity for the fulfilment of India's destiny and the promotion of real interests of her people and ... such reunion can only be achieved through the voluntary will of the masses themselves on both sides' (AICC papers 27/1947 (Part II) 1947).
- 7 The personal laws correspond to legal matters related to marriage, divorce, adoption, religious institutions and succession and are, in the case of Hindus, Christians, Muslims or Parsis, based in religious laws (for critical engagements with the issue, see Larson 2001).

5 Overwriting class

Backwardness and the mature citizen

The setting is November 1949. Now was the time for the actualisation of a mature and responsible citizenship; a citizenship that would be capable of producing, of realising, the visions that were to be embodied in the Indian Constitution and, later, in the first five-year plan. Once defined and delineated, the citizen ought to fulfil the ascribed subject position whereby inequalities and backwardness would be overcome. One perceived threat to the actualising of the citizen's potential to produce and progress was the Indian Communist movement's objection to the portrayal of decolonisation as genuine independence, of the political system as promoting equality and rule of the people, and of the need to mobilise on the basis of an 'Indian' nation in order to conjure visions and aspirations. In the build-up to state elections in Kerala in 1957, which the Communist Party of India (CPI) won, Jawaharlal Nehru during a visit to the southern state said:

My real objection to the Communist Party is that it seems to live always on the verge of violence. If they did not actually indulge in physical violence they indulge in mental violence. The whole Communist creed, apart from economic contexts, seems to be based on hatred and violence ...

(*The Hindu* 26 February 1957, cited in Windmiller 1958: 28ff.)

Here we encounter an important element of the narrative on the 'mature citizen' – that is, a citizen distancing him or herself from any kind of action that might undermine or threaten the integrity and projected trajectory of the state.

We have in previous chapters elaborated on the issue of ambiguities and aporias as regards notions of domicile, membership and belonging, and reflected on the inevitable necessity to act and to establish closures¹ in a 'moment of transition'. In addition to initiating an analysis of the trajectory whereby a particular understanding of 'India' and 'Pakistan' strove to coincide with the hegemonic, universal and singular, it has been provisionally demonstrated how exclusionary practices in the areas of resettlement, permit regulations and citizenship, enacted and reified by the Indian state, were inherent to and co-constitutive of inclusions, accommodations and

conciliations – a topic that will be further addressed in Chapter 6. It has gradually become discernible that, although much of the identity formation and nation building that occurred in the wake of Independence rested on an understanding of commonality and resemblance as closely entwined with religion, the latter was far from the sole ordering insignia or emblem of being Indian. A parallel boundary was, as we will see in the final part of the book, drawn up between those residing in the territory of India and ‘Indians’ abroad.

The present chapter, however, explores the matter of how certain representations of the state and identity markers, specific traits and behaviours, gained legitimacy and authenticity at the expense of others. The object of analysis will be the enunciation and formation of a certain understanding of what it meant to be (and, hence, not to be) a ‘mature’ and ‘fully included’ citizen within the wider framework of coagulating state rationalities. The contested status of, and the counter-narrative articulated by, the CPI at the intersection between the ‘colonial’ and ‘postcolonial’ constitutes our focal point. A decisive trend in the separation of the sanctioned and the abject in the scrutinised period, characterised by Ranabir Samaddar as ‘quarantining all the deviants’ (2004: 68), has already been addressed in the form of a ‘fear of politics’; or, to be more precise, a fear of the kind of political mobilisation and resistance utilised by the anti-colonial movement. In the wake of abrupt decolonisation, the naming of discursive and material challenges to the newly inaugurated state became a decisive element of state consolidation. A disentanglement of that which ‘properly’ embodied the ideals of the instituted nation state and that which threatened to erode and make it impossible transpired as central to state self-depiction. All in order to obviate and surmount what might be called fissures in the Self.

5.1 A right ‘psychology for production’: produce or perish

Two logics of stratification that did not easily cohere with the emerging state edifice and its quest for singularity and fullness were the notions of caste and class. Whereas ‘class’ transpired as the privilege and insignia of the cosmopolitan and metropolitan left – a movement that at the end of the 1940s was particularly prominent in certain regions, more precisely in ‘West Bengal, Kerala, Bihar, Tamil Nadu and Andhra Pradesh’ (Vanaik 1990: 178) – the site and condition of ‘backwardness’ became the medium of recognition for adivasis and low-caste Hindus alike.² Since we have partially elaborated on the issue of caste in our discussion of the attempt to articulate a Dalit identity in the Indian Constituent Assembly debates, we will here focus on the other term. We will, in this chapter, consider the evolution of an order wherein the concept of class, to a considerable degree, was overwritten with the twin imageries of ‘backwardness’ and the ‘mature citizen’.

One type of subtle violence performed and sustained by the conductors of the postcolonial state is available in the form of the illegitimate character

certain kinds of political mobilisation attained or was ascribed after Independence. One famous example, which was articulated in the constituent assembly debates by one of the main authors of the constitution, was mentioned in the previous chapter. On 25 November 1949, B.R. Ambedkar asserted that ‘we must abandon the method of civil disobedience, non-cooperation and *satyagraha*’ (*Constituent Assembly of India Debates (Proceedings)* 25 November 1949). The desire to abandon Gandhian practices as a means for ‘doing’ politics is, as maintained above, noteworthy. In addition, it is notable that, inconsistent with leftist critiques, the principal anxieties that influenced the framing of the Indian Constitution were only in part entwined with the consolidation of existing hierarchies and much more directly related to the realisation of a particular notion of what ‘India’ was and should be. Many of the anxieties were, as we have seen, new – not only the cartographic anxieties identified by Sankaran Krishna (1996) – and inward looking.

With Ambedkar’s speech, we might align Dipesh Chakrabarty’s observation that Nehru assumed and came to represent a position that denied the validity of the kind of political mobilisation and resistance that had been used against the colonial state; phrased more directly, it ‘could no longer be properly political after Independence’ (Chakrabarty 2007b: 36). Srirupa Roy’s remarks that ‘Nehruvian India’s most frequently invoked figure was that of the “infantile citizen”’ requiring ‘state tutelage and protection’ (Roy 2007: 20) and that ‘fear of politics’ became a dominant theme ‘of the postcolonial political field in India’ (*ibid.*: 22) resonate with Chakrabarty’s claim. The distinction between ‘mature’ and ‘infantile’ citizens is part of the delimitation of a nation-bearing ‘we’, which we saw manifestations of in the part of the book devoted to the intricacies of the constituent assembly debates. It indicates that the ‘we’, although presented as ‘the majority’, consisted of a select few.

While analysing discursive attempts to classify antagonistic subject positions as threats, it is particularly interesting to explore how the state dealt with the challenge from the Communists and trade unions. In particular, the case of the impending train strikes in the spring of 1949 offers an ingress into the evolution of legal and political attempts to make certain political activities illicit.³ The tabling of the Essential Services (Prevention of Strikes) Bill on 25 February 1949 and its withdrawal on 5 March of the same year is, hence, worthy of consideration. ‘Essential services’ should here, in line with what was established at a meeting of a special committee of the Cabinet on 19 February 1949, be read as equivalent to ‘railway services’, ‘postal, telegraph or telephone services’, ‘transport services’ that were ‘operated by’ the state and to a range of key industries, including arms manufacturing and power supply (N.G. Ayyangar papers subject file no. 31 1949; for an elucidation of the notion of ‘state monopoly’ at the time, see Frankel 2006: 77).

While reading out a statement outlining the reasons to retract the bill, Nehru said that the ‘strike threat’ had been reduced to those railway workers’ unions that were dominated by the Communists. Although an improvement significant enough to withdraw the bill had taken place since its introduction,

he warned the assembly ‘that the problem is not confined only to possible strikes by dissident Railway Unions, but is one of law and order generally, involving, as it does, a violent and brutal challenge to the State’ (*Constituent Assembly of India (Legislative) Debates (Part I: Questions and Answers)* 5 March 1949). He added:

[C]ertain groups are bent, not so much on a strike, but on creating disorder and chaos and indulging in acts of sabotage; ... [t]hat is not a labour situation. That is not a strike situation. That is an entirely different situation.

(*ibid.*)

We here discern a palpable illustration of a tendency of the newly founded authority to make conflict ‘foreign’ to ‘the body politic’ and to establish ‘civil peace’ – an inclination noted by Paul Ricoeur (2006: 500), which will be further discussed in the next chapter. Every ‘situation’ deemed to threaten the realisation of civil peace is a ‘different situation’.

If we attempt to map the activities and discursive gesturing of the Communist movement in India before and immediately after Independence, we inevitably find ourselves exploring a perceived ‘subversion’ that, although portrayed as distant and antagonistic, was located close to an influential strand of elite notions regarding the future (of) India. It was a contestation situated not far from a Nehruvian approach to policies, reforms and legitimate types of political activities. Still, there was a foundational divergence in the Communist and the Nehruvian approaches to ‘socialism’ as a viable alternative for independent India. As Ronald Inden has accentuated, Nehru ‘projected “his” future India as both a democratic polity, along Anglo-American lines, and a socialist polity, along Soviet lines’ (Inden 1995: 263). India in the making ‘would be the realization of a long-held wish he shared with others for a socialist polity, one that would transcend the traditional world’ (*ibid.*; see also Frankel 2006: 3ff., 109) and, simultaneously, adhere to the ideals of liberal democracy. By actualising such a co-existence, India would effectuate a unique synthesising of the two; thereby facilitating the evolution of a modern, democratic *and* egalitarian state.⁴ Although we evidently need to be hesitant about the tendency, shared by many, of an invariable return to Nehru as an isolated condensation point and catalyst in the state’s postures and manoeuvres, the stress laid upon such a dual bequest and ambition is pertinent. It makes it possible both to discern a fundamental reason for the attempt to silence and reduce the visibility of the CPI and to interrogate the seeming indecision regarding the benefit of ‘socialism’ that the Indian political and bureaucratic elite enacted.

The ‘sanctioned’, consequently, came to incorporate the above-mentioned duality – the attempt to conciliate via ‘compromise’ – and any effort to represent just one of its constituents became equivalent to being outside that

deemed as legitimate. During a debate in the constituent assembly (legislative), in which industrial policy was conferred, Nehru shared the view that

destruction and obstruction, whatever the future may bring after them, they undoubtedly lead to a stoppage of growth at present. They stop production. They stop wealth-producing activities. One has the satisfaction of being able to do something afterwards more rapidly, no doubt, but it is not such a certain thing that afterwards you will be able to do it so rapidly. *One has to compromise, therefore, much.* Although I hate the word compromise in this context or in any context, one cannot avoid it.

(*Constituent Assembly of India (Legislative) Debates (Official Report)* 7 April 1948; italics added)

As discussed in earlier parts of the book, a range of fractures, caused by the rupture of independence through partition, had to be concealed and their manifestations deadened in the (transiently) open moment following the transition. One significant fracture that has already been evoked was the problematic distinction between migrants and ‘sons of the soil’, where the former somewhat counter-intuitively came to embody the norm for a brief, though crucial, interval (see Chapter 3). In the next chapter, we will see how Indian Muslims and Indians in South Africa filled a similar function of completion.

The insights accumulated hitherto regarding the interdependence of inclusions and exclusions serve as the analytical foundation of our examination of the muting and demoting of class and the concurrent elevation of the idea of a ‘mature’ and ‘full’ citizen(ship). It is argued that, although the CPI tried to assume a position outside the dominant logic imposing itself on the conceptualising of the Indian nation state, the party’s discursive manoeuvring had to subscribe to the parameters of the closure underway and eventually conform to the hegemonic version of the meanings imbued into state rationalities. Even as one of the most viable and vocal antagonistic challenges to the foundation and the development of the postcolonial state, the CPI was firmly situated on the inside of state formation and consolidation – not on the margins or in the interstices. In the end, its actions merely confirmed the legitimacy and groundwork of the Congress-dominated nation state project.

We find examples of the articulation of the dyadic view, which was mentioned above, on India’s political system as capable of incorporating elements both from liberal-democratic and socialist state edifices in a number of speeches given by Nehru on the topic of industry and production during the period 1947–9. He often returned to the issue of being hopeful about and believing in the effects of a ‘socialization of industry’ (for example, see the Publications Division, Ministry of Information and Broadcasting 1949: 154). During a debate in the constituent assembly, in one of the sessions in which it convened for parliamentary purposes, Nehru told the other members that the possibility of nationalising ‘defence industries and key industries’ had been an idea endorsed by the Congress as early as in 1931 (*Constituent Assembly of*

India (Legislative) Debates (Official Report) 17 February 1948). In the same speech, he asserted that the state's primary attention ought to be directed towards 'novel sources of production' and towards the prevention of 'private monopolies' from acquiring control over 'new sources of power' (*ibid.*). At the same time, however, he criticised the Indian Left for its tendency to disrupt and delay production and answered the question whether India had the sufficient expertise and skilled manpower to subject industries to nationalisation with 'we have not enough' (*ibid.*).

As an extension of the above, it needs to be stressed that an openly hostile and influential discourse against the actions of the CPI had already taken shape at the time of Independence. It emanated out of Congress activities and Nehru gave voice to its core elements while addressing the Industries Conference in New Delhi on 18 December 1947 (*The Publications Division, Ministry of Information and Broadcasting 1949: 147ff.*). In reference to the hardships and the uncertainties during the preceding period – the post-War as well as the post-Partition period – the prime minister chose to isolate the discord between industrialists and labour as a major factor. He claimed that if a 'psychology for production' was missing it would negatively influence production level and output (*ibid.*: 149). In an assessment of the existing situation, he told the audience:

Labour feel that it does not get a square deal, that somehow it is over-reached all the time, which makes the employer class feel that they are threatened with all manner of dangers, and that Labour is not pulling its weight and is only threatening strikes and slowing up work and so on and so forth. So they approach each other not only with a complete lack of confidence but in a spirit of extreme hostility.

(*ibid.*)

However, to the above identification of dissonance – and to a declaration that the principal 'peril' that India had to confront was 'the slow drying-up of the capacity of the nation to produce' (*ibid.*: 150) – Nehru added the need to set up a non-partisan institutional device or body in order to enable 'a period of truce during which there would be no strikes and no lock-outs' (*ibid.*: 153). Strikes and lockouts were, in other words, represented as a major hindrance to the yearned-for 'production'.

In a broadcast talk in January 1948, he, similarly, voiced the opinion that 'production means hard work, unremitting labour; production means no stoppage of work, no strike, no lock-out' (*Publications Division, Ministry of Information and Broadcasting 1949: 160*). He explicitly linked the issue of production and its obstruction to nation building, while maintaining that 'there are times when strikes are dangerous, when strikes not only injure the cause of the nation, but also ultimately the cause of the worker himself' (*ibid.*). Nehru here hints at the irresponsible character of the Indian Communists: they threatened to undermine both the 'cause of the nation' and the

‘cause of the worker’ – which, of course, for Nehru was one and the same. The CPI, with its contrasting conceptualising of Independence and of suitable conduct and mobilisation during the period 1948–51, came to represent a potential challenge both to ‘industrial peace’ in particular and to the ‘campaign of production’ in general. The latter was ‘not just for enriching individuals, but it is to enrich the nation’ (citations from *ibid.*: 162). It was, thus, clear that in official idiom nation building and production were inseparable. The CPI seemed willing to disrupt both.

The Communists with their commitment to industrial upheaval in urban areas, thus, embodied a tangible and potent subversion to the hegemonic narrative on India and its potential future(s). The notion of ‘responsible’, ‘mature’ behaviour, present in the language of the political elite (above represented by Nehru), hence, came to include a propensity to ‘compromise’ and to avoid strikes and lockouts. It was, moreover, paired with a conception of an ostensible lack of discipline amongst ordinary citizens. We find a reference to the need to ‘instil’ discipline in K.M. Cariappa’s, independent India’s first Commander-in-Chief, suggestion to impart military instruction to civilians on a voluntary basis sent to Nehru in April 1949. In it, Cariappa professed that ‘maintaining ... law and order would be considerably facilitated if the Indian masses were a little bit more disciplined than they are now’ (Das 1973: 130). Another reference is retrievable from Nehru’s above-mentioned speech to leading industrialists in December 1947, wherein the prime minister, in an allusion to conscription to the military, said that, although he was ‘not in favour, generally speaking, of compulsory military service’ one positive aspect seemed to be that it would ‘make our people a little more disciplined, and also from the point of view of physical culture’ (The Publications Division, Ministry of Information and Broadcasting 1949: 152). Nation building and production, in other words, required discipline.

In India, the class understanding of the CPI never came to permeate dominant taxonomies, classifications and identitarian constellations (for an explanation of how, in urban settings, it was undermined by the migration of the ‘village’ into ‘working-class neighbourhoods’, see Bandyopadhyay 2004: 370ff.). However, the term class was retained in what has since the 1970s mutated into a core epithet and crucial identity marker, namely ‘Backward Classes’. The term was introduced as a filament of affirmative action – a supplement to the categories of Scheduled Castes and Scheduled Tribes. The term ‘backward classes’ is, in itself, fascinating. Although there, at first glance, seems to be equilibrium between its two constituents, it is evident – through its strong alignment with substrate Hindu castes – that the latter part really stands for ‘castes’. It is equally manifest, through the dearth of references to labour, workers, peasants or the proletariat in official discourse, that ‘backward’ is the overriding and decisive constituent of the term. Hence, on the one hand, class has primarily been used as a proxy for caste, consequently, placing minorities not officially recognised as abiding by caste divisions on the outside. On the other hand, backward – seemingly a conceptual vessel of

inertia and stagnancy – overwrites and mutes the plasticity, mobility and promise typically inherent to the notion of class.⁵ ‘Class’ in ‘backward classes’, although always already existing and in circulation, is, thus, not analogous to conventional modes of stratification along socio-economic lines. While the newly independent state’s political elite was devoting effort to realising the production required to lift citizens out of ‘backwardness’, they concurrently ratified a discursive practice that reified and made ‘backwardness’ an integral part of the categorisation of society. Or, as Roy writes: ‘India and Indians were repeatedly defined in terms of their constitutive deficiencies, lack, and incompleteness – as the fragmented nation and the backward citizen with an inherent need for the state’ (Roy 2007: 21).⁶

It is worth interjecting here a consideration of how the notion of ‘backwardness’ at one point threatened to be inflated to a point where it risked being all-encompassing. Susan Bayly has emphasised the absurdity in the outcome of the so-called Backward Classes Commission’s attempt in the period 1953–5 to decide what groups, apart from the Scheduled Castes and Scheduled Tribes, ought to be considered ‘backward’ (Bayly 2001: 289). The Commission came to the conclusion that 2,399 groups or communities corresponded to the suggested definition and, as Bayly writes, it ‘was thought at the time to represent a total of 116 million people, or about 32 per cent of the population’ (ibid.). In a note of dissent regarding the Commission’s work, P.G. Shah similarly expressed the concern that

[a]t one stage the list of communities to be treated as backward appeared to be so formidable that it was considered that about 70 per cent of the population was backward and that a representation of 70 per cent of posts in Government service was justified.

(Backward Classes Commission 1956: 9)

The concept of backwardness, which was intended to identify those in need of assistance to join the ‘majority’, the ‘we’, thus, was itself on the verge of becoming the norm. To once again employ Bayly, combined with other categories signified as backward, ‘the Commission’s logic had thereby deemed over half the Indian population to be deserving of the state’s “special care” on grounds of their low-caste or tribal origins’ (Bayly 2001: 289). It is, of course, a testimony to the partiality of nation building during and in the aftermath of Independence.

5.2 ‘Down with the Nehru Government’: the communist call for ‘real’ independence

Both to political commentators and to politicians themselves, it was not evident what India’s independence signified and what its solidarities in terms of foreign policy would be. In June 1947, Taraknath Das wrote:

Will India with full dominion status remain as a partner of the British Commonwealth of Nations? Will an independent India, outside of the British Commonwealth of Nations, act as a virtual ally of the Anglo-American Powers in the present unsettled world; or will she, as a whole or as a part (Pakistan), align with Soviet Russia against the Anglo-American Powers and China and Turkey? ... No student of world affairs can ignore the importance of India.

(Das 1947: 295)

The meaning of the transition was particularly exigent for the CPI since its entire approach to the new government and to the postcolonial state depended on it. After a transient vacillation, during which the party extended support to the Congress, the Communists in 1948 decided to view the independence from Britain as a fraud. The ensuing activities of the CPI in the initial years of independence came to cement a break between the party and the Congress-dominated government. M.B. Rao managed to crystallise the oscillating position of the CPI on 'Independence' when writing: 'But what happened on 15th August? Was it independence? This was a vexed question until 1955 when we [the party] agreed that it was independence' (Rao 1976: viii).

The suspended and ambiguous character of tribal communities and tribal areas that was explored in Chapter 4 is, to some extent, mirrored in the Communists' partial and contested inclusion in the legitimate and formal political scenery. On the one hand, the CPI and its members inhabited a space outside the domain of the accepted within nationalist discourse both prior to and after Independence. On the other hand, the party went through a motion in which it initially sought recognition from the Congress for its role in the nationalist movement, moved on to a position from which it vehemently manifested its resistance to it and, eventually, decided to disband its armed struggle and to contest the general elections of 1951–2.⁷ Achin Vanaik's comment on the trajectory reads:

Their oscillating and confused orientation to the Congress meant that Communists either opposed it from the outside as a tool of a weak bourgeoisie subordinate to British capital and the colonial state or gave it uncritical support at times when its character as a mass movement became blatantly obvious.

(Vanaik 1990: 177)

To Vanaik's diagnosis, we might add that it was to some extent even delusional and flawed: the justifiable refusal to fully acknowledge independence coalesced with a materially unfounded rhetoric that asserted that the workers' movement was on the brink of attaining readiness and dominance.

What were then the positions of the Communists in the years adjoining the constitutive moment? One central element of the party's being in the immediate aftermath of Independence was, as mentioned above, its complicated

relation to the very notion of independence, which from 1948, partly, found an articulation in a vocal opposition to the Congress and, partly, in an assertion of an evolving and sustained struggle. In a Communist party publication (*A Fighting Front of Toiling Millions: Against Imperialists and their Collaborators, for Freedom and Democracy*) reviewing the second congress of the CPI – which was held in Calcutta between 28 February and 6 March 1948 – the opening paragraph includes the declaration that the congress delegates ‘came straight from the numerous battle-fields scattered all over India, where the toiling masses of our country are waging bitter and prolonged struggles for an independent and democratic India where the people will rule’ (Communist Party of India 1948a: 1; italics added). At the congress, B.T. Ranadive – who was elected as the new general secretary – described the government as one of ‘national surrender, of collaborators, a government of compromise’ (ibid.: 12). The party was viewed as capable of piloting ‘the masses and mak[ing] them see that the present rule must go’ (Rao 1976: 517). We encounter the same discourse in a later publication (*Foreign Capital in ‘Free’ India*), which critically addressed the issue of foreign investment and collusion between Indian and Anglo-American capitalists (Communist Party of India 1950). The pamphlet contended that ‘the acceptance of “independence” from Mountbatten did not signify that foreign capital was on the way out from India, that the annual “drain” ... would cease’ (ibid.: 6) and that

August 1947 has seen the transfer of formal State power to the Indian bourgeoisie but, in fact, the positions of foreign capital in our economy have not been really threatened since the fanfares of August 15 were announcements merely of a ‘wretched deal’, which had long been brewing, between imperialism and the bourgeoisie.

(ibid.)

There are numerous further examples of such a repudiation and indictment of the significance of the transition.

In a subsequent party programme, adopted in October 1951 and readopted with solely one amendment in December 1953 and January 1954 at the third party congress, it was similarly declared:

When the British imperialist rulers of India established the government of the leadership of the National Congress in Delhi in August 1947 ... the people of India were led to believe that foreign imperialist rule was at an end, that India had achieved independence and freedom.

(Mohit Sen 1977: 1)

The programme outlined the route to ‘real’ independence as consisting of a need ‘to break with the empire, to put an end to the domination of British capital in the country’s economy and get rid of the British advisers’ (ibid.: 15). It seems appropriate to here interject that the Congress did, however

inefficiently, initiate steps towards economic reforms, especially in areas pertaining to land. One report that followed briefly after Independence was the one put together by the Congress Economic Programme Committee, which was publicised in January 1948. Amiya Kumar Bagchi has summarised its scope as suggesting ‘the abolition of intermediary rights in land, the definition of a maximum size of holdings, the acquisition of the surplus over that size and distribution of the surplus land to village co-operatives entrusted with the management of that land’ (1991: 612). To the Indian Communists these proposed reforms were, at best, half-hearted.

Marshall Windmiller notes how the CPI’s attitude towards the political establishment shifted significantly when B.T. Ranadive replaced P.C. Joshi as the party’s general secretary in 1948 (Windmiller 1954: 52). The change initiated a period of shrill opposition to the government – a hostility that markedly differed from the party’s stance in the post-war period. At the congress in Calcutta, P.C. Joshi was not merely ousted as general secretary, he was not even re-elected to the Central Committee. In part since he had been found to be responsible for ‘reformist deviation’ and, partly, due to his initial opposition to the new ‘political thesis’ (Communist Party of India 1948a: 29; see also Schwartz 1955: 554). The shift in policies took on the shape of an open rift between the CPI, the Congress and the state apparatus as a whole, resulting in the former being placed on the outside of that deemed to be legitimate. From the Communist viewpoint, the shift did not merely consist in an ideational and rhetorical opposition to the government, it also resulted in action. It was, hence, ‘material’ both in the sense that Slavoj Žižek urges us to view ideas and ideology (see Chapter 1) and in a more commonsense way.

The reorientation in February–March 1948 embodied a conceptualisation of ongoing and past events completely at odds both with the officially sanctioned version disseminated by the Congress and that of the Hindu Right. Two elements of the novel position that Madhu Limaye distinguished was the ideas that the party ‘should link up the revolutionary struggle in rural areas along the lines followed in China, with a general strike and mass uprising of the proletariat in cities’ and that it ought to refuse ‘joint action and united front with all the reformist left elements and particularly the Socialist Party which has become the lackey of the collaborationist bourgeoisie’ (Limaye 1954: 197). The potential for a successful establishment of a ‘democratic front’ lay in the endorsement of a ‘unity’ that was ‘built up from below’ (ibid.).

One proposed explanation to the shift in attitude towards the Congress as well as towards the characterisation of the British departure in 1948 emphasises a reorientation in Moscow. In 1959, Gene D. Overstreet and Marshall Windmiller wrote, apropos an altered outlook in Moscow:

In July [1947] there appeared an article on India by the ranking Soviet authority on Asia, E. Zhukov. This pronouncement signalled the birth of a new line, and with it the Soviet leadership declared cold war on the

Nehru government. Zhukov said outright that the leadership of the National Congress now represented the Indian big bourgeoisie (monopoly capitalism) and had gone over to reaction in agreeing to British terms for a political settlement.⁸

(Overstreet and Windmiller 1959: 254)

As evident from the developments in India, it was a terminology and understanding that was made integral to the party's authorised idiom. It is notable that, after the adoption of the 'Ranadive approach' in 1948, the CPI allowed itself to do a similar misreading as the Soviet 'experts'. A citation in Overstreet and Windmiller indicates the unfounded understanding of Indian conditions that permeated the Soviet line. It reads:

At the conclusion of his speech, Balabushevich declared: 'the toiling masses of India, under the leadership of the Indian working class and its party – the Communist Party of India – are conducting a resolute struggle against the reactionary bloc of imperialists, bourgeoisie, and landowners for complete independence, for liquidation of all remnants of feudalism, for people's democracy'.

(*Scholarly Papers of the Pacific Institute, Volume 2: Indian Collection* [translated from Russian] 1949: 28, cited in Overstreet and Windmiller 1959: 257)

However, at the time when the aforementioned standpoint was articulated in Moscow, the CPI still expressed its support for the decision by the Congress to accept the British proposition and its committal to not oppose a Congress-dominated government (Overstreet and Windmiller 1959: 260). Concurrently with the transfer of power, the party announced its intention to 'join the day of national rejoicing' and that it planned to stand 'shoulder to shoulder with the national movement for full independence' (ibid.: 263; citations from *People's Age* 3 August 1947). Such a description seems to be in congruence with P.C. Joshi's depiction of the relationship between the CPI and the Congress, written in 1944, which reads: 'To us the Congress is our parent organisation, its leaders our political fathers, its followers our brothers-in-arms' (Joshi 1944: 2).

Let us momentarily move back in time to display the CPI's position in the final years of British rule. At first glance, the stance of the Communist Party during the Second World War is puzzling and unexpected. After the Stalin–Hitler pact transmuted into military aggression against the Soviet Union by the Germans, the CPI still persisted in designating the war an 'Imperialist War' for roughly six months (Masani 1951: 24; for the CPI's 'own' account in 1950 of its vacillations, see Rao 1976: 660ff.). The eventual modification of approach, where the war was instead labelled a 'People's War' (for example, see Prasad 2008: 525), had the positive consequence of contributing to the reversal of an existing obstruction to the CPI to function as a formal, legal

political agent. The altered position did not, however, merely have the outcome of facilitating the CPI to operate in the open, 'it also' – in the words of M.R. Masani, a member of the, often antagonistic, Congress Socialist Party – resulted in a situation wherein the members and supporters of the party 'put themselves in the position of wartime allies of the British imperialist regime in India and in flat opposition to the Indian National Congress, the Congress Socialist Party and the mass of public opinion' (Masani 1951: 24).⁹ There was, in other words, an existing groundwork of suspicion and disagreement underlying the post-Independence rejection of CPI activities. The distrust is both confirmed by a Congress subcommittee document on 'charges against members of the Communist Party of India in the Congress' dated 21 September 1945 (published in Prasad 2008: 526ff.) and the subsequent 'resignation' and 'expulsion' of 'Communist members' from the Congress (see *ibid.*: 536ff.).

On the above issue of the wavering position of the CPI in the late 1940s, Windmiller in 1954 wrote that the party, due to its initial contentious support for Germany and its later opposition to the Congress-led freedom struggle during the Second World War, was inclined to endorse the popular line represented by the Congress and Nehru at the time of independence (Windmiller 1954: 52). Schwartz, likewise, described the party's deportment in the aftermath of the war as one representing 'a moderate reformist policy, parallel to, but to the left of, Congress party policy' (1955: 552). The underlying appraisal of the prospect for a 'proletarian revolution' concluded that, even though British imperial presence had come to a close, it was unfeasible in a context still in the grip of feudal conditions and lacking in industrial development (*ibid.*). In an allusion to the CPI's evaluation of the conditions that framed its activities in the late 1940s, Vanaik has argued that '[t]he general failure of the Indian left to recognize that since independence India has been essentially capitalist (however backward) and bourgeois democratic (however weak in comparison to Western democracies) prevented it from theoretically coming to grips with reality' (Vanaik 1990: 177). A 'reality' that the present analysis throughout has claimed entailed a genuine break. Besides being a 'misreading', the overemphasis in CPI's construal of Independence on continuity was, evidently, also a manifestation of strategic positioning.

The embarkation in 1948 of a total opposition to the official narrative on the transition and the legitimacy of the postcolonial state, which manifested itself in the advocating of 'urban insurrection and general strikes', resulted in a response from the state that consisted in 'mass arrests and proscription of CPI activities' (*ibid.*: 178; see also Sukomal Sen 1977: 436). Figures available in J.S. Mathur indicate that, after an exceptional amount of 'strikes and lock-outs' during 1946–7, a gradual reduction 'in industrial disputes, number of workers involved, and the consequent loss of time' occurred (1964: 52).¹⁰ It seems to signify that trends both in communist activity and in the ensuing state repression were 'out of joint' with actual developments. They were, in other words, 'anachronistic'. Not strictly in the sense that Ernesto Laclau

would like us to grasp the term (see Chapter 6), but in a more direct fashion: they were – in view of the totalising logics of ‘secular history’ and ‘political modernity’ (see Chakrabarty 2007a: 4, 93) – simply out of joint. Three years later, at a time when the corporeal character of self-governance was indisputable, the party abandoned what Vanaik has called ‘left adventurism’ and ‘sectarianism’ and, thus, created the necessary conditions for ‘a positive re-evaluation of the Congress’ (1990: 178).

Might it be argued that the reorientation of the CPI was yet another in a series of discursive and material closures and yet another muted counter-narrative? If yes, it needs to be noted that it was only a partial change of posture. Other assertions persisted in articulating antagonism, e.g. the conception that a gradual and constant deterioration of living conditions for ‘the masses’ continued concurrently as ‘landlords and profiteers’ exploited the situation for their own welfare (see Mohit Sen 1977: 2); and that a consciousness of the underlying power asymmetries was growing amongst the Indian people and with it an awareness of the urgency to replace the government – a ‘government of landlords and princes, this government of financial sharks and speculators, this government hanging on to the will of the British commonwealth, the British imperialists’ (ibid.: 4; see also Communist Party of India 1948b: 116). Since the CPI simultaneously decided to participate in the (liberal-)democratic process and thereby indirectly recognised the validity of existing institutional constellations and arrangements, the party, hence, disseminated mixed and ambivalent signals regarding its attitudes towards the postcolonial state. In contrast to the harmonising of its rhetoric and actions during the period 1948–51, these forms of expression became seemingly incongruent when the party chose to participate in the first general elections. However, although its departure from the radical position assumed in 1948 resulted in a reduction of state antipathy towards the party, the imagery of the Communists as a genuine threat to the nation state had become deeply entrenched.

5.3 A partitioned revolution: ‘popular’ struggle from ‘below’

A crucial aspect of communist politics in South Asia in the late 1940s was the inescapable need for the CPI to relate both to the notion of ‘Independence’ and to ‘the Partition’; and to come to terms with its failure, in the years preceding these, to act – in the words of P.C. Joshi – as ‘the inspirer, initiator and organiser of a new period in our national awakening’ (see Prasad 2008: 559). Could a unified party, rejecting both the idea and corporeality of decolonisation and partition, work in two separate nation states? If not, along what lines ought it to be divided? It is worth succinctly recounting the chosen trajectory to offer a more transparent depiction of the strategic and, to some extent, necessary positioning of the party *vis-à-vis* the embedding context. The trajectory also confirms the here propounded argument that the Communist movement, however reluctantly, had to abide by the new rules. It, once more,

becomes useful to employ Pakistan as a mirror to chart events and processes in India.

What then was the fate of the Communist movement after the Partition; what happened to the unity of a party that did not fully endorse the division – a party that did not make a decision on the question of unity or break-up until its second congress at the outset of 1948? It was, of course, a matter that could not remain unanswered and it is, hence, another manifestation of the need to ‘act’, of the necessity to respond to the novel circumstances and the embedding discourse also while subscribing to and disseminating an overtly antagonistic narrative. It is a necessity that we have earlier encountered in a requirement for the newly installed conductors of statecraft to ‘act’ by retroactively inscribing meaning to the constitutive moment and in the instituting of identitarian and symbolic boundaries in order to delimit citizenship.

At the congress in 1948, it was decided that a Communist Party of Pakistan ought to be established with Sajjad Zaheer as its general secretary. Although the report on the issue stressed ‘the fundamental unity of the Communist movements both in India and Pakistan’ since the two shared the charge of having to fundamentally alter ‘the existing order’ and to genuinely establish ‘free independent people’s democratic States in their respective countries’ (Communist Party of India 1948a: 16), it was decided by the congress that two formally separate parties should be established. A continued link between the two was, however, indicated. It was put forward that the ‘fundamental unity’ of the two parties and their mutual commitment to a ‘democratic revolution’ would remain intact through the ‘[t]he joint action of the two Parties, [and] the coordination of their tasks in the common struggle against their respective Governments representing the unholy alliance of imperialism, the bourgeoisie and feudal elements’ (ibid.: 28). It was a coordination destined to fail. As earlier parts of the book have shown, social configurations, alliances and identities that sought to transgress territorial borders soon became (formally) impossible due to the two states’ forceful policing of movement and exchange.

What future seemed to await the Pakistani branch of the Communist Party? Hasan Zaheer has maintained that according to estimations by the ‘intelligence agencies’ the Pakistani Communist movement, although it ‘lost all its veteran workers and was left without any financial resources’ by becoming autonomous from the CPI, was able to establish a functioning and potent party apparatus in its first three years of existence (Zaheer 1998: 206ff.). In addition, the party found itself in a favourable economic position: ‘The budget of the Party was perhaps next only to that of the Muslim League. It employed more paid workers than any other political party, and successfully established front organizations of students, factory workers, *kissans* [‘peasants’], writers, and journalists’ (ibid.). The first three years after the split was a phase of intense mobilisation during which ‘the Party organized numerous strikes, processions, and demonstrations to establish itself as a political power to be reckoned with’ (ibid.).

As in the case of India, the Communist discourse on a growing revolutionary potential was, however, destined to fail in Pakistan. The discrepancy between Communist phraseology and material conditions was significant – almost to a point where assertions about change became totally devoid of force. Talukder Maniruzzaman, for example, made a revealing reference to the number of industrial workers and the level of trade union membership in Pakistan in the initial decades of independence (1966: 93ff.). According to Maniruzzaman, exact numbers on the amount of industrial workers were not attainable, however '[t]he I.L.O. report of 1953 gave the figure as three million [*Report of the I.L.O. Labour Survey Mission, 1952–1953*. Karachi: Government of Pakistan, Ministry of Labour, 1958: 98]. According to the *Population Census of Pakistan, 1961*, the non-agricultural labor force constituted 8.49 per cent of the population [Bulletin No. 5, p. ix]' (ibid.). The party's political quietus was, however, effected by a much more direct and spectacular event.

On 14 August 1951, Mazhar Ali Khan wrote in an editorial in the *Pakistan Times*:

The people of Pakistan celebrate the fourth anniversary of their freedom with Indian guns casting their menacing shadows across the frontier that separates these two neighbouring States. The threat to Pakistan's integrity ... has not arisen suddenly, nor is it merely a manifestation of India's political aberrations.

(Khan 1996: 11)

Although he continued by opting to place the blame chiefly upon the British, on imperialism and in part on India, he was right in accentuating the fragility of Pakistan's 'integrity': many numerically substantial groups found themselves on the outside of the decision-making process, a constitution had not yet been promulgated and a functioning equilibrium between the western and eastern parts had not been achieved. Furthermore, earlier the same year Pakistan had witnessed a first attempt at a military coup, the so-called Rawalpindi Conspiracy Case, in which prominent members of the armed forces and the Communist Party of Pakistan participated. The 'conspiracy' enabled the utilising of extraordinary measures and further concentrated the administration of the state in the hands of a few. A year later, Mazhar Ali Khan thus wrote: 'In five years, a whole series of Safety Laws and Ordinances have followed each other in quick succession, augmenting the ample provisions for authoritarian rule left to the rulers of Pakistan by the departing British' (1996: 16). The contemplated coup further expanded the Pakistani state's scope for muting subversions.

The Communist involvement in the first attempt to overthrow the Government of Pakistan in 1951 by the use of force ought to be regarded as the onset of the party's subsequent marginalisation and a furtherance of the ingrained tendency of the Pakistani state to utilise extraordinary measures (on the latter,

see Asdar Ali 2011: 528). It also marks an important juncture in the elevation of anti-communism into, what Ishtiaq Ahmed names, 'a centrepiece of state ideology' (2010: 253). The Rawalpindi 'conspiracy' and its aftermath, hence, function as an instructive inverted mirror image of developments in India. In contrast to the Communist Party of Pakistan, the CPI managed to convert its attempt to forcibly challenge the Indian government, via strikes in urban areas and peasant insurrection in, for example, the Telangana region, to a triumphant participation in the formal political system. While the CPI, after the first general elections, transpired as the largest opposition party, for the Communist Party of Pakistan the consequences of its involvement in the plan to overthrow the government were disastrous. Although the party denied any role in a protestation released on 18 March 1951 (Zaheer 1998: xii), it later turned out that influential members had taken part in the preparations for the *coup d'état*. An effect was that it enabled the Pakistani state to proscribe the party and to come down heavily on its support base and activists (Zaheer 1998: xxiii–xxiv). It was a consequence that marginalised the party and brought its activities close to a halt. Following the identification of Communist Party members as conspirators, members on all levels were detained, which resulted in an intermission in its actions (ibid.: 222). The party could not remedy the damage and it was banned in July 1954.

The party's involvement in the 'conspiracy', thus, came to represent a transformation of parameters enabling or impeding its political sway. For the Pakistani Communists, there was no longer any site to act from or from which to give voice to a meaningful counter-narrative. The actions of the leadership had eroded the ground from within by undermining organisational cohesion and trust. At the same time, it placed the party, its activities and discursive practices beyond the legitimate. The attempt to establish a Pakistani branch of the Communist Party, thus, culminated in a ban. It was a closure that, intriguingly, nearly coincided with the dissolution of the Constituent Assembly of Pakistan in 1954 and with further deployment of extraordinary measures. As has been alluded to, developments across the border markedly diverged.

Sumit Sarkar has observed that the promulgation of the Indian Constitution occurred the same year as the Chinese communist revolution (2005: 305). While discussing the significance of the concept of class and of communism in India, it seems essential to attend to the seed of an Indian counterpart, namely the Telangana movement, rebellion or – as the CPI referred to it (see Alam 1991: 2574) – 'revolutionary upheaval' that began to unfold in 1946 and which came to an end on 21 October 1951. The organised unrest, initially directed against the Nizam of Hyderabad and subsequently against the Indian state, is worth considering since, as Javeed Alam has noted, the armed struggle of peasants in the Telangana region assumed the role of a potential prototype for communist mobilisation throughout India (ibid.; for a scrutiny of how the 'struggle' or 'rural upsurge' unfolded in West Bengal, see Bandyopadhyay 2009: 115ff.). Another relevant significance, which links it to

the above reasoning on the diverse postures of the Communist movement, was noted by P. Sundarayya: the protracted conflict in Telangana translated into a recognition of the CPI as a potentially influential political agent on the national level (1973: 5). It, moreover, aided the party in receiving enough support to become the main opposition party in the first Lok Sabha (*ibid.*).

According to Carolyn M. Elliott, the backdrop to the peasant uprising should be sought in developments occurring in the decade antedating the termination of the Second World War and, consequently, in events specific to the princely state of Hyderabad (Elliott 1974: 41). A combination of significant disagreements amongst the state's elites, the non-presence of the Congress in its rural areas and a considerable disjuncture between Hyderabad's, predominantly Muslim, political leadership and the state's Hindu population resulted in a situation where the influence of the ruling class lacked a firm and deep-rooted foundation (*ibid.*; cf. Dhanagare 1974: 114ff. and Roosa 2001: 63ff.). Taken together, these factors contributed to the disintegration of the political administration and to the initiation of a 'partisan conflict' (Elliott 1974: 41). It was a conflict that the Indian state came to inherit when it, by force, incorporated Hyderabad into the Indian Union in September 1948. Nonetheless, John Roosa urges us to bear in mind that the Telangana movement prior to the intervention of the Indian army, to a large extent, revolved around a desire to make Hyderabad a constituent part of India (Roosa 2001: 87). However, the decision by the Indian government to reinstate landlords that had been ejected from the conflict-ridden region signalled a willingness to restore the 'old officialdom' and created an environment where 'the peasant armed resistance turned against the Indian army' (Alam 1991: 2574). It was a development that harmonised with the Communist narrative on the spurious character of the postcolonial state. The antagonism between the Indian government and the CPI was corroborated and, thereby, further sharpened.

On the topic of the Communists' relation to the Indian state, Javeed Alam has written that in India the 'Communist movement looked at the buildup of the revolutionary potential in Indian society only by, or at least primarily through, working *around the state, its institutions and processes and dynamics*' (*ibid.*: 2573; italics added). He continues: 'Such an orientation to politics in turn led to a withdrawal of attention and activities from the society as such – its institutions and values and particular modes of articulations – as direct targets of revolutionary focus' (*ibid.*). The decision to adopt a potentially subversive position and to articulate a counter-narrative, thus, had the negative consequence of isolating Communist activities from 'society as such'.

We witness a related development in Telangana. In accordance with the shift in 1948 in the area of cooperation with the Congress and recognition of 'Independence', the CPI modified its strategy in Telangana at the beginning of the same year. Besides suspending any kind of partnership with the Congress, it began to distance itself from the more affluent peasants (Elliott 1974: 45). The latter included the appropriation of land and, in Elliot's

analysis, meant that the party undermined its relation to 'the very class which had the most capability of sustaining Communist rule in the villages' (*ibid.*). The Indian state embarked on a considerable operation to curb the Telangana disturbances. In 1949–50, approximately 12,000 armed policemen took part in the suppression (Shepperdson and Simmons 1988: 16). In addition to 'police action', it took the Indian army nearly three years and the involvement of 50,000 army personnel to bring the conflict to a close (Elliott 1974: 45; see also Sundarayya 1973: 4).

Apropos the other leg of the party's strategy to undermine the authority of the government, i.e. the attempt to mobilise the 'urban proletariat' in strikes, Alam has made the observation that the aforementioned large-scale railway strike planned to take place on 9 March 1949, which was anticipated to mark the initiation of a 'working class insurrection' all over India, amounted to a 'big fiasco' (Alam 1991: 2575; cf. Rao 1976: x). The expected widespread support for the strike – in a party document estimated as 'tens of thousands' (Rao 1976: 517) – did not materialise and many of the party's core workers were arrested.¹¹ The failure to make use of the opportunity that the railway strike had seemed to offer caused 'great unease and consternation in the party' (Alam 1991: 2575).

The party's participation in the first general elections roughly two years later ought to be partly viewed in the light of the lack of diffusion and escalation of peasant 'resistance' in the countryside and the deficiency and inadequacy of the call for strikes and lockouts in urban areas. It must also be taken into consideration that the party was internally split on the significance and prospects of these two forms of mobilisation and that the party's membership had been significantly reduced (for details on the latter, see Rao 1976: xiv). A party conference held in Calcutta in October 1951 led both to the cessation of the Telangana movement and set the party's electoral machinery in motion (Alam 1991: 2576). What is noteworthy is that the party through its announcements at the conference distanced itself from the Russian as well as the Chinese model and instead articulated a preference for 'a specifically Indian revolutionary path' (*ibid.*). Mohit Sen has similarly observed that the reorientation in 1951 signified an abandonment of 'revolution by analogy' and a move 'towards trying to understand the specifics of the Indian situation and traditions' (1977: ix).

By opting to take part in the general elections, the CPI seemingly came to abandon its total rejection of the genuine character of independence, the groundwork of the postcolonial state and the composition of the political elite. In 1986, B.T. Ranadive, the CPI's general secretary during the period marked by confrontation, acknowledged that, although the party vociferously asserted the deficiency and curtailment of independence, the 'compromise' between the Congress and the British did not result in or signify that 'British imperialism retained any hold over the Indian people' (Ranadive 1986: 125). However, the text that formed the basis for the discussion at the above-mentioned October conference – in a version distributed unlawfully already in

April 1951 – contains, at least, one passage indicating that the reorientation was not unequivocal. It reads:

The immediate main objectives set forth in the draft program of the Communist Party of India are the complete liquidation of feudalism, the distribution of all land held by feudal owners among the peasants and agricultural workers, and achievement of full national independence and freedom. These objectives cannot be realised in a peaceful, parliamentary way. These objectives can be realised only through a revolution, through the overthrow of the present Indian state and its replacement by a people's democratic state.

(Mohit Sen 1977: 19)

Nevertheless, the CPI's choice to peacefully take part in the election resulted in the annulment of an interdiction that a number of states had implemented between 1948 and 1951. As Limaye has noted, by announcing its intention to contest the general elections, 'Communists in detention were released and facilities similar to those granted to other parties were extended to them' (Limaye 1954: 202).

In sharp contrast to developments across the border where, as seen above, the Communist Party was banned around the same time and, as a consequence, lost its influence in the political sphere, the CPI transmuted into a constituent of the 'legitimate' and the 'democratic'. As it turned out, even a significant one. In the first general elections, only the Congress acquired more seats on the national level and the CPI also had regional success in West Bengal and in a number of southern states (ibid.: 202; Bandyopadhyay 2009: 177). By participating in the general elections, the CPI visibly moved towards the acceptance and legitimising of the newly established order and away from its position outside the sanctioned and lawful. It was an eventual inclusion that had passed through a number of stages: it was preceded by support for the British during the war, sympathy with the Congress at the time of Independence and an all-out opposition during 1948–51.

The shifting positions of the CPI, thus, work well as an embodiment of the here-advocated argument regarding the interplay between ambiguity, openness and multiple closures occurring at the time of independence. It also attests to the necessity even for those agents in the political sphere and in society that endeavoured to point toward an alternative order to conform to the hegemonic unfolding of certain rationalities and significations. The above scrutiny, hence, provides us with an empirical groundwork for more conceptually tinted reasoning in the concluding chapter. In it, we will attempt a closing appraisal of what has been maintained hitherto regarding the oscillation between rupture and novelty, about the need to recognise the abyssal and ambiguous character of the moment of transition, and the non-teleological projection of the future trajectory of the postcolonial state.

Notes

- 1 In addition to what has been maintained hitherto regarding the discursive closures occurring after the Partition and Independence, it ought to, with Partha Chatterjee, be recognised that such ‘foundational events’ tend to ascribe meaning and validity to a multitude of potential narratives on what caused and effected the ‘event’ (1997: 33). The foundational event, in other words, seems to authenticate a number of seemingly incompatible explanations – e.g. whether it should be seen as the outcome of cleavages developing suddenly or over a long period of time, if religious or national identity ought to be isolated as the most important and divisive identity marker (*ibid.*).
- 2 Sekhar Bandyopadhyay has, however, brought attention to how, in the case of ‘Namasudra peasants’ in colonial Bengal, the identity markers of caste, class, the nation and creed intersected (1997: 236).
- 3 In a circular distributed on 22 February 1949 by the CPI, the strike was described as ‘a call for meeting the challenge of the government and the capitalist class. The strike is one of the most important parts of the revolutionary struggle called forth by capitalist crisis ... *the struggle which at a higher stage necessarily develops into a struggle for power*. Whoever now deserts strike, shows vacillations – really abandons all struggle against the capitalists and the government’ (Rao 1976: 516; italics added).
- 4 With Claude Markovits, it ought to be noted, however, that the Congress-dominated government to a considerable degree employed the so-called Bombay Plan, formulated by a number of prominent businessmen in 1944, as the principal source for its ‘exercises in actual planning’ (Markovits 1988: 155ff.). The Bombay Plan visualised ‘a mixed economy in which private capital could coexist with a powerful state sector’ and it thereby thwarted development towards a purely socialist economy (*ibid.*).
- 5 Sharad Patil has, apropos Ambedkar’s stance on the notion, asked: ‘The question of defining these backward *classes* came up during the constitutional debate Ambedkar ... quipped, “what are called backward classes are ... nothing else but a collection of certain castes” [Report of the Backward Classes Commission 1980: 24]. Then why didn’t he consent to the suggestion of changing the term “backward classes” to “backward castes” that came up during the debate on the Draft Constitution in the Constituent Assembly in 1948?’ (Patil 1990: 2740).
- 6 According to Samaddar, the Partition, which was supposed to attribute the ‘politics of the nation’ with singularity and consummation, conversely installed a constitutive lack that came to guide much of the politics carried out by and in the name of ‘the nation’ in South Asia (Samaddar 2004: 57; cf. Chakrabarty 1997: 272, 284).
- 7 It is not only the reorientation that is notable. The party’s relative success in the elections in 1951–2 is perhaps even more remarkable. In 1955, Morton Schwartz summarised its performance: ‘[T]he CPI obtained 5.44 per cent of the popular vote whereas the Congress party received 44.9 per cent. Of the total number of 489 elective seats in the House of the People ... the Congress party contested 480 seats and won 364 while the CPI and allied groups contested 70 seats and won 27. Of the total number of 3,283 seats distributed among the legislative assemblies of the various states, the Congress party contested 3,278 seats and won 2,247 while the CPI and its allies contested 567 seats and won 174. However, in certain areas, that is, Madras, Travancore-Cochin, Hyderabad, West Bengal and Tripura, the Communist-led bloc achieved a substantial success’ (Schwartz 1955: 565).
- 8 The quote continues: ‘The leadership had capitulated to imperialism, he said[,] because the big bourgeoisie feared the masses more than they feared the British. They did not desire full independence, but instead were content to strike a mutually

- profitable deal with the British whereby formal independence would be qualified by continued imperialist economic and military connections' (Overstreet and Windmiller 1959: 254).
- 9 It might, with Sumit Sarkar, be noted that, in August 1942, i.e. when the momentous 'Quit India' movement began, we find that Gandhi 'for once' demonstrated a willingness 'to countenance political strikes', whereas 'the Communists', conversely, 'were bound to keep aloof' (Sarkar 1989: 381). As Sarkar argues (*ibid.*: 405), the position of the Communists *vis-à-vis* the movement and its advocacy of 'immediate freedom' (for a detailed account of the latter, see Bandyopadhyay 2004: 414ff.) 'erected a wall between' various sections of the Indian Left – one that persisted through and past Independence.
 - 10 According to Mathur, '[t]he reasons for the improvement of industrial relations were the increased government intervention, establishment of the conciliation and adjudication machinery, the changed attitude of the employers and their willingness to concede the reasonable demands of workers, and a more responsible behaviour on the part of trade union leaders' (Mathur 1964: 52). It is, however, an explanation that is complicated by Sukomal Sen's insistence that the post-war setting was marked by two principal 'problems' for the 'working class', namely 'large-scale retrenchment of the war-time recruits and reduction of wages' (1977: 402). Sen cites figures estimating that between five and seven million, belonging to a broad spectrum of professions, became unemployed in the wake of the Second World War (*ibid.*).
 - 11 Not only the CPI expected the strike to be of extensive significance and magnitude. Vallabhbhai Patel, in his capacity as minister for home affairs, informed Nehru on 14 February 1949 about the need to prepare an appropriate response 'to deal with attempts at sabotage and violence'. According to Patel, there was 'no time to lose. We have to mobilise all our resources to deal with these emergencies' (N.G. Ayyangar papers subject file no. 31 1949).

6 The impossible totality

Indian citizenship and the constitutive split

Under history, memory and forgetting. Under memory and forgetting, life. But writing a life is another story. Incompletion.

(Ricoeur 2006: 506)

My account of myself is partial, haunted by that for which I can devise no definitive story.

(Butler 2005: 40)

In previous chapters, we have seen how certain modalities of language became impossible at the time of decolonisation; how recollection failed to convey the monstrosity of the individual as well as the shared experiences of the Partition. Accounts at the juncture between the colonial and the postcolonial were inherently partial, stories were incomplete. Paul Ricoeur's words about the inseparable triad history, memory/forgetting and life manage to capture a semblance of that which we, in our study of the political, are (naively yet inescapably) striving to unearth from beyond or beneath state institutions and the weaving of elite narratives – namely, life and the experience and sensation of it.

Incompletion is here referring to the incompletion of life and of that which claims to embed, enable and frame life (and death). It is, hence, entwined with the naming of sanctioned life, of that which is considered recognisable life. One arena for such sanctioning and recognition is that of the conferral and reproduction of citizenship. Incompletion is also, however, the inadequacy involved in writing about life through the concepts of history, memory and forgetting. In the present chapter, I aim to explore the partiality and limits of a certain form of life – more specifically, of universal citizenship – that became instituted in the aftermath of Independence. In India, it was a demarcation and bestowment that was intimately entwined with the conceptualisation of the relation between new and old, between creation and inheritance.

Even if I will merely tangentially address the form, matter and proper definition of the term citizenship, it is the silent concept around which the chapter revolves. Entwined with the recurring question whether independent

India was equivalent to India anew or a new India (or perhaps even the same India), and the related necessity to delineate unambiguous, precise meanings regarding territorial as well as discursive boundaries, was the issue of identity – of membership and belonging. We are, thus, compelled to ponder notions of citizenship and nationality through the meaning attached to the transition. Did it represent a break in the inevitable time continuum, an irruption in the normal sequence of events; was it thought of as a crisis, which left a void ready to be filled yet impossible to speak to? Alternatively, was it considered to embody a peaceful, ordered restoration? These questions will constitute the dyadic scene of the chapter. They will be addressed via a consideration of the stabilisation of citizenship and the possibility of the ‘new’.

More precisely, the chapter interrogates the site or place of two categories of identities or subject positions, namely Muslim identity and the Indian community in South Africa. In accordance with the general motion of the study, the chapter gyrates around the constitutive hiatus contained in the moment of (be)coming and the ensuing institution of a sense of completeness. As mentioned above, the conceptualising of, and the expectations imbued into, national identity and citizenship depended on the meaning ascribed to the transition. Was citizenship seen to evolve at the site of a beginning, inscribed with polysemy and arbitrariness, or in a setting consistent with the old? Was Independence viewed as a continuation of colonialism, a mere liberation or as a commencement?

As discussed in Chapter 1, it is conventionally argued that the independence of India foremost represented continuity and that it arrived incomplete. Throughout, the analysis has articulated the opposite. Independence corresponds to a constitutive moment wherein there was genuine openness as well as the (ostensible) fullness or totality of an origin. These aspects of decolonisation and the attainment of sovereignty seem to become particularly evident via a scrutiny of the momentous enactment of citizenship. Apart from enabling subject positions, the delimiting of the notion of ‘citizen(s)’ expectedly involved the silencing of other. Indian citizenship (parallel to Pakistani citizenship), thus, became inscribed with, and inscribed, an array of exclusions (and inclusions). It was, hence, from the outset imbued with one or more constitutive fractures. If one ambition of the analysis elaborated in the present chapter is to corroborate the novelty of the postcolonial state and a second objective is to identify the boundary drawing that was part of the aforementioned exclusions, a third aim is to exhibit that the category and notion of citizenship did not come to depend on the other, its outside or the extra-discursive for its completion.

6.1 The non-coincidence of the Self and (it)self

As a demarcating premise, it is postulated that the experience of not belonging, of not being allowed to belong, which various groups sensed at the time

of independence,¹ was related to the prominence ascribed to the majority (the 'we') to protect and respect – a tendency that we saw was apparent in the constituent assembly debates. An adverse aspect of such an emphasis was that it contained a, not always subtle, requisite for 'minorities', and in particular Muslims, to adjust, to demonstrate and prove their status as Indians. These parallel currents did, as we shall see, coalesce and were jointly inscribed as one of many tensions in the sanctioned notion of Indian citizenship. The latter, hence, transpires as a rich condensation point if we strive to grasp the dynamics at work in state formation and its consolidation during a period of turmoil yet direction.

One problem that we need to pass through if we strive to address the questions 'what and who did the postcolonial state represent; what constituted its singularity?' is the centrality of the term 'inheritance'. To what extent was the form and content of what became independent India 'inherited' or, perhaps more accurately, seen to be 'inherited'? To reiterate what has been argued in previous parts of the analysis, in India, it was an inevitably partial inheritance. Partly since the realisation of freedom had not assumed the appearance and configuration that those attaining Independence had anticipated and hoped for. Partly since the remembrance in order to achieve order and root out the tendencies towards further fragmentation had to come from the future. Even if one were to subscribe to the idea that Independence did represent 'inheritance' in the form of overlaps and consistencies, Jacques Derrida's recognition of the 'necessary *heterogeneity* of an inheritance', i.e. '[i]ts presumed unity, if there is one, can consist only in the *injunction* to *reaffirm by choosing*' (2006: 18), needs to be taken into account.

The anti-colonial struggle, by necessity, had consisted of an assemblage of multiple, at times conflicting, strands. It was necessary for two reasons: first, to accommodate the various groups and their interests; second, to show a united front. Whereas a number of these came to the fore (Congress–Muslim League division; conflicting notions of the nation articulated by the Congress, the RSS, the Hindu Mahasabha, the All India Scheduled Castes Federation, etc.), other cleavages formed a constitutive and tacit part of an ostensibly elastic movement. Here lies a seed to the exclusive inclusions and the inclusive exclusions that came to mark the notion of being Indian. Both these concepts will be further developed below. It does not, however, provide exact answers to the specific shape of these. To explore the finer details of state formation in the wake of Independence, we need to look in a different place.

Hannah Arendt's depiction of the fate of the resistance movement in France after the Second World War appears to offer such an elsewhere. She writes: '[T]hey were liberated from what they originally had thought to be a "burden" and thrown back into what they now knew to be the weightless irrelevance of their personal affairs' (Arendt 2006a: 3). As has been suggested in earlier chapters, the identity of the subjugated is only consistent as long as the subjugating agent or structure can be represented in a reified, unified

form. With the end of British rule, the story became incongruent. This is, however, only half the story:

The point of the matter is that the ‘completion,’ which indeed every enacted event must have in the minds of those who then are to tell the story and to convey its meaning, eluded them; and without this thinking completion after the act, without the articulation accomplished by remembrance, there simply was no story left that could be told.

(ibid.: 6)

Although useful as a parallel to elucidate the incomplete depiction of the anti-colonial struggle and of the Partition violence in elite narratives,² it does, however, only to a certain extent mirror the Indian case. At least in the constituent assembly, and in the workings of the higher echelons of state matters, the sense that a chance to start anew, to begin, had arisen is manifest. A sense that lives were being lived in an ‘interval in time’, to once again utilise Arendt (see Chapter 1), ‘altogether *determined by things that are no longer and by things that are not yet*’ (2006a: 9; italics added). In other words, once independence was achieved, ‘victory’ attained, the anti-colonial experience did not represent or offer a precise (and linear) blueprint, agenda or prescription. On the contrary, the current had to *(be)come*. Certitude had to be erected upon antinomies, contradictions and aporias. A foundation had to be raised from the abyss (of freedom).

To grasp the width and depth of the ‘abyss’, to be able to view it as a productive noumenon and condition and not merely as a paralysis or limitation, we might turn to Ernesto Laclau’s (Derridean-inspired) notion of ‘constitutive anachronism’ (2007: 68ff.). What Laclau’s theorising provides us with in the analysis of citizenship is a pertinent recognition that it is futile to speak of, or try to discern, ‘full reconciliation’ since ‘time is constitutively “out of joint”’ (ibid.: 69). In other words, the ‘present [is] never identical with itself’ (ibid.: 70).³ In the Indian case, his conceptualisation reflects the ostensibly anachronistic nature of that which was ‘inherited’. Much of what was articulated as essential to the nation state project represented outmoded, dated events and notions. The experiences of contested subject positions and institution building were mistakenly ‘brought along’. The ‘new’ was made into a vessel of the ‘same’.

Although the endeavour to lay down an exact definition of ‘citizenship’ lies outside the scope of the analysis, Anupama Roy’s claim that citizenship ought to be understood ‘as a terrain of conflict and struggle, where a multitude of social and political forces and ideological formulations exist in unequal and often conflicting relationships’ offers a productive entry point (Roy 2005: 2). To Roy’s theorising, it seems fruitful to add Gyanendra Pandey’s distinction between ‘citizen’ as, on the one hand, ‘the bearer of the legal right to residence, political participation, state support and protection in a given territory’ and, on the other hand, ‘a more diffuse sense of acceptance in, and

acceptance of, an existing order and existing social arrangements' (Pandey 2008: 277). If combined, these scholars enable recognition that the term is more capacious than in its purely formal or legal articulation.

For further clarity, it is worth stressing that citizenship represents an attempt to enact a strict ontology, to provide a definite answer to the query 'what is?'. This is, of course, a gesture destined to fail. In fact, due to the always incomplete nature of the political, it has failed even before its very inception. There is structurally always something that evades attempts to bring forth closure. To return to the terminology of Laclau: 'Without the constitutive dislocation ... there would be no politics, just a programmed, predetermined reduction of the other to the same' (2007: 67). As a consequence, the question of citizenship (like the question of 'history' and 'the new', as it is conceptualised by Linda M.G. Zerilli [2002: 546]) is more than 'simply an ontological one'; or, as Zerilli writes, '[i]t is a political question, a question of political judgment' (ibid.). In the case of Indian citizenship, an ontological answer, dressed in the attire of 'full reconciliation', is provided to a political question – as in so many other constitutive and framing rationalities in and after Independence.

The aftermath of Independence expectedly provided a context impressed with a search for instantaneous stability and legitimacy, where communities transmuted into nations, and colonial subjects via a cycle of discursive closures mutated into formal, complete members. I below designate the sequence of contractions that accompanied the initial openness as the 'deaths' of colonialism. Parallel to the palpable suffering caused by the Partition violence, the First Kashmir War between India and Pakistan in 1947–8 and the suppression of subversive movements, the chain of metamorphoses that engendered a bounded citizenship evidently contained and acted out a fundamental, almost cathartic violence.

Employing the example of ancient Athens, Ricoeur noted 'how the establishment of civil peace was based upon the strategy of the denial of founding violence' (2006: 500). His remark contains two, for us, relevant concepts: civil peace and founding violence. In the case of India, physical and psychological violence was, evidently, all too present to be denied, completely effaced or even partially obscured. On the contrary, it evolved into a keystone (even fetish) in the formation and reproduction of the nation state. The founding violence did, however, arrive in and assume a highly particular form and content, namely the recognition of manifest violence in the Punjab, in Delhi, in Sindh and across northern and eastern India. What ought not to be omitted is, of course, the ensuing restoration of 'normality' and of 'proper' subject positions, especially noticeable in the case of abducted women (see Chapter 2).

What the inclination towards 'restoration' indicates is that the memory of the disturbing events during the Partition also imposes amnesia. It does not, in other words, correspond to the totality of a 'founding' violence and, thus, however paradoxical, is integral to the establishment of civil peace (and a sense of completion). To once again draw upon Ricoeur, we might

contend that '[t]he body politic is declared to be foreign to conflict in its very being' (ibid.). In India, it was not solely the conflicts that had taken place that were declared foreign. Also potential conflicts and contradictions were subjected to the estrangement. Or, as the postcolonial period reveals, conflicts *per se*.

If we utilise the above to comprehend the function and dynamics of citizenship in India in the late 1940s, it seems to follow that Anupama Roy has been right in inferring that 'citizenship's promise of equality may ... be seen as premised on a masking of ascriptive, structural and historically emergent inequalities and differences ... rather than dismantling them' (2007: 3). In an analogous reasoning, Partha Chatterjee has claimed that the utility of 'universal citizenship' for the liberal-democratic state is its role in the maintenance of 'legal-political conditions for the deployment and exploitation of differences in civil society; universal citizenship normalizes the reproduction of differences by pretending that everyone is the same' (cited in Nag 2002: 539). A critique articulated by Dulali Nag, that I find myself in agreement with, is that '[h]is [Chatterjee's] logic attempts to tear apart the veil of pretension, or appearance, of the liberal state to reveal the reality of the community so far hidden behind it' (ibid.: 540). Such a motion is a mistake since, as Nag accentuates, '[w]hile the Marxist opposition of appearance/reality points to some *truth* beyond, the Foucauldian notion of "production of truth" recognises only *truth-effects*, not "truth" itself' (Nag 2002: 540; see also Chakrabarti and Cullenberg 2003: 123ff.). It is a reasoning that coheres with the theoretical underpinnings of the overall analysis that were stipulated in the introductory chapter.

As mentioned in Chapter 1, Alain Badiou has propounded a similar idea, which, to reiterate, suggests that '[t]he question of the real/semblance relation will not be resolved by a purification that would isolate the real, but by understanding that the gap is itself real' (Badiou 2007: 56). In other words, we ought to recognise that any attempt to establish purity, to fill the gap and to reveal a more authentic identity is destined to fail. Rather than lamenting the (forever) deferred realisation of a 'true' community, we need to attend to the processes whereby 'true' communities are imbued with a tangible and ostensibly constant appearance. Conversely, we ought to turn our attention to the obscuring of founding violence through the totalising modalities of a historiography emphasising Independence and not the Partition (as convincingly demonstrated by Pandey [2001]).

Blindness towards crimes committed during 'bad times' or 'outside time' does not eradicate or expiate these. Addressing the concept of the 'impre-scriptible', Ricoeur writes that '[t]he traces [of the criminal act] are not erased: it is the path back to them that is forbidden, and this is the meaning of the word "cessation" applied to debts and to the right of criminal prosecution' (Ricoeur 2006: 472). In a subsequent remark, he maintains that '[s]uch are the spiritual stakes of amnesty: silencing the non-forgetting of memory' (ibid.: 501). In India after Independence, this was evidently the case. The

return of the non-forgetting spectres of communal violence and its muting qualities bears witness to how the memory of a becoming through suffering, cataclysm and ambiguity can be silenced yet never expunged.

The selective recognition of the magnitude and impact of the migration, violence and torment that the redrawing of territorial and symbolic borders brought with it, resulted in the imposition of the aforementioned ‘constitutive anachronism(s)’ and the sedimentation of multiple ‘other(s) within’. To map the groundwork of such fractures, let us turn to Sergei Prozorov who cogently argues that

[a]ny order is contaminated at its foundation by something heterogeneous to it yet essential to its emergence and continuing existence. Rather than having its positivity or identity threatened by a variously construed exterior ‘other’ ..., all positivity is always plagued by the other within.

(Prozorov 2005: 84)

I agree with this. We should, in other words, not look to the exterior for an outside. In the case of India, it is not Pakistan, the United Kingdom or the world that principally provides India or being Indian with its actuation and reproduction. As Kojin Karatani has argued (with direct reference to cultural anthropology), ‘[w]hat are called “exterior” and the “Other” ... do not in fact maintain any exteriority or otherness. Rather, they are indispensable to the community and are thus part of it’ (Karatani 1991: 208). Both scholars appear to capture crucial aspects of the ‘fractured’ Self that was installed with the instituting of the postcolonial state and the subsequent promulgation of citizenship. On the one hand, certain identities were deemed to not fit, to not have a place. On the other hand, these became indispensable to coherent, stable subject formation(s).

6.2 Exclusive inclusion and its inverted double

A manifestation of the uncertainty regarding what form India would take after Independence is present in the constituent assembly’s discussion on citizenship in May 1947. R.K. Sidhwa managed to detain some of the ambiguity when saying:

Sir ... if the position is left as it is, this clause will deprive many persons who are born in the Union, which is going to be defined later on – I hope it will comprise all parts of India – of their rights of citizenship of the Union. What will be their position? I am born in Sind. Supposing Sind is not going to be part of the Union, what will be my position? Am I to lose my citizenship of the Union?

(*Constituent Assembly of India Debates (Proceedings)*
2 May 1947)

Sidhwa here stressed a number of unresolved predicaments: the extent of the Union, the definition of citizenship, the relation of citizens to the Union (which still had no form).⁴ As B.R. Ambedkar aptly accentuated later in the debate:

The difficulty that has arisen will be seen easily if one reads the very first sentence of the clause as drafted by the Committee. The draft says, 'every person born in the Union'. Obviously that has reference to [the] future, those who will be born in the Union after the Union is formed.

(Constituent Assembly of India Debates (Proceedings) 2 May 1947)

A decision on the clause was understandably held over a second time and the citizenship impasse was not revisited until after mid-August 1947.

A later, yet related, predicament emanating from the lingering lack of precision regarding citizenship surfaced during preparations for the first general elections. Following the distribution of the draft constitution at the end of February 1948, the work to prepare for general elections was initiated. The articulated wish was that the elections should take place in 1950 (Election Commission 1955: 22). One impediment was the fact that the constituent assembly had not settled on the criteria for citizenship, which meant that updating the electoral rolls posed a major problem (*ibid.*: 21). Provisional arrangements to include the names of refugees had to be made. Until the qualifications for citizenship had been established, displaced persons would 'on a mere declaration by them of their intention to reside permanently in a town or village, be included in the voters' list of such town or village irrespective of the actual period of residence therein' (*ibid.*).

What the above two examples evince is the manifold predicaments involved in firmly deciding on the recipient and possessor of citizenship rights. Both are, nevertheless, examples of uncertainties that were eventually overcome. There are, however, instances of undecidability that remained. One such sedimented irresolution is contained in a passage from Judith M. Brown's Nehru biography. It states:

Nehru recognised that in independent India national citizenship was a fragile and disputed concept. In the climate of fear and violence which accompanied independence and Partition, there were minority groups for whom being Indian was now deeply problematic He wrote in 1948 to his Chief Ministers of the need to 'produce the sense of absolute security in the minds of the ... minorities. The majority always owes a duty of this kind to minorities'.

(Brown 2003: 224)

An evident nodal point in the formation and definition of Indian citizenship in the wake of Independence is the site 'Muslims' came, and were ascribed, to inhabit. Pandey has suggested that 'nations are established by constructing a

core or mainstream' and that, concurrently, 'minorities are constituted along with the nation – for they are the means of constituting national majorities or mainstreams'; or, phrased differently, they are 'part of the nation, but "never quite"' (Pandey 1999: 608). As evident from the argumentation hitherto, I sympathise with his argument. Numerous verifications of the consequent silences exist – some visible already in the constitutive moment itself, some since the 1980s returning to haunt a state that strove to mute them. The most obvious examples of the latter are the rise of Hindu nationalism, caste-based politics and separatism.

For all the attention ascribed to Muslim identity before and after Independence, it is worth reminding ourselves of what Barbara D. Metcalf has drawn our attention to, namely:

[O]nly with the first British census in 1871 did anyone discover that the majority of the Bengali population was Muslim: up until then numbers did not matter, the concept of 'majority' meant nothing, and no value was placed on those of some shared identity over a large area acting in concert.

(Metcalf 1995: 959)

Pandey provides two examples of the identitarian consequences of projecting Indian Muslims as constituting a minority. One in the form of the character of the 'Nationalist Muslim' to whom no category amongst Hindus or other religious communities participating in the struggle for decolonisation corresponds; whereas Hindus were primarily, almost inherently, thought of as nationalists, Muslims bore the (tautological, nonetheless incomplete) insignia of being Muslims (Pandey 1999: 609ff.). A second illustration is the classifying of Muslims as 'minority' also in areas and localities where they amounted to the statistical majority (ibid.). Both examples convey the prevalent logic that Muslims belonged to a community

that had fought for, or wanted, Pakistan, and they now had not only to choose where they belonged, but also to demonstrate the sincerity of their choice: they had to prove that they were loyal to India and, hence, worthy of Indian citizenship.

(Pandey 1999: 610ff.)

As Pandey notes, and as has been demonstrated in Chapter 4, references to the "generosity" of the majority' were recurrent in the constituent assembly debates (1999: 621); another notable aspect of the erection and reproduction of cleavages in the area of identity formation was the 'construction of the Hindus as the real Indians, and the others ... as communities on trial' (ibid.). The opacity and concurrent transparency of the Muslim 'problem' represents one potential entry point into the intricacies of boundary drawing in the

moment of becoming. The Indian state's treatment of and attitudes towards Indians in East and South Africa is another.

Deborah Sutton has aptly captured the character of the Indian state's postures and actions *vis-à-vis* 'Indians' in Africa when portraying statements by Nehru, in response to the contested position of this group, as amounting to 'an exclusive inclusion, laying claim to the Indians of East Africa in order to disown them' (Sutton 2007: 285). Indians of East Africa were simultaneously looked upon as 'India's Indians' and as situated on the outside of a bestowal of citizenship rights (*ibid.*). It, thus, represents a stark contrast to the case of Muslims in India, which is more fittingly described as an inclusive exclusion.⁵ Sutton regards the case of Indians East Africa as an instance wherein 'identities were caught between juridical, state-territorial and political determinates of the colonial and postcolonial national regimes' (*ibid.*: 277). Interestingly, her study contains a reference to 'anachronism'. Sutton writes: '[Bahadur] Tyabji [Commonwealth Secretary in the Ministry of External Affairs] stated that Indians outside of the territory of India were, anachronistically, trapped both physically and figuratively in the pre-independence era' (Sutton 2007: 278). 'However', as Sutton recognises, 'the problem was less that these Indians existed *before* partition than that they were inescapably *without* it' (*ibid.*).

Although not equivalent to the 'constitutive anachronism' *per se*, it does tell us something about the 'entrapment' in both an inside and outside (past and future) that came about with the instalment of citizenship. Being 'trapped' in the conventions and boundaries set up by the sanctioned formula of belonging was felt both by Indian Muslims and Indians in East and South Africa. A crucial facet of the Indian state's treatment of Indians in East Africa was that '[t]he identification and separation of delinquent, and largely Muslim, identities remained the sole means by which this Indian national identity could be delineated' (Sutton 2007: 281ff.). We should, thus, read Sutton's scrutiny as echoing the in-betweenness of an array of identities also within India. What her analysis does well is to show how the identity cartography of Muslims as Pakistanis and other religious communities as Indians was played out also outside the territorial boundaries of the Indian nation state.

A parallel layer of the boundary drawing occurring outside India was the Indian state's reaction to the South African call for a 'repatriation' of Indians, actual deportations back to Indian ports and the systematic discrimination against Union nationals with Indian origin or ancestry. In 1949, riots related to the issue took place in South Africa and a round table conference intended to address the issue of the 'South African Indian question' was planned to take place in Cape Town in February 1950. It never did. That the issue captured the attention of the top echelon of the Indian state is manifest in the fact that the interim government, formed in September 1946 under the auspices of Nehru and other politicians who were to remain influential, decided to take up the issue of racist intolerance towards Indians in South Africa in the

General Assembly of the United Nations (Rajan 1969: 99; for further elaboration, see Lloyd 1991).

What adds a fascinating dimension to the case of the contested position of 'Indians' with their domicile outside India is how the issue often intersected with membership in the Commonwealth, which represents another problematic dimension of belonging and inclusion. According to M.S. Rajan, one rationale behind India's ultimate preference to remain a constituent of the Commonwealth was to enable those of Indian origin living in the association's other parts to make a decision whether to choose to become Indian citizens or citizens of the place where they lived (Rajan 1969: 99).

6.3 A double exile

During the first years of independence, the Indian state expressed and acted on a sense of responsibility towards 'Indians' who were primarily considered 'South African nationals'.⁶ A draft letter, composed to convey Indian arguments to the UN General Secretary about the dispute between India and South Africa over the treatment of these 'South African nationals', contained the affirmation that 'South Africa is now their home. The majority of the colonial born Indians have never seen India and an ever increasing number can hardly speak and understand the Indian languages' (2(19)-UNO(I)-47 1947). Still, the exchanges and deliberations retrievable in government documents repeatedly refer to them as Indians. The same document tries to provide a rationalisation for the Indian state's involvement in a 'domestic' matter:

The Government of India have naturally felt a continuing responsibility for the welfare of the Indians in South Africa. The Government of India were a party to the agreement between two Governments of which Indian immigration in South Africa was the result. Apart, therefore, from the concern that the Government of any must naturally feel for its nationals abroad, they could not but own special obligations to a community which originated from an organised system of recruitment to which they had assented.

(ibid.)

Here the indecisiveness of the Indian state surfaces: it is wavering between promoting domicile as home and describing non-citizens as 'nationals abroad'.

A document dated mid-September 1949, authored in the Ministry of External Affairs and Commonwealth Relations, reflects the conflicting positions. First, it enunciates that 'commonsense seems to indicate that India is not bound to receive nationals of other countries, in spite of the fact that they are of Indian origin' (7-3/49-AFRI. 1949). A related addition a few days after reads: '[T]his is in accordance with our policy that Indians in Overseas

countries should not have one leg in each camp, and must either become Indian nationals or declare themselves the permanent citizens of the land of their adoption' (ibid.).⁷ Judging from a subsequent note, it is a stance that was pronounced as immutable:

When Indians were repatriated earlier this year by South Africa, the H.P.M. [Honourable Prime Minister] explained at a press conference that these persons are Union nationals and that the Govt. of South Africa had no business to send them to India. Asked whether our policy is to refuse these people to come to India, the reply given was in the affirmative.

(7-3/49-AFRI 1949)

One feature of the above rejection of 'Union nationals' was the attempt to promote a sense of commonality between the Indian and other communities in South Africa. T.G. Ramamurthi has written that, in contrast to state practices during the pre-Independence period, the postcolonial Indian state 'actively encouraged identification of the Indian community with the political and economic-social aspirations of the native majority' (Ramamurthi 1995: 12).⁸ It, hence, seems as if the South African case partly mirrors Sutton's findings in East Africa. However, the document also conveys the apparent dilemma inscribed into the issue. As one top bureaucrat wrote: 'I do not think, however, that Indians, who though not born in South Africa are South African citizens or nationals, can be treated as aliens or foreigners' (7-3/49-AFRI 1949); and, he continued: '[A]t present we have no power to prohibit or restrict the entry into India of persons of Indian origin' (ibid.). The ambivalence, thus, remained.

According to Indian elucidation, the background to the presence of 'the Indian question' was South Africa's 'failure to observe' that

[o]ne of the important conditions of the Indian Government's agreement to the emigration of such labour was that after serving his period of indenture a labourer would be allowed to settle in Natal at his option and that thereafter he should be subject to all the laws of the colony and enjoy the same rights and privileges as other citizens.

(2(19)-UNO(I)/47 1947)

It was put forward that '[t]he presence of [approx. 220,000 according to the census of 1936] Indians in South Africa is not the result of accidental migration It is entirely the result of emigration during the last 80 years' (ibid.; for detailed reflections on the 'emigration', see Landy *et al.* 2004; Dickinson and Bailey 2007; Hofmeyr 2007a). At the end of the 1940s, South Africa continued its attempt to push India towards taking part in decreasing the number of Indians living in South Africa by, on the one hand, assisting those moving from South Africa to India through the 'Assisted Emigration Scheme' to 'rehabilitate' and 'reintegrate'; while, on the other hand, pondering

‘the possibilities of the settlement of Indians from South Africa in other parts of the world (outside India)’ (7–4/49-AFR 1949).⁹ Since 1913, South African ‘Immigration Regulations’ had provided ‘for the deportation of non-Union born persons for the commission specified offences’ (7–3/49-AFRI 1949). The ‘official’ envisioning of a desired ‘repatriation of the Indian population to India’ endured into ‘the 1960s’ (Christopher 2009: 105). At the time of the second round table conference in the first two months of 1932, which took place in Cape Town, a ‘colonisation scheme’ for Indians in South Africa was put forward and a Colonisation Enquiry Committee was set up (Bhana and Pachai 1984: 170).

A more ‘successful’ strategy to reduce the presence of Indians in certain spaces was to introduce legislation that cemented and reproduced segregation between ‘Europeans’ and other ‘communities’. On 3 May 1946, while referring to the debate on and the impending introduction of the Asiatic Land Tenure and Indian Representation Bill, M.D. Barmani, who was a member of the South African Indian Congress, told the Senate of the South African Parliament that the position of Indians in South Africa resembled that of Jews in Nazi Germany. He proclaimed that ‘the rich Indian’ had become ‘the scapegoat of conditions of European poverty and distress. That European poverty and distress is exploited and flung back in attacks upon rich Indians in South Africa even as elsewhere it is flung in the face of the rich Jew’ (cited in Bhana and Pachai 1984: 181).

A central theme of the Indian state’s attitudes towards the apparent discrimination of Indians in South Africa – out of which the overwhelming majority was ‘Union nationals’ – in the period preceding, coinciding with and following the Partition is the vacillation that Sutton discerned in the case of East Africa. That is, the Indian state’s position on whether to embrace these persons as Indians or to strive to provide them a chance to become full members of their place of domicile. In other words, what kind of duty, what kind of responsibility, did the Indian state have? Was this duty owed to Muslims and non-Muslims alike? Was it a responsibility towards all human beings experiencing racial discrimination? A hint to the first question is available in a report written in response to the UN General Assembly’s resolution (‘Treatment of Indians in the Union of South Africa’) adopted on 8 December 1946 (2(19)-UNO(I)/47 1947). It reads: ‘The Government of India could not stand and watch silently while persons of Indian origin, for whose presence in South Africa they were in a sense responsible, were being deprived of human rights and fundamental freedoms’ (ibid.; for the background to this ‘responsibility’, see Dhupelia-Meshtrie 2007: 21ff.).

The answer to the second question seems, somewhat counterintuitively, to be a straightforward yes. The distinction is not referred to in any of the archive files consulted for the analysis. In addition, most of the deportees arriving in India (and being treated as Indians) were Muslims. Furthermore, India was encouraging Pakistan to participate in an eventually cancelled round table conference on the subject, which was meant to also include South

Africa. It is, however, evident that the Indian state, although not distinguishing between Muslims and non-Muslims of Indian origin, did not devote attention to other groups discriminated in South Africa. The latter points to the limits of the Indian approach to the issue of intolerance and its attempt to use the United Nations as a forum for reaching a settlement. It also, however, appears to be reflective of pre-Independence conceptions of the distinctness of 'Indians' and 'natives' (see Hofmeyr 2007b: 75ff.).

A stated rationale for India's concern regarding the treatment of Indians in South Africa was the UN's aspiration 'to establish equality of right of men and women and respect for human rights and fundamental freedom for all without distinction as to race and religion' (2(19)-UNO(I)-47 1947). So, why did the Indian state solely articulate an obligation to 'Indians'? After all, two premises accentuated as reasons for bringing the question to the UN were that 'the treatment meted out to the Indians in South Africa ... is undemocratic' and that it 'involves denial of human rights and fundamental rights to Indians on racial grounds' (ibid.).¹⁰ Surely, if the objective was to address these matters specifically, the entire issue could have been disentangled from the consideration of these peoples' status as Indians. The asymmetrical concern informs us that the denial of full inclusion was complicated and everything but easily implemented.

Another significant element of the subject is how it assumed its shape through the vacuum that was created by Independence and by the accompanying lack of a constitution providing clear parameters and guidelines regarding citizenship. Although much of the discussion in the consulted archive documents revolves around agreements preceding Independence, the Indian state was after August 1947 clearly forced to approach the issue from a new viewpoint, i.e. the angle of independence and the ensuing necessity to clearly delimit the category of 'Indian citizen'. However, as we saw in Chapter 3, it was an ambiguous task. The protracted uncertainty is demonstrated by a passage in a Ministry of Law document from November 1949, which states:

Mere birth in India will not necessarily confer on a person the status of a citizen of India. Who will be citizens of India will depend on the provisions of Part II of the Constitution as finally passed coupled with any citizenship law that is passed in pursuance of Article 6 thereof. ... There is at present no citizenship law of India.

(7-3/49-AFRI 1949)

The lack of a legal definition of citizenship also meant that there was no functioning regulation of the arrival of migrants to India from South Africa, as anyone 'of Indian origin from South Africa' was allowed to enter India 'without any formalities by way of entry permits' (ibid.). It was, hence, not only the migration between India and Pakistan that functioned as a catalyst for legislation addressing the matter.

The site occupied by and the function ascribed to 'Indians' in South Africa is pertinent as an example of an exclusive inclusion, since it indicates how the Indian state in its moment of (be)coming dealt with the contraction of what it signified to be part of the category of 'Indian' and, more directly, what it meant to be an Indian citizen. Although these two emblems and concepts were interwoven, they were, as illustrated by the case of the dual identity of being 'Indian' and a 'South African national', separate. Both were, however, central to the instituting of the boundaries of national identity and to the identification of those who could claim the right to be protected by the Indian state.

6.4 Two deaths of colonialism and the abyss of freedom

When Mountbatten, the last British Viceroy, decided to opt for 15 August 1947 as the date of the demise of British rule in India since it symbolised the Japanese admittance of defeat two years earlier (Guha 2007: 5), he failed to recognise and foresee the discursive abyss that independence brought with it. On the very day of independence, there was above all elation at the achieved emancipation (for exceptions – such as Gandhi's absence from the formal celebrations in Delhi, the Hindu Right's call for 'boycott' and the uncertainty experienced by East Pakistan's Hindus – see Kudaisya and Yong Tan 2000: 29ff.); the attempt to instil symbolism carrying imperialist connotations proved futile. It ought to be reiterated, however, that the transition foremost represented 'partition' and not 'independence' to the majority of those who lived in areas affected by territorial division, communal violence and migration (ibid.: 30). Mountbatten's misreading principally consisted in the erroneous conception that continuity foremost marked the transition between the colonial and postcolonial.¹¹ His was, of course, not the only error. In Pakistan, Jinnah in vain made an attempt to articulate the groundwork for a secular state – thus entirely failing to estimate and evaluate the contours of what the Muslim League had yielded. Whereas, in India, those struggling for and attaining freedom (the men, and women, of action; now the conductors of statecraft) misguidedly conceived their act to be founding India anew, when what they were actually performing or realising was the constitution of a new India.

In order to counter Sanjoy Banerjee's argument that '[a] practice is repeated only if the actions in it are perceived to be successful by the subject' (2002: 204), it might be in its place to interject yet another Hegelian concept, that of 'misrecognition ... as a "productive instance"' (Žižek 1989: 66). It is a supposition also fostered by Rosa Luxemburg in her claim that the first revolution is destined to fall short in order to educate the revolutionaries, i.e. 'the formation of the working class into the revolutionary subject' (ibid.: 84; for parallel reasoning, see Comay 1990: 33ff.). What the existence of such a 'misrecognition' seemingly conveys is that there is what Slavoj Žižek has

described as a 'gap that separates the negated system's "real" death from its "symbolic"' (1999: 72). The symbolic 'death' ought to be understood as 'the erasure of the symbolic network that defines the subject's identity, of cutting off all the links that anchor the subject in its symbolic substance' (Žižek 2000: 30). Although it might seem farfetched to transpose the reasoning on misrecognition and symbolic/'real' death to the case of the Indian state and its (be)coming, it does provide us with an interpretive scaffold with which to assess the evident interregnum spawned by the abrupt transfer of power. In India, the condition of two 'deaths' seems to be met by the attainment of dominion status in 1947 and the endorsement of the constitution and the status as republic in 1950.

A conceptualising of transmutation as death is also present in the constituent assembly debates and it, thus, seems to work well as a screen onto which we can map much of the rhetoric that otherwise evades us as tangential. Whilst making a statement on the issue of existing titles, H.V. Kamath told the constituent assembly that 'today ... we are standing between two worlds, one dead, the other struggling to be born, and we are trying to usher in a Free India which will redress the balance of the old decrepit world' (*Constituent Assembly of India Debates (Proceedings)* 30 April 1947). At a later date, Kamath once again demonstrated a possession of poetic grace when asserting:

We are today passing from the darkness of servitude to the light of freedom. But there is bound to be an interregnum between our Dominionhood and that Republican Independence for which we are striving. This interregnum may be long or it may be short, and again there will be another time-lag between today and the commencement of this constitution.

(*Constituent Assembly of India Debates (Proceedings)*
21 July 1947)

One, out of many, attempts to establish an explicit link to a distant past (to 'the old') is available in the Election Commission's *Report on the First General Elections in India 1951–52* (1955). The second chapter commences with a historical excursion that elaborates the existence of 'republican forms of government ... in many parts of ancient India' (ibid.: 7).¹² It is stated that there are 'numerous references to election, referendum, voting, ballot papers, etc., in the history of the Hindu polity' (ibid.).

The report proceeds by excavating one more alleged connectedness to the ancient times – the practice of democracy. The reference reads:

Apart from the evolution of the democratic form of government in sovereign states in ancient India ..., the genius of India also evolved, as a natural growth, the system of autonomous and almost self-sufficient

village communities, under every system of government. These communities, which lasted through the ages, were run on *truly democratic lines* without, of course, the outward trappings of the vote and the ballot box.

(Election Commission 1955: 8; italics added)

Through the work of the constituent assembly and the carrying out of general elections, the democratic order, which was seemingly corrupted by the arrival of the British, had been re-established. Or, as the authors of the report preferred to formulate it, ‘the establishment by the Constitution of the democratic and Parliamentary form of Government in the country on the basis of adult franchise was like the rejoining of a historic thread that had been snapped by alien rule’ (ibid.). And so we could possibly conclude with yet another affirmation of continuity; yet another statement corroborating fullness, completion and inclusiveness. This I will, obviously, not do.

One final element of the establishment of civil peace that will be considered here, and which also occupied the minds of both those seeing the contours of revolutionary change in Independence and those rejecting its value as rupture, is the consideration whether novelty can possibly occur. Can there be something new; a break in an inexorable time continuum? Inscribed into the voices and narratives surrounding the inauguration of the postcolonial states (India as well as Pakistan) was the concern about the potential of the new and the possibility of cessation. With Gilles Deleuze, we might seek to resolve the dilemma of the ‘new’ by defining it *qua* the current; or more exactly: ‘The new is the current. The current is not what we are but rather what we become, what we are in the process of becoming, in other words the Other, our becoming-other’ (Deleuze 2006: 345). To which we might add: ‘In the becoming, there is no past or future, not even present, there is no history’ (Deleuze cited in and translated by Symons 2006). However, although it offers a way to understand that the new or ‘creation’ does not, as Stephane Symons writes, ‘originate in nothingness’ (2006) – and enables us to grasp the current as a motion towards becoming, as postulation of a future form – it does not provide an adequate answer to, or evaluation of, the relationship between the past, present *and* future that is noticeable in the here-analysed instances of state formation. In other words, it omits to address the ‘new’ in relation to the imminent and distant that was of central importance in Indian state building in the late 1940s.

Why this insistence on the ‘new’? On the one hand, it stems from a reaction to the tendency to stress either termination or permanence in the study of the Partition of British India. On the other hand, it emanates from the interest Arendt takes in the ‘the problem of the new’ (1978: 28ff.), which refers to (in Zerilli’s words) ‘the difficulty we have imagining an event that would not be what Kant [in *Critique of Pure Reason*] called “the continuation of a preceding series”’ (Zerilli 2002: 540). Zerilli continues: ‘At bottom, says Arendt, the new confronts us with the problem of freedom, with radical contingency’ (ibid.).

How is this related to the issue at hand? Arendt argues that both “‘professional thinkers’” and “‘men of action’” share the agency of having ‘covered over “the abyss of pure spontaneity” with “the device ... of understanding the new as an improved restatement of the old.” This device is at work in the paradigmatic act of freedom: the founding of a new body politic’ (Zerilli 2002: 540). Arendt’s reasoning, thus, seems useful as a description of the founding of the Indian nation state after the termination of British rule. Indian leaders found themselves staring into what Arendt would call the ‘abyss of freedom’ (1978: 195ff.) and forced to address the ‘riddle of foundation’, viz. ‘how to re-start time within an inexorable time continuum’ (ibid.: 214). The latter has been one of the focal points of the present study, namely, can we speak of Independence as an ‘origin’, as representing a ‘foundation’? Is it inadequate, even erroneous, to place the emphasis on continuity that most scholars do and have done? What is particularly interesting in our case is that there was a seeming double movement at work, i.e. an attempt to ‘re-start time within an inexorable time continuum’ both by stressing a genuine break and – to once more borrow a formulation from Zerilli – by rejecting ‘that the sequence of temporality had been broken at all’ (2002: 540ff.).

In Arendt’s writing, the instituting of the American Republic is described as a concealment of ‘the abyss of freedom’ that strives to found ‘Rome anew’, rather than seeks to establish a ‘new Rome’ (Arendt 1978: 214ff.; for a critique of Arendt’s description, see Frank 2010: 51ff.). Notions of rupture and stability were both articulated as part of the institution of independent India. The events in 1947–52, thus, seem to resonate in Arendt’s as well as Cornelius Castoriadis’ aforementioned (see Chapter 1) theorising regarding the double gesturing of othering and the portrayal of the new as old that occurs at the time of the establishment of a novel socio-historical order.

I find the above to be an apt framework for the interpretation of the mechanisms (of contingency, freedom and coagulating logic) at work in the constitutive moment and its aftermath. With Castoriadis (and Arendt), I, thus, postulate ‘the problem of the new ... as having the structure of an abyss ... as being fundamentally groundless’ (Zerilli 2002: 544). It should be evident by now that the present reading does not join in the chorus of scholars agreeing with K.M. Panikkar’s formulation that ‘[t]he written Indian Constitution has to be read, interpreted and understood not in terms of its own express text but in terms of the unwritten conventions as expounded in English constitutional law’ (Panikkar 1963: 153). However true this might be, it does not provide us with a valid account of where to locate our focus while reading, interpreting and understanding the constitution or the embedding context. It ought to be stressed that claiming that there was a rupture does not mean arguing that it was equivalent to a positive break. It merely observes how, first, the political elite and ordinary Indians alike were left with no testament (to what had been) and, second, that meaning had to be invented or infused, since the present was, to again speak with (Badiou and) Malevich, ‘a new day in the desert’.

My departure from the blunt acceptance of continuities – with which I also end the chapter – proceeds from Laclau’s construal of the notion of a ‘promise’. In his words:

This does not mean this or that particular promise, but the promise implicit in an originary opening to the ‘other’, to the unforeseeable, to the pure *event* which cannot be mastered by any aprioristic discourse. Such an event is an interruption in the normal course of things, a radical dislocation.

(Laclau 2007: 73ff.)

The ‘promise’ present in the constitutive moment, in the transition, is what aligns India’s, and Pakistan’s, independence with novelty, with rupture – but also with closure and stabilisation. It, in addition, contained the possibility of an (originary) opening to the ‘other’. That is, to the other within. However, as we have seen, the opening came and went, leaving certain subject positions – here exemplified by the status of ‘Indian Muslim’ identity and the practices of placing or situating ‘Indians’ in South Africa – to populate the margins and the in-betweens.

Notes

- 1 Not only Muslims – whether permanently leaving India or discovering, while trying to return from a temporary stay in Pakistan, that they were no longer welcome – experienced it. As the analysis has hitherto testified, many adivasis, Dalits, communities in the north-east and leftists underwent a similar experience of abjection.
- 2 It was not solely the imbalance institutionalised between independence and partition that constituted the incompleteness. As we have seen, it also became impossible to speak of the resistance to the British as taking multiple forms (Muslim League, violent movements, the Hindu Right, etc.) and to allow mobilisation on identities not easily fitting unequivocal national projects.
- 3 Here we might add a Butlerian insight about the ‘collective ethos’ borrowed from Theodor W. Adorno: ‘[T]he collective ethos instrumentalizes violence to maintain the appearance of its collectivity. Moreover, this ethos becomes violence only once it has become an anachronism. ... The ethos refuses to become past, and violence is the way in which it imposes itself upon the present. Indeed, it not only imposes itself upon the present, but also seeks to eclipse the present – and this is precisely one of its violent effects’ (Butler 2005: 4ff.). In the previous chapter, we saw how state repression of the Communist movement existed exactly as such an ‘anachronism’ deployed to ‘maintain’ an ‘appearance of collectivity’.
- 4 A more basic issue was on 23 November 1947 dealt with by *Dawn*, the mouth-piece of the Muslim League, when it – under the caption ‘What are we?’ – wrote: ‘The country is Pakistan. But what is the name of the people of Pakistan? ... The choice seems to lie between the following: (1) Pakistani, (2) Pakistanian, (3) Pakistanese and (4) Paks’ (*Dawn* 1947).
- 5 Amit R. Baishya, in a close reading of Nehru’s *The Discovery of India*, similarly, opts to accentuate how Indian Muslims – in Nehru’s writing – come to represent the ‘undead’, i.e. a subject position or thing that ‘continually come back to haunt

- the surface of the present' and which 'ruptures the attempted identity' and identification 'between the nation and the state' (Baishya 2009: 40).
- 6 A Ministry of External Affairs and Commonwealth Relations document dated September 1948 states its subject as '[w]hether Indians in South Africa are Indian citizens under the draft Constitution for India' (3-1/48-OSI 1948). It is concluded that 'all Indians who were born in South Africa or born of parents of South African Nationality and all Indians domiciled in the respective Provinces of the Union, so long as the latter do not incur the disqualifications of a prohibited immigrant, are nationals of South Africa. This fact would debar them automatically from Indian citizenship' (ibid.). It is later established that the '[p]roviso attached to Clause five of the Draft Constitution makes it impossible for persons who are South African nationals on date of the commencement of the Constitution to become Indian citizens' (ibid.).
 - 7 We find a confirmation of this position in a letter from Nehru to B.N. Rau, who acted as constitutional adviser, addressing a similar situation that had arisen in the case of Indians in Burma. In response to Rau's suggestion that the concerned persons should be allowed to 'make a declaration at the India Embassy in Rangoon that they intend to become citizens of India (by naturalisation) and thereupon we may treat them for all purposes of protection as Indians citizens', Nehru on 30 January 1949 wrote that '[u]ndoubtedly these Indians abroad, whether in Burma or elsewhere, have been uptil now Indian citizens. Now the first choice they have to make is to become Burmese citizens or not. If they choose to become Burmese citizens (and this applies to other countries also), then the matter ends there' (N.G. Ayyangar papers subject file no. 29 1949).
 - 8 However, a similar stance is retrievable in exchanges between the Government of India and the Government of the Union of South Africa in the fall of 1925, in which the former expressed the view that the assumption that Indians are 'alien' to South Africa and that it is, hence, desirable to drastically 'reduce' this 'alien element' is invalid (IOR/L/PO/1/22(i) 1926). It was also predicted that the treatment of Indians in 1925 would undermine the 'hope of ever arriving at' a 'solution acceptable to all communities in South Africa' (ibid.).
 - 9 The latter is one of the more absurd aspects of the case. The concerned document speaks for itself: 'After the Brazilian Govt. had turned down the Union Govt.'s request for settlement in Brazil [in 1932], the latter appointed a Colonization Enquiry Committee for preliminary investigation. In their report submitted in Feby. 1934, the Committee recommended settlement in: 1. Br. New Guinea (Australia) 2. Br. North Borneo and 3. Br. Guiana (South America). According to Committee's report itself, Br. New Guinea offered little prospects because of the "White Australia" policy (prohibition for Asiatic immigration); Br. North Borneo contained too many "Head-hunters" – native savages – and further a heavy initial capital outlay of £20 millions was considered necessary. This left only Br. Guiana, where too the land was considered not to be quite readily available for settlement, and further the climate was not too salutary' (7-4/49-AFR 1949).
 - 10 Perhaps one coarse and unpolished reason can be sought in the multiple contact surfaces between the 'Indian' and 'African' community that seemed to constitute 'potential points of conflict' in the late 1940s – especially in areas densely populated by the former group (Desai, cited in Rastogi 2008: 14). Ashwin Desai exemplifies: 'At the level of the labour markets, Indians and Africans competed for jobs and joined racially exclusive unions to defend their interests. At the level of trade, Indian monopoly in the 1930s was challenged by an increasing number of aspirant African traders' (ibid.). In 1949, the tension culminated in the so-called 'Cato Manor riots' (ibid.; see also Raman 2004: 44).
 - 11 The last British Viceroy and independent India's first governor-general also, in vain, tried to convince the Muslim League and Congress leadership that the flags

of Pakistan and India should incorporate the Union Jack in order to embody the impression of 'continuity of the British connection through the Commonwealth' (Kudaisya and Yong Tan 2000: 33).

- 12 As such, it reflects Ramachandra Guha's remark that some of the contributions to the constituent assembly debates convey a conception of India as the origin of 'adult suffrage' and of "'the Republican system of government'" (Guha 2007: 109).

Conclusion

However, to make a void invisible is not the same as to fill it up.

(Laclau and Mouffe 2001: 13)

The promise

In this concluding part, it needs to be asked what the point, the political point, of the book's overall intervention consists in. What hangs on the above effort to elucidate and demonstrate how the Partition and Independence embody disjuncture?¹ To be precise, three things depend on it. All three are theoretical as well as empirical interventions, all much needed and all indicating that we should be wary while expressing ourselves as if the theoretical and empirical, in the form of interventions, are detached or disconnected. *First*, the book challenges the assumed linearity and causality of *the* transition, and of any transition. It seeks to oppose and counter pervasive accounts suggesting that the Indian Republic and postcolonial state was an instance of continuity. It, thus, aims to put forward a different reading or understanding of the time of 'Independence', of the event and the moment that it has come to represent and be represented as. It, consequently, tries to answer the crucial question – a question of profound importance also in present-day depictions and envisioning of the Indian state and nation building – 'what was "new"'? How might independent India (and, equally, Pakistan) be spoken of as 'new'? How might we refer to and identify a founding moment? And what did it provide a foundation for?

These questions are central to the study of politics and the political, and must not be overlooked or neglected. The retroactive engraving of meaning onto the transitory moment, to the passage from one order to another, continuously engulfs and is played out in each act of re-founding in 'postcolonial' India. However, more importantly, the response to and the attempt to overcome the 'blind violence' of the Partition, the 'collapse of the ethical sphere' that it represented and the 'ethical vacuum' it created, provide us with valuable insights regarding how a novel state is attributed anchorage and solidity in a groundless moment (formulations borrowed from Geiger 2007: 123, 127).

The *second* intervention consists in the attempt to answer the crucial question ‘what orders between orders?’ The book, in other words, contributes to the interpretation and conceptualising of how these in-between moments, these passages and thresholds, are imbued with certainty, with singular meaning. How the openness of the ‘new’, if arriving in the form of a ‘promise’, is overcome. It might, thus, with Jacques Derrida (1998b: 70), be said that the wished-for role of this author is that of the ‘historian of the promise’. This intervention, of course, has specific implications in the case of India – particularly since the ordering between orders and the inscription of Oneness and the unequivocal are insufficiently analysed aspects of India’s independence. The same is true for Pakistan. It also, however, has validity and importance that extends beyond the scrutinised case. It is, for example, a highly topical intervention in the light of recent and ongoing events in North Africa and the Middle East.

It is, *third*, a ‘timeless’ question or endeavour. As pointed out by Michel Foucault in a comment on Kant’s writing:

[T]he Revolution as at once an event, rupture, and upheaval in history, as failure, and almost necessary failure, but with at the same time a value, an operational value in history and the progress of the human species ... is also another great question of philosophy.

(Foucault 2010: 20)

Put differently, it is the coincidence of accomplishment and failure – and its relation to the Beginning – that is at the heart of this third intervention. The book has reasoned on the dilemma of accommodating both, of viewing triumph and disappointment as coeval. As such, it critically ponders Hegel’s suggestion, as construed by Ido Geiger, that

the revolutionary task of founding new freedom in a state is impossible to fulfill. This is the paradox of the foundation of the state. ... Nevertheless, ... [t]he individual will not surrender the charge of constituting a free state. Or, to put the same point differently, the individual does not comprehend the impossibility of the task at hand.

(Geiger 2007: 113)

In the case of India (and, to some extent, Pakistan), we find such a concurrence of the ‘impossible’ and the ‘possible’, the simultaneous realisation of futility and the belief in progress and arrival. This final intervention – primarily residing in the book’s attempt to conceptualise and grasp the site of the ‘impossible act’ that is the founding one – is, consequently, a question of ‘freedom’, of opening up, of resisting the deterministic and teleological. After all, the ‘impossible’ act exists, transpires and leaves tangible and enduring marks.

In sum, these have been my reasons for settling on the independence of India and Pakistan as the starting point, for choosing to revisit what occurred in the late 1940s. They are also my reasons for leaving the scrutinised case not *fully* or conveniently captured by a 'felicitous framework' – which, for example, is reflected in my approach to the utility of the 'archive'. It is an approach that concurs with Derrida's remark that 'the archive ... will never be either memory or anamnesis as spontaneous, alive and internal experience. On the contrary: the archive takes place at the place of originary and structural breakdown of the said memory' (1998b: 11). I, hence, concur with Laura Ann Stoler's suggestion that 'colonial archives' ought to be viewed 'less' as 'monuments to the absence or ubiquity of knowledge than its piecemeal partiality' (2009: 19). In the present case, her remark applies to the 'postcolonial archive'. It is, in other words, neither my ambition to here lay claim to a neat or straightforward representation of a linear, singular chronology nor my hope to in an unmediated fashion detain actual lived and animate experience. Rather, I have offered an interpretation of the constitutive moment as a history of the promise (of the new and the singular). This is, consequently, a book that has sought to inhabit and make the very breakdown – not the recovery or correction – of 'spontaneous' and 'alive' memory its domicile.

Nonetheless, it is not simply a question of making the above interconnected 'interventions'. Taken together, they elicit the wider and evasive problem of if and how we might effectuate another type of political life, another type of political order. A derivative – yet implicit and unanswered undertaking – is, hence, what the cases of India and Pakistan teach us regarding the chances of thinking the political differently. What does it teach us about the possibility of realising an order, a response and an 'act' that resonates with the study's recognition of the synchronous emptiness and excess that is at the centre of each call to begin and depart, to start anew and open up? The residual political point and accumulated contribution is then, hopefully, one that compels the reader to reflect on the prospects of enabling and remaining with moments wherein heterogeneity is present (as stressed in Derrida 2006: 45); and to do this in relation to what Paul Ricoeur isolates as a key element of Foucault's work, i.e. the tension 'between the original, which is not the origin but a breaking point with the already said, and the regular, which is not the other of what is deviant but the piling up of the already said' (Ricoeur 2006: 201). Breaking points, abrupt rearrangements, have been the book's main concern.

A partial finality

We concluded the final chapter by claiming that the novelty of the postcolonial state in the wake of the partition of British India, in part, was contained in the promise of an opening to the other. A promise that was intrinsically partial. Evidently, the chapters have contained much more. But

what exactly and how effectively has the analysis articulated a congruous and consistent argumentation? If thought of as sequential and gradual – if not always causal and linear – how do the various sections of the book relate to each other? I will below try to trace the argument as it has unfolded and developed through the chapters. The opening chapter primarily constituted an attempt to mark out and define some of the key concepts underpinning the analysis, e.g. transition, the political and the subject (and particularly how to distinguish between Self/other). Accordingly, questions were here articulated regarding the manner in which the foundation of authority and legitimacy ought to be conceived, while studying state formation in the wake of decolonisation and regarding the site and function of agency and order in the very moment of transition and constitution.

As subsequent chapters have sought to exhibit, the theoretical postulate – articulated in Chapter 1 – that the discursive fixity attained in the initial years of Independence was, to a significant degree, enacted ‘retroactively’ (from the ‘future’) seems to be tenable in an analysis of the scission of British India and the coeval establishment of two nation states. As conjectured in the reasoning in the opening chapter, the end of British rule did not only set the ‘transfer of power’, state formation and state consolidation in motion, it also actuated a rare moment of openness. The openness principally consisted of a situation where the nodal points and master signifiers of the discourses on ‘India’ and ‘Pakistan’ were in a state of flux, in a ‘process of reinvention’. In our case, one might even say in a process of invention.

At this juncture, the political elites, the conductors of statecraft, found themselves in circumstances where there was an (inexorable) necessity to act – to provide closure and to negate diversity of meaning and possibilities (both if understood in accordance with Henri Bergson’s notion of the ‘possible’ [see Introduction] and as future trajectories). The members of the two governments and the constituent assemblies, of the bureaucracy and the army, installed novelty and a gesture towards singularity and fixity through what Alain Badiou designated (see Chapter 1) an ‘act of subtraction’ – that is, through producing ‘content at the very place of minimal difference, where there is almost nothing’. In other words, the labour of state formation and constitution making became a reflection on, and negotiating of, the gap or void opened up by Independence rather than a conscious assertion of the inimitability of postcolonial statehood, of nation building and of the practice of ‘day-to-day politics’ in the aftermath of decolonisation.

In the case of India – which for analytical and conceptual reasons has transpired as the focal point and main vessel of the study – we saw how contestations and potential subversions from, among others, the RSS and the Communist movement to the dominant Congress-driven narrative facilitated a propulsion towards Oneness and unity. The propensity to realise the latter was, as maintained above, partly an effect of independence through partition(ing) – through a territorial and symbolic division that resulted in extensive and atrocious violence. However, it seems to be a drive that is, to some extent,

intrinsic to state building. It would be hard to think of a state facing the challenges of nascent India and Pakistan that would reject the obligation to bring about a sense of unity, centralisation and a totalising of meaning. Somewhat paradoxically, the 'promise' and its opening to the 'other' are what provide the impetus for certainty, distinctiveness and cohesion.

One way we need to further problematise the ideas outlined in Chapter 1 is by acknowledging that openness is not a term that should be read as infrequently relevant or as possible to transcend. As the current analysis has displayed, there is a need to think about discursive openness and closure together – as present in each contestation and resistance, in each effort to inscribe totality and singularity. Certainly, the juncture here referred to as the constitutive moment does correspond to what Slavoj Žižek describes as an (atypical) 'moment of openness' and Jenny Edkins as (rare) 'moments of transition' (see Chapter 1). However, as Claudia Aradau has alluded to, there is always space to open up, to question and probe 'sovereign practices' (2007: 498). This is one reason why the current study has not settled on one definite juncture or event as the end point, although the first general elections in India, at times, have come to surface as such a point of termination. While writing on the independence of India and Pakistan, there are multiple closures (that simultaneously open up and provide new ruptures), e.g. the 'transfer of power' in August 1947, the promulgation of the Constitution of India in January 1950, the first general elections in India in 1951–2 and the dissolution of the Constituent Assembly of Pakistan in 1954.

In Chapter 2, one aspect of closure – in this instance, the rejection and silencing of certain narratives on the Partition – was discussed. In this part of the book, we saw how both those individuals who experienced violence and the state became, near to, impossible witnesses. One consequence of this development was the demoting of the violent elements of decolonisation in public memorialising and in most historiography. As Veena Das reminded us, although the possibility to summon and recollect the event was circumscribed, we should not think of this as unexpected or counter-intuitive. The postcolonial state could not accommodate the abyssal, cataclysmic character of its own becoming. It, in other words, could not accommodate accounts narrating and testifying to the shortcomings, the irresponsibility and the disaster of Independence. In addition, the multiple partitions of families, localities, regions, languages, syncretic traditions, etc. were coalesced into the notion of a singular: the Partition.

To comprehend the above, it might be worth reiterating what Sven Spieker maintained (see Chapter 2): the experience of trauma 'leaves no traces' in the archive. Here the 'archive' might be read as wider than the actual physical location of documents transferred from the registry. To some extent, he is, however, mistaken. It does leave traces: traces in the form of the endeavour to actuate a singular historiography; of the 'domesticating' of testimony, as Michael Azar calls it (see Chapter 2). In a moment where the everyday and the locality were in turmoil, the 'discursive order' of community, as

understood by the new states, provided the ‘proper’ frame to and content of those narratives that could be conveyed and listened to. What Chapter 2 enabled was then a first scrutiny of the actual labour and exertion to instil Oneness and certainty in the areas of boundary drawing and inclusion, separation and belonging. It, moreover, facilitated a critical reflection, exemplified by the significance of the murder of Gandhi, on the function and effects of the violence that occurred in 1947. It was maintained both that the violence was encapsulated in the inscription of meaning (illustrated by the ‘protective’, almost primordial function of ‘community’) and that it inscribed and rewrote meaning (for example, the murder of Gandhi). The combination of these two aspects is, of course, part of the groundwork of the current argument: the violence of Independence (both the physical and discursive aspects) simultaneously rewrote meaning and actuated novel grounds for meaning.

In the subsequent and third chapter, we turned to the problem of naming those who belonged to the nation – i.e. those who were the beneficiaries of state tutelage, those who could rely upon commonality and membership in the national communities. One part of the argument in this section of the book was that these types of boundary drawing (what Nira Yuval-Davis would call ‘politics of belonging’ [2006]) did not unfold along lines identical with the territorial expanse of the two states. Whereas certain groups living in what became India and Pakistan respectively were symbolically as well as physically ejected, others were perceived as integral to the nation, although arriving from a spatial outside. However, as we saw in the concluding chapter, in which the identity of Indians in South Africa was discussed, this was not always the case.

Nevertheless, the chapter allowed us to establish the imaginary or notional inside as being both more capacious and more limited than what the new territorial borders implied. In the reception of migrants belonging to particular religious communities, migration and refugee identity acquired the function of reinforcing the logic of the nation state – and indirectly the two-nation theory. The latter transpired as particularly apparent in the lack of recognised place for some of those who ‘stayed behind’ (for example, ‘Pakistanis’ in Assam), those who experienced problems with permits and passports when they wished ‘to return’ after realising that the move did not live up to their expectations, and in the case of bureaucrats who ‘changed their mind’ after first having opted to be part of the Pakistani state apparatus.

As mentioned above, the migration confirmed the underpinning logics of nation building. However, parallel to the stabilising of state rationalities pertaining to belonging, to nationhood and citizenship, a compartmentalisation of society on the basis of creed was reproduced. In India, society was categorised along lines of religious identity; the distinction between the majority and minorities was laid down in accordance with this categorisation. Chapter 4, and its exploration of some of the dominant themes of the deliberations in the Constituent Assembly of India, demonstrated one

manifestation of this: namely, the articulation of a silent yet distinct ‘majority’ and ‘we’. The primary significance of Chapter 3 was its accentuating of how notions of belonging and foreignness partly took shape in relation to the status ascribed to migrants and religious minorities. Recognition of the centrality of these two subject positions to state formation provided a foundation for the exploration, in the remaining chapters, of Indian attempts to imbue the category of citizenship with precise and clearly demarcated meaning.

The decision to, in Chapter 4, specifically probe the workings of the Constituent Assembly of India was made in order to allow for a close reading and interpretation of one important setting where labour to enact closure occurred. Since the need to act and the performative aspect of meaning ascription are key premises of the overall argument, it became appropriate to allow for decision making and the space for agency to shine through. The chapter, in other words, made the non-teleological and uncertain character of constitution writing discernible. As such, it represents an effort to further expand on and substantiate the claim that we should not read the moment of transition principally in terms of overlaps and inheritance. The debates in the Constituent Assembly of India, conversely, attest to the presence and significance of contestation, antagonism and consensus building. The agency and the willingness to act of the political elites are contained in the constitutive and performative function of the debates.

The deliberations were not solely attending to the establishment of viable institutions. They, in addition, offered an opportunity to address the requirement to overcome the ‘abyss of freedom’, to come to terms with the lack of stable ground for authority. The minutes of the debates, hence, also include vacillating reflections on and a pondering of the relation between the old and the new, between the sanctioned and the abject, and between the visionary elements of state formation and the ostensible need to render and assert continuity with the past order. To a large extent, the debates acquired an ‘ordering’ function in the interregnum between colonialism and the realisation of a republic. Consequently, the debates revolved around what the current analysis has assumed as its focal points: namely, questions regarding how we can think of partitioning, independence and decolonisation as culmination and rupture, in what ways the period is equivalent to a ‘moment of transition’ (in the sense that Edkins urges us to conceive the term) and how to approach the inheritance as foremost marked by novelty and as departing from the colonial order.

Besides amounting to an illustration and provisional summary of the conceptualising sketched in the initial chapters, Chapter 4 functions as a springboard for the reasoning in the final two chapters on the interdependence and connectedness of that which, by the Indian state, is identified as potential subversions and that deemed to belong to the fold of the legitimate and accepted. The analysis of the constituent assembly debates sets the stage for an engagement with the tendency of the political elite to move beyond ‘politics’ as it was thought of during the pre-Independence period and for an

exploration of what Deborah Sutton has called (see Chapter 6) ‘exclusive inclusions’.

At first glance, it might appear as if the contents of Chapter 5 are somewhat inconsistent with the abstraction level adhered to in the previous parts of the analysis. However, the reason for devoting an entire chapter to the oscillating gesturing of the Communist Party of India (CPI) – i.e. its attempts to come to terms with the Partition and Independence – is found in its utility as a medium for further reasoning on the role of alleged subversions and counter-narratives in ascribing substance and fixity to the hegemonic discourse. The activities of the CPI confirm and substantiate rather than erode, fragment or make impossible.

Such a claim might be a bit surprising if we consider that the Indian state strove to suppress and counter the Communist movement in the period preceding the first general elections precisely in order to safeguard a sense of coherence and fullness. However, those who opposed Independence, including the CPI, were – as the chapter conveys – forced to relate to the dominant logic. The Partition and Independence transpired as a discursive horizon from which the Communist counter-narrative could not free itself. It was not possible to find an outside to speak from. The unattainable outside became particularly evident in the partitioning of the party and in the divergent trajectories of the Indian and Pakistani branches. In India, the party successfully participated in the first general elections; in Pakistan, it was eventually banned. The Indian example confirms that discursive flux and plasticity could not be sustained – that undecidability and openness was impossible to prolong. Another reason for incorporating a close reading of the case of the CPI is that it provides a suitable bridge into the examination of the notion of a ‘responsible’ and ‘mature’ citizenship – a notion that is closely entwined with the insistence on the need for discipline and for production. It also indicates the limits to the realisation and implementation of universal citizenship.

It might, of course, be asked what the limits of universal citizenship tell us. Do they mirror Slavoj Žižek’s assertion of the primacy of the non-coincidence of the Self and itself, and Judith Butler’s urge to recognise the fundamental imbrications of others in the Self? Or, do they corroborate the conventional (neat) separation into self and other, inside and outside? As is hopefully apparent by now, the latter is not sufficient in the present case. Of course, the marginalised identities (of Indian Muslims, South African Indians, tribals) are sited as limits, re-/produced as marking out the outer boundaries of the national community and of citizenship. However, in the explored period, they are simultaneously at the core of identity formation. In the case of India, it is a situation that still remains: Muslim identity has transpired as central to contestations regarding national identity in contemporary India; the status of the Indian diaspora has evolved into a topical facet of India’s projection of its place in the world; and areas primarily populated by tribal communities have become a fertile soil for the Maoist movement, which has developed into a

significant challenge to the Indian state. In Pakistan, the failed project of engendering a cohesive national identity has allowed for regional identities – at the time of Independence considered to be tangential and soon anachronistic – to gain prominence. We now turn to the substance and the constitutive partiality of the promise (of completion and singularity) in the final chapter.

When trying to situate Chapter 6 within the wider structure of the argument, it seems necessary to further clarify the rationale for the late introduction and employment of Hannah Arendt to understand the transition and the ensuing founding of the Indian Republic. How do her ideas regarding the foundation – or rather the lack thereof – of authority cohere with the theoretical points of departure enunciated at the outset of the analysis? How might we read the notion of the political as a (transient) moment of rare openness together with Arendt's conception of the instituting of a political order as acquiring the shape of an abyss? And where do we locate a sufficient concord between Derrida's notion of *coup de force* and Arendt's theorising?

Three points of convergence crystallise: first, the shared recognition that the inauguration and founding of a novel political order is essentially baseless, i.e. cannot – as Arendt would assert – be grounded in 'ordinary lawmaking' (cited in Honig 1991: 98). Bonnie Honig has drawn attention to how Arendt conceives it to be possible to implant and effectuate 'authority without deriving that authority from some law of laws, some extrapolitical source' (ibid.). The founding act is in the case of India both the instituting gesture and that which establishes continuity and provides a forceful overwriting of contingency. Here we encounter the second reason why Arendt's work seems germane to the present analysis. Similarly to her example of the founding of the American Republic, those involved in instituting the postcolonial nation state chose 'to mitigate the radical contingency of the revolution by speaking the language of restoration' (Honig 1991: 98). Evidently, it ought to – with Ernesto Laclau and his concept of 'promise' – be recognised that such a mitigation is expected yet, to some extent, impossible. The promise is partial; the restoration is a violent act.

What has gradually surfaced through the analysis is exactly this constitutive and inexorable entwinement of contingency and restoration, openness and closure. We find the third relevance of Arendt's theorising in her appreciation of how those involved in instituting the new state in a moment devoid of fixity and foundation 'anchors' it in preceding beginnings. In India, we find such an anchorage in the references to mythical and historical manifestations of unity and of democratic practices. In an attempt to summarise, the final chapter ends with the proposition that a key element of the accumulated argument is that the, here stressed, novelty should not only be regarded as contained in the moment of transition. It should also be seen as contained in the pledge, in the promise and the gesturing towards a future community.

The essence

A recapitulation of the argument, which has unfolded in course of the analysis, can be divided into three distinct parts. *First*, it has been emphasised that refutations of attempts to trace a constitutive undecidability at the time of decolonisation, and of undertakings to conceptualise the transition and the coeval instances of state formation in terms of rupture and novelty, need to be countered. By passing through a number of key rudiments and rationalities of the so-called ‘transfer of power’ and the ensuing gesturing towards state consolidation – e.g. the delineating of citizenship and the naming of object movements and subject positions – the book has consistently sought to demonstrate the need, while studying moments of (be)coming (of transition and constitution), to move beyond a focus on inheritance, overlaps and continuities. In the case of the Partition and the Independence of India and Pakistan, such a focus misguidedly relates to the transition from the colonial to the postcolonial as, above all, attesting to a spatial and temporal continuum between the two socio-historical and political orders.

In response to such a search for continuity, coherence and stability, the current analysis has proposed an understanding that, on the one hand, acknowledges that it might be accurate to discern patterns of succession and inevitability if the transition is gazed at from the seeming (yet impossible) vantage point of a distant aftermath. On the other hand, it has here been suggested that if we allow for a re-inscription of open-endedness – i.e. recognition of how the intricacies and minute details contained in the constitutive moment embody, what Dipesh Chakrabarty refers to as ‘constant fragmentariness’ (2007a: 243) – it is more apposite to speak of the transition as marked by polysemy and (discursive) openness. Evidently, it is not argued that we might hope to replace one unattainable vantage point with another. Situating the analysis in the moment itself should rather be conceived primarily as a postulated and strategic viewpoint, since – as Walter Benjamin wrote – ‘[t]he “purity” of the gaze [into the past] is not just difficult but impossible to attain’ (2002: 470). It is a point of view that acquires its hypothesised, and not strictly empirical, contours from the reasoning of Derrida and Arendt on the formation and disposition of transitions, on the founding of that which lacks foundation.

Second, it has been accentuated that it ought to be recognised that the dynamics enacted in the moment of becoming, in the transition, are most aptly grasped if scrutinised on the basis of the terms contingency and non-foundation and through the ‘forceful’, violent overwriting of these two conditions. Phrased differently, what transpires as the most interesting aspect of the Partition and the Independence of India and Pakistan is the need to institute an ‘original’ and to unequivocally found legitimacy and belonging. *Finally*, a third tenet of the proposed argument is the significance and centrality of novelty, of rupture, in the study of decolonisation and independence in South Asia. It is a novelty that is foremost contained in a pledge – in the

(implicit) promise of, as Laclau instructed us, ‘an originary opening to the “other”, to the unforeseeable, to the pure *event* which cannot be mastered by any aprioristic discourse’ (see Chapter 6).

However, as we have seen, this is a promise that also fragments, which marks out some subjects as liminal and as representing constitutive fractures. In addition, the promise, assuming the shape of a performative enunciation of a ‘future’, ‘past’ and ‘present’ India (and Pakistan), not only spawned a vision about what was to come. It also instituted a normalisation or, as Derrida has rendered the instituting function of performativity, it ‘neutralizes the eventness of the event’ (2000: 467). As such, it came to simultaneously propel forward motion and re-enactment, openness and closure. Bringing the three arguments together, we begin to develop a new approach to the study of the partition of British India and the ensuing nation and state building. It also contributes to the study of political ruptures more generally through its insistence on a need to be wary about neatly linear and uninterrupted accounts.

In light of the above, how should we then read what this book has endeavoured to explicate? On the one hand, it has tried to exhibit how the contingency, the openness, the ambiguity and uncertainty of Independence was retroactively overwritten. It, thus, draws upon and reconnects with the theoretical assumptions stated at the outset of the text. The overcoming of the equivocal and of polysemy occurred partly through the projection of the future form and content of the nation state, partly through appeals to the past. Whereas the latter gesturing is visible in the idiom and deliberations that surface in the constituent assembly debates, the former is available in the inclination to institute a ‘mature’ and ‘full’ citizen(ship).

On the other hand, the book is a confutation of the seeming causality and linearity of the transition. The text has tried to convey what Bergson and Arendt stress regarding the ‘possible’, namely that when looked at ‘retrospectively’ acts occurring at ‘beginnings’ and ‘intervals in time’, in moments of multiple possibilities and atypical space for agency, will seemingly be ridden of their ‘air of contingency’ (see Introduction). In addition to striving to assert how the Partition and Independence are most aptly comprehended in terms of their constitutive contingency and the forceful closure and overwriting of it, the analysis has stressed the need to allow for the finer details of the period to emerge. Sensitivity towards these not only tells us much about the constitution of hegemonic, totalising discourses on the nation state. It, furthermore, informs us about the multiple, non-teleological and baseless trajectories available in the constitutive moment.

Notes

- 1 Of course, by emphasising how Independence principally embodied the contingent and the new, I do risk being said to subscribe to the deficient view of India as ‘history-less’ prior to becoming ‘postcolonial’ (see Introduction). In addition, by

alluding to Independence as an ('anterior') 'point of authority' and as an 'end-point' to one order and as the 'origin' of another, I evidently run the risk of annulling that which preceded Independence, denying it substance. More importantly, it might also be argued that I commit the mistake of both describing the state as a container of an 'indivisible essence', of having 'a primordial origin', *and* of – although recognising the contingent nature of the state – postulating the need for a (mystic, inaccessible) authority to make the distinction between 'old' and 'new' (for further elaboration, see Bartelson 1998). However, the three 'interventions' outlined here hopefully makes it clear how I see my departure from the above conceptual and empirical shortcomings.

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