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978-1-107-06427-0 - *From Subjects to Citizens: Society and the Everyday State*
in India and Pakistan, 1947–1970

Edited by Taylor C. Sherman, William Gould and Sarah Ansari

Excerpt

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Introduction

Taylor C. Sherman, William Gould
and Sarah Ansari

Today there are more states controlling more people than at any other point in history. Our world is shaped by the authority of the state. Yet the complexion of state authority is patchy and uneven. While it is almost always possible to trace the formal rules governing human interaction to the statute books of one state or another, in reality the words in these books often have little bearing upon what is happening on the ground. Their meanings are intentionally and unintentionally misrepresented by those who are supposed to enforce them and by those who are supposed to obey them, generating a range of competing authorities, voices, and allegiances.¹

The above-mentioned comment about the negotiated relationship between people and the states in which they live directly points to the importance of the interactions that ordinary citizens have with the state on an everyday basis. The chapters in *From Subjects to Citizens* accordingly engage with what is now a critical debate in the social sciences, namely the concept of the ‘everyday state’ and the various processes by which elite ideologies and institutions are interpreted, translated and manipulated at the quotidian level by men and women as they negotiate their lives. As their authors emphasize, the state in the context of newly independent South Asia did not operate as a uniform entity, but rather conducted its business in terms of specific networks

¹ Adam White (ed.), *The Everyday Life of the State: A State-in-Society Approach* (Seattle, 2013).

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of power and class structures that affected what it meant to different sets of interests. As a result, the representatives of the ‘everyday state’ developed complex but crucial relationships with individuals and institutions alike, which greatly influenced how the state was experienced by those living in this part of the world.

South Asia’s transition from colonialism to independence and democracy in 1947 was undoubtedly one of the most momentous events of the mid-twentieth century. Indeed, the project that brought together the contributors to this volume aimed to investigate the shift from colonial to postcolonial rule in India and Pakistan in order to unravel the explicit meanings, and relevance, of ‘independence’ for the new citizens of India and Pakistan in the two decades following 1947. Rather than looking at the state from the perspective of high politics and policy making, it took as its focus how ordinary people experienced the end of British rule, and what the transition from being colonial subjects to becoming Indian and Pakistani citizens meant in practice for them. Inevitably, its approach was influenced by pioneering studies such as Fuller and Bénéti’s *The Everyday State and Society in Modern India*, that shed light on the ways in which the large, amorphous and impersonal Indian State affected the everyday lives of its citizens, arguing that state and society merge in the daily lives of most, with the boundary between the two blurred and negotiable according to social context and position.² Though the study of postcolonial South Asia has blossomed in recent years, including a burgeoning interest in the nature of the ‘everyday state’ within the fields of geography, political science, anthropology and development studies, a certain lacuna exists in the historical perspective, particularly in relation to the period straddling independence. Some work, for instance, explores the experiences of Indian citizens, providing insights into the strategies of dominant castes in specific localities in contemporary India, or looking at specific popular notions of state corruption.³ Likewise,

² C.J. Fuller, and Veronique Bénéti (eds), *The Everyday State and Society in Modern India* (New Delhi, 2000).

³ Akhil Gupta, ‘Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State’, *American Ethnologist* 48, 4 (1995), pp. 787–796.

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there has been some investigation into state corruption in Pakistan,⁴ and more recently, the ways in which arbitrary bureaucratic practices reinforce everyday discourses of corruption.⁵ However, there has been little discussion on the everyday aspects of the early post-1947 state or linked notions of citizenship-in-the-making. To complicate matters further, the histories of India and Pakistan after 1947, and the role of the everyday state with them, seem to be divided largely along nation-state lines, a division that, it could be argued, has artificially separated directly comparable social and political experiences.

In view of these historiographical developments, the chapters in *From Subjects to Citizens* address what their authors believe to be a number of imbalances in the increasingly dynamic field of post-1947 history writing about South Asia. Firstly, they challenge collectively the way in which the histories of India and Pakistan after 1947 have come to be conceived separately and the assumption that the two new states developed along divergent paths after independence. The dominant historical paradigm has been to examine *either* India *or* Pakistan in relative isolation from one another. While a handful of recent books on the partition of the subcontinent study the two states together,⁶ very few of these ‘new histories’ reach beyond the immediate concerns, and specific limitations, of partition.⁷ Both countries, however, developed out of much the same set of historical experiences. Viewing them in the same frame not only allows common themes to be explored, it also facilitates an exploration of powerful continuities between the pre- and post-independence periods.

Secondly, the works in this collection pose fresh questions about the nature of the state in early postcolonial South Asia. A small number of recent historical studies concerning India and Pakistan in

⁴ Aftab Ahmed, ‘Historical antecedents of corruption in Pakistan’, in A.K. Jain (ed.), *The Political Economy of Corruption* (London, 2001).

⁵ Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Durham, 2012).

⁶ Tan Tai Yong and Gyanesh Kudaisya, *The Aftermath of Partition in South Asia* (London, 2000); Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York, 2007).

⁷ Dipesh Chakrabarty, Rochona Majumdar, and Andrew Sartori (eds), *From the Colonial to the Postcolonial: India and Pakistan in Transition* (New Delhi, 2007).

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the immediate aftermath of independence have begun to bridge the gap between the study of ‘high’ and ‘low’ politics in South Asia by examining low-level state programmes such as refugee rehabilitation and the recovery of abducted women.⁸ However, only a handful of publications have hitherto considered the development of popular, public cultures surrounding the state in South Asia at this time.⁹ Others have argued that the experiences of ordinary people in making contact with the state excluded them from mainstream institutions of ‘civil society’ and, by extension too, effective formal political representation, forcing them to devise alternative means of lobbying the state.¹⁰ This collection, in contrast, deploys the notion of the ‘everyday state’ as a means of challenging the supposed separation, or autonomy of street politics from larger scale national and international political developments. Thus, while remaining sensitive to the coercive nature of the state’s powers, some of the chapters included in *From Subjects to Citizens* focus on the functioning of the state in everyday life where it was actually experienced by ordinary people. Of particular significance is the interplay between the rhetorical, ideological platforms set out in the capital cities of New Delhi and (up to 1962) Karachi, and the interpretations of these same political agendas in different localities. One of the areas in which this relationship was particularly critical was in the formal and informal representations of citizenship rights in South Asia. Although citizenship was often articulated in a language of abstract rights, the situation was invariably more complex than this generalization has suggested. A range of scholars have argued that citizenship rights were expounded in line with the interests of dominant socio-economic groups whose access to networks of power and influence endowed them with significant currency in terms of

⁸ E.g. Zamindar, *Long Partition*; Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India’s Partition* (Delhi, 1998).

⁹ Thomas Blom Hansen, and Finn Stepputat (eds), *States of Imagination: Ethnographic Explorations of the Postcolonial State* (Durham, 2001); William Gould, *Bureaucracy, Community and Influence in India: Society and the State, 1930s–1960s* (Abingdon, 2011); Taylor C. Sherman, *State Violence and Punishment in India* (Abingdon, 2010).

¹⁰ Partha Chatterjee, *The Politics of the Governed: Reflections on Popular Politics in Most of the World* (New York, 2004).

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social and political capital.¹¹ However, this volume, in line with other recent research, argues that both formal citizenship and substantive citizenship rights were shaped by the changing circumstances of movement over partition on the one hand,¹² and the complex political predicaments and challenges facing religious and ethnic minorities on the other.¹³

This collection thus provides fresh perspectives on the nature of the transition from the colonial to the postcolonial. As the chapters here demonstrate, partition and the integration of the princely states had a profound effect on the everyday lives of many of the new citizens of India and Pakistan. Discourses originating in the nationalist movements of the first half of the twentieth century undoubtedly shaped not only the policies of independent governments, but also the demands which their new citizens made of them. These events, moreover, not only altered the geographical extents of the states of South Asia, but equally expanded the states' responsibilities and opened up opportunities for governments to pursue policies distinct from those of their colonial predecessors. At the same time, while the nature and functioning of the state in South Asia were subject to considerable adjustment in the transition to independence, the rhetorical underpinnings of the successor states were often not so novel and, in many cases, the state's *modi operandi* did not change during this period. Indeed, discourses originating in development regimes, or the nationalist movements of the first half of the twentieth century, shaped not only the policies of independent governments but also the demands that postcolonial citizens made upon them. In addition, the rationing, requisition and recruitment policies introduced during the Second World War and continued after 1945 stretched state bureaucracies to their widest extent to date, and, at the same time, revealed new weaknesses and opened up new possibilities for corruption that stretched into the postcolonial

¹¹ Partha Dasgupta and Ismail Serageldin (eds), *Social Capital: A Multifaceted Perspective* (Washington, D.C., 2000); A. Portes, 'Social capital: Its Origins and Applications in Modern Sociology', *Annual Review of Sociology* 24 (1998), pp. 1–24.

¹² Joya Chatterji, 'South Asian Histories of Citizenship 1946–1970', *The Historical Journal* 55, 4 (2012), pp. 1049–1071.

¹³ Niraja Gopal Jayal, 'A False Dichotomy? The Unresolved Tension between Universal and Differentiated Citizenship in India', *Oxford Development Studies* 39, 2 (2011), pp. 185–204.

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period. Thus, as much of the research included here demonstrates, the more general inadequacies of the everyday state – from poor planning to deficient implementation to the provision of uneven access to resources – created opportunities for corruption to flourish in the daily dealings involving government servants and citizens both ‘high’ and ‘low’.¹⁴

While hard and fast lines of periodization are always perilous to draw, cutting-edge scholarship suggests that it makes some sense instead to regard the interval between the 1930s and the 1960s as a formative period in South Asian history in terms of citizenship, the politics of development and the secular state. By the third decade after independence, the major tensions extant in the nation-building projects of both India and Pakistan could no longer be contained. As these tensions erupted, they began to disrupt the ordinary functioning of politics and to tear apart existing social bonds. This is not to suggest, however, that the period before 1970 was a golden age; quite the contrary. The propensity to study the first two decades of postcolonial rule alongside more recent, subsequent, decades has tended to overstate the coherence and stability of the earlier period, especially with respect to India. India’s much discussed ‘crisis of secularism’¹⁵ in the 1990s elicited many rose-tinted evaluations of the Nehruvian state’s secular credentials, but contributions here by Gould, Newbiggin and Sherman highlight the extent to which this nostalgic view misjudges the early years of independence in India. Viewing this earlier era through a historical lens sheds light on how far the nature of the state and the content of citizenship were keenly contested at this time. It is in these contests, therefore, that one finds a distinct set of issues and themes that characterize this period.

Among these issues, the significance of the performative aspect of state power on the subcontinent is stressed in many of the chapters in this collection. Recently, researchers have come to highlight the ways in which both colonial and early postcolonial rule were characterized

¹⁴ William Gould, Taylor C. Sherman and Sarah Ansari, ‘The flux of the matter: loyalty, corruption and the “everyday state” in the post-partition government services of India and Pakistan’, *Past & Present* 219, 1 (2013), pp. 237–279.

¹⁵ See Rajeev Bhargava (ed.), *Secularism and its Critics* (New Delhi, 1998).

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by infrequent but spectacular displays of state power. From the use of exemplary force to maintain 'law and order' in the districts to the drafting of grand schemes designed to awe or inspire the population, certain projects or actions of the state were imbued with extraordinary meaning and designed to send a message to the population at large. Both postcolonial India and Pakistan used ceremony to underscore the legitimacy of the state and to chart a vision of the nation after independence. Khan shows that Gandhi's death ritual, including the distribution of his ashes to disparate locations in India, provided a medium through which the Congress party could try to unite a nation that had been deeply fractured by the experience of partition. In postcolonial Pakistan, as Haines and Daechsel demonstrate, large-scale development projects were often used to demonstrate (frequently with an eye to impressing international audiences) the capacity of the state to shape not only the land and the built environment but to discipline the people inhabiting these spaces. That these projects were essentially spectacular in nature was evident in governments' frequent disregard for the practical consequences of such schemes for the population, and the subsequent failure of some of the most prominent of them. Coombs' contribution also emphasizes the performative aspect of power as she traces the ways in which the disproportionate influence that British Indian Civil Service (ICS) officers often had over events in their districts dissipated once it became clear that the British were leaving the subcontinent. Without the assurance that such displays of limited but spectacular power would be backed by the kind of favours that only the everyday state could provide, the acts of British officers were unable to stem the violence of partition. This then contributed to the sense that the state 'disintegrated' during partition, with the state often 'written out' of personal narratives of partition, whether from ICS men or from Punjabi refugees, as shown by both Coombs and Talbot.

The extraordinary pressures that the violent displacement of people placed upon state resources is the second critical issue in this period. The state had an ambiguous place in the period straddling partition: on the one hand, the struggles of partition coupled with the promises made by nationalist leaders raised expectations to

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unprecedented heights. Vulnerable refugees were often highly reliant upon the state, and rehabilitation plans often brought populations that had no previous contact with the state into its orbit. On the other hand, as Ansari's chapter suggests, the early postcolonial period was no golden age for many citizens: their expectations that everyday life would improve dramatically after independence often met with bitter disappointment. Members of the population frequently voiced their disappointment with the failures of their new government servants to live up to the expectation that citizens be given fair access to goods and services. Interestingly, these expectations were often coupled with a quiet willingness on the part of citizens to use their own guile to circumvent or manipulate the services that the state did provide. Hence, as Gould makes clear, unequal access to government service was often secured through kinship networks rather than through the functioning of impartial bureaucratic procedures. The inadequacies of the everyday state – from poor planning to deficient implementation – opened up opportunities for corruption to flourish. As Ansari, Talbot and Gould all note, citizens displayed a readiness to manipulate the services provided by the state to secure personal advantage. Indeed, the weakness of the postcolonial state – in both India and Pakistan – emerges as a surprising but recurrent theme in this period. Of course, it is common to lament the relative ineptitude of the early Pakistani state, especially in comparison to that of India. These essays reveal that the Indian state, while undoubtedly endowed with more resources than its Pakistani counterpart, was often internally incoherent and its officers seem to have been perpetually subject to undue influence. And, as Gould and Sherman demonstrate, it was often individual state actors who did most to circumvent state structures for their own ends. This fact, which helps explain the gulf between official rhetoric and the everyday experience of the state, reinforces the argument that historians ought to do more to problematize the very nature of the state in this period.

Finally, in different ways and to varying degrees, these chapters demonstrate that conceptions of citizenship were far from settled in this period, even in India where the constitution was drafted and enacted relatively quickly. Although citizenship was defined using the

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language of abstract rights, the situation was invariably more complex than this. As they emerged out of partition, the religious, ethnic and gender identities of individuals assumed extraordinary importance in the new states of South Asia, not least for the displaced whose access to privileges often was tied to the manner in which the state identified them. While partition was important, the history of the ways in which ideas of citizenship were inscribed with religious and gender norms often had their origins in the colonial period. The Fundamental Rights mentioned in the Indian constitution, according to Newbigin, were demarcated within colonial legal structures, which ensured that these legal conceptions of citizenship were mediated by religious and gender norms. As a result, the rights contained in the Indian constitution were often most compatible with the interests of Hindu men. Citizenship was not only shaped at the constitutional level; quotidian conceptions of belonging were equally important. Local-level understandings of who was worthy of citizenship were often coloured by the intense social polarization that accompanied the partition of the subcontinent. In partition's long wake, the loyalty of Muslims in India remained suspect long after the violence had subsided. According to Gould's research, an individual's Muslim identity could add force to allegations of corruption. Likewise, Sherman reveals the ways in which Muslims of non-Indian origin residing in the former princely state of Hyderabad (Deccan) were rendered suspect in the aftermath of the invasion of Hyderabad in 1948: many were deported or encouraged to leave not because their legal rights had changed, but because informal notions of citizenship excluded them from India after 1947.

In sum, the first two decades following independence from British rule witnessed an intense contest over the meaning and responsibilities of citizenship and over the purpose and scope of the postcolonial state. By viewing India and Pakistan in the same frame and examining the state there in its various interactions with the population at the everyday level, the collection of chapters making up *From Subjects to Citizens* offers fresh and timely perspectives on the broader field of early postcolonial South Asian history.

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Personal Law and Citizenship in India's Transition to Independence

Eleanor Newbigin

Introduction

The inclusion of a list of Fundamental Rights in the Constitution of 1950 seemed to make real a long-standing Congress promise: that independence from British rule would bring about a dramatic change in the lives of ordinary Indians. Modelling itself on documents such as the French Declaration of the Rights of Man and the American Bill of Rights, the Indian Fundamental Rights set out a vision of the individual citizen-subject, unfettered by notions of gender, religion or caste. The Rights have been seen to mark a profound difference between the nation-state and its colonial predecessor.¹ Underpinning the colonial administration and legal system was an understanding of Indian society as comprising not autonomous individuals but social collectives, defined by caste, gender and religious identity.² Indians' relationship with the colonial state was, in the main, mediated through this group identity—access to political office or the law was shaped by a subject's sex and the religious or caste community to which he

¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, New Delhi, 1999 edn, 1966), pp. 50–61.

² D. A. Washbrook, 'Law, State and Agrarian Society in Colonial India', *Modern Asian Studies*, vol. 15, no. 3, (1981), pp. 653–658; Rosalind O'Hanlon, 'Issues of Widowhood: Gender and Resistance in Colonial Western India' in Douglas Haynes and Gyan Prakash (eds), *Contesting Power: Resistance and Everyday Social Relations in South Asia* (Oxford University Press, New Delhi, 1991), pp. 62–108, especially pp. 77–79.