**‘A nation on the move’**

**The Indian Constitution, Life-Writing and Cosmopolitanism[[1]](#footnote-1)**

Introduction

The Indian Constitution [hereafter IC] has been considered in terms of its intertextual relationships with preceding colonial and other political documents, such as the Government of India Act 1935. This essay relocates the IC in intertextual relationships with anti-colonial autobiographies from the same period. James Tully argues that a post-imperial language of constitutionalism has to recognize and accommodate appropriate forms and degrees of self-rule in accordance with diverse customs and ways (4-6, 55). Amongst other things, anti-colonial Indian autobiographies and texts such as Gandhi’s *Hind Swaraj* (1909) are textual experiments dramatizing different modes of self-rule, mixing global, Indian and regional levels of identity in doing so. So, too, the IC combines its cosmopolitan inception with a rootedness in India as it defines self-rule. Widening the discursive sites of the IC to include anti-colonial autobiographies raises questions about the IC as a species of autobiography itself, but it also points to tensions between the two and it can give us another perspective on the tensions within the IC itself. Both the IC and anti-colonial autobiographies are marked by processes of dialogue, and this essay begins with the cosmopolitan nature of these in the former.

My essay also explores the IC’s cosmopolitanism in terms of its linguistic texture. Constitutions are not just legal documents; they also create appropriate salutary effects through a mixture of tones. I explore aspects of this, as well as the IC’s verbal orientation towards temporality which has a parallel in autobiography as a genre of writing, especially in its anti-colonial manifestations. Constitutions embody the aspirations of a nation’s citizens, and the IC’s verbal skills grade and structure these aspirations, plotting them along a spectrum of possible futures.

‘A nation on the move’

James Tully argues that constitutions are not fixed and unchangeable agreements made at foundational moments, instead we ought to see them as a form of activity. They are intercultural dialogues in which the culturally diverse citizenry of contemporary societies negotiate agreements on their forms of association according to the three conventions of mutual recognition, consent, and cultural continuity (Tully 30). The Indian Constitution, enacted on 26 November 1949, can be seen in these terms. The sense of it being an activity rather than a fixed and unchangeable agreement was captured in Nehru’s remark that the Constituent Assembly was a dynamic body representing ‘a nation on the move’ (cited in Tiwary 43). Tully envisages this intercultural dialogue taking place amongst the members of a culturally diverse population within an already established nation-state. The nation-state is a stable background category in his argument. The inception of the IC occurs against a different background – here the nation-state cannot be taken for granted, its contours and the scope of its sovereignty are unclear, and the content of its nationality is open. Its dialogue takes place in the traumatic context of Partition violence, the influx of refugees and their resettlement, conflict over Kashmir, and an economic crisis (Austin 44-45). The Preamble to the Indian Constitution originally referred to securing ‘FRATERNITY assuring the dignity of the individual and the SOVEREIGN DEMOCRATIC REPUBLIC’ (Indian Constitution, Preamble, capitals in the original). The Objectives Resolution, moved by Nehru on 13 December 1946, was the basis for the Preamble, but the Resolution did not provide for fraternity. This was added by the Drafting Committee because after Partition the need for fraternity was greater than ever (Tiwary 52, 74-77, 83-84). The IC’s dialogical processes therefore had to induce and secure fraternity, but it was also marked and constrained by the traumatic counter-currents resulting from Partition.

The IC was the outcome of dialogue and debate amongst the members of the Indian Constituent Assembly which met in sixty-six sessions from December 1946 over three years. While the framers of the US constitution began *ab initio*, the Constituent Assembly accepted the framework of the Government of India Act of 1935, incorporating its language and embodying its substance in specific ways (Tiwary 327; for the influence of the Act see ibid., 8-10, 90, Ch. 5). While there are many continuities between the IC and the 1935 Act, it also marked a transformative break as it was not legitimated by an Act of the British Parliament. Instead of being written in the Colonial Office of the imperial power and passed by the British Parliament, the Constitution could be described as ‘home-made’ (Austin 2 f.n., Elangovan 3). The IC is the Constitution of an independent state, whereas the 1935 Act laid down the administrative structure of a colony. Furthermore, the IC’s chapter on fundamental rights is unprecedented in the Indian context (Tiwary 111, 327). The Constitution was not imposed by a foreign power, in the way that the Japanese and the West German constitutions were, and some would argue, as the Iraqi constitution is being imposed today (I owe this point to E. Sridharan, University of Pennsylvania Institute for the Advanced Study of India, New Delhi). Some 250 members spoke in the Indian Constituent Assembly, and although it was not a popularly elected body and was dominated by the Indian National Congress, its membership reflected a wide range of ideological and political positions (Austin 10-13). While the INC’s dominance created some irregularities in practice, it also gave a measure of cohesiveness to the proceedings (Tiwary 64-66, 324-5). These were open to the public, and some 53000 visitors were admitted to the gallery when the draft constitution was considered (ibid., 66). This process of consensus building included the Assembly’s committee system, the dialogue between provincial and Union government leaders in the Assembly, inter-governmental communications, and off-the-record discussions between the Assembly leaders and dissidents among its members. Public bodies (such as chambers of commerce and industry, private companies, bar associations, linguistic associations, and minority groups) and private individuals in substantial numbers also made their views known to the Assembly. The Assembly Secretariat acknowledged nearly all these communications and frequently summarized them for the Drafting Committee or Assembly leaders (Austin 9-10, 312-4, 316, 324). The Constituent Assembly’s need for representativeness and its concern to combine cohesiveness with flexibility were reflected in the Rules of Procedure Committee’s first report. When submitting this on 21 December 1947 to the Constituent Assembly, K.M. Munshi observed ‘These are the rules of the Assembly. They can be altered or added to when we next meet. We can always add new points of view if some are omitted. But it is highly essential that we should adopt the Rules and appoint one or two committees which keep the organisation of the Constituent Assembly going’ (cited in Tiwary 53). This aspect of the IC as being rooted in a culture of debate, consensus building and interaction with a range of public associations, resonates with an important feature of Indian intellectual and political life in British India which saw a growth in societies and associations, new cultures of public association, debating clubs, and a wide array of rhetorical models and modes of address in the public sphere (Bayly, Samaddar). This is also reflected in Indian anti-colonial life-writing during this period, in which speaking and debating in public are referred to as formative personal and political events. In articulating nationalism as akin to a religious faith, Surendranath Banerjea’s autobiography focuses on a quasi-mystical union between himself and the audiences he addresses in his public speeches (Banerjea 129-34). When Nehru speaks to crowds of peasants, his addresses turn into question and answer sessions on how to define being Indian. These sessions also point to Nehru’s own anxieties about the gap between his class position and the ‘masses’, and therefore his claim to represent India (Nehru 1946 59-61). For Gandhi, on the other hand, the experience of stage fright when speaking in public is key to individual and collective self-empowerment (Majeed 2015 226-31). In different ways, then, anti-colonial life writing explores modes of address in the public sphere in terms of the relationships between subjectivity and the political realm.

While we can view the IC as the product of a ‘home-made’ dialogue, that was enacted and was rooted in the ‘rich heritage of our composite culture’ (IC, Art. 51 A), this dialogue also took place as an intercultural, transnational one between the Indian constituent assembly and the constitutions of other nation-states. This was part of the same process of the Indian nation on the move, so that the IC emerged from within both an Indian and global fields of meaning.

The Indian Constituent Assembly, as has been noted by others, drew on the constitutional traditions of the US, Canada, Switzerland, Australia and Ireland. Nehru referred to the Philadelphia convention, the French experiment, and the Russian revolution as sources of inspiration for the Constituent Assembly. The formulation of the Objectives Resolution and subsequent Preamble was influenced by the American Declaration of Independence, the French Declaration of the Rights of Man, and the Preamble to the Constitution of Eire (Tiwary 42, 67). The Assembly modified established ideas about the construction of federal governments and their relations with constituent units in order to define a new kind of federalism to meet India’s needs (Austin 186). One of its members, B. N. Rau, visited Europe and the US gathering information and insights into how constitutions work. This affected the general tenor of the Indian Constitution and some of its specific provisions. For example, it was after his trip to Ireland where he understood that functional representation was not working effectively there, that the provision for functional representation in the Draft Constitution was done away with (Austin 152). During the same trip he concluded the ‘general welfare should prevail over the individual right’, and that federalism with its independent spheres of legislative power could be a hindrance in this respect. The members of the drafting committee agreed with him, supporting their belief with reference to an opinion handed down in a Canadian case, that matters affecting peace, order, and good government were the responsibility of Parliament even if they touched on matters reserved for provincial legislatures (Austin 202). Of the three provisions which enhanced the wide range of authority given to the Union government, one was adapted from the Australian constitution (Austin 201). It was after Rau’s visit to the US and talks that the IC’s framers dropped the clause ‘due process’ in favour of the clause ‘procedure established by law’ in relation to personal liberty in Pt III of the IC. The influence of US constitutional practice is also evident when dealing with ‘Police Power’ of the state and the theory of ‘eminent domain’ in respect to the right to property and the position in the IC of the Indian judiciary (Tiwary 327-8). The inclusion of a variety of detail in the Constitution by the Assembly from the 1935 Government of India Act and from other constitutions meant that the existing case law concerning the interpretation of these provisions would be available in interpreting the Constitution. In interpreting the Constitution, case law from the US and other countries, as well as Indian precedent, have frequently been drawn on by the Supreme Court (Austin 327). The influence of other Constitutions on the IC is also evident in the drafting of the directive principles of State policy and Fundamental Rights. Other 20th century constitutions, reflecting the rise of the idea of the welfare state, stated such directives (Tiwary 153). In making these non-justiciable, the IC’s framers were influenced by the Irish Constitution, but the principles were also influenced by the International Bill of Rights drafted by Sir Hersch Lauterpacht in 1945, and the international context of debates about human rights following the experience of the Second World War, the Holocaust and postwar economic devastation (Jayal 145). By the late 1940s, the drafting of a Universal Declaration of Human Rights was underway, and in 1947 a committee was established by UNESCO to inquire into the philosophical underpinnings of human rights. This committee sought responses from Indians including Gandhi (ibid. 145).

Thus the IC draws upon the globally available language of Constitutions while inflecting and territorializing that language. The Directives of State Policy reflect this; while they were influenced by other constitutions, they are also underpinned by an internal Indian narrative. The Nehru Committee Report of 1928 recommended amongst other things free elementary education, the maintenance and improvement of labour and economic conditions, and health provisions (Tiwary 153-4). Situating this report in the context of international rights discourse in the late 1920s suggests that this was ‘a rather exceptional document in its early envisioning of social and economic rights’ (Jayal 139), so that in part the foundations for these rights were autochthonous. The 1931 Karachi Resolution of the INC on Fundamental Rights referred to economic justice, while Gandhian philosophy also had an influenced in the shaping of these Directives (Tiwary 154).

The IC therefore emerged as a dialogue within as well as across national boundaries. This reflects the nature of India as a civilization and not just a nation-state. As Dhavan has argued, scripting a Constitution for India is like scripting one for the world (Dhavan 320). The transnational dimensions of the IC reflect India’s character as a complex civilization with a global reach, containing strands drawn from many world religions. These global and cosmopolitan aspects of the IC are rooted in an important feature of Indian intellectual life in the colonial period. In some ways, the IC is the culmination of an aspirational anti-colonial cosmopolitanism in India in the 19th and 20th centuries. Indian thinkers, writers and intellectuals participated in what Kris Manjapra and Sugata Bose have called cosmopolitan thought zones, debating, translating and interpreting key texts and ideas in transnational public spheres which, while they were structured by asymmetrical power relations, were also marked by a degree of shared dwelling (Manjapra 1-2). Chris Bayly has examined how Indian writers and thinkers cannibalized, hybridized, and localized liberal ideas and concepts, re-authoring them as they participated in transnational public spheres in this period (Bayly passim). As he reminds us, neither an area studies approach nor a simple model of transnational exchange are adequate for Indian intellectual history of the 19th and 20th centuries (Bayly 95), and this applies to the IC as well.

Re-framing the Indian Constitution as a cosmopolitan and transnational dialogue therefore helps us to avoid the dangers of what Goswami has called ‘methodological nationalism’ (4, 7,19). It moves us away from the language of originality and imitation as a framework for understanding the inception of the IC. The latter was criticized by some as ‘a slavish imitation’ of and a ‘slavish surrender to the West’ (Austin 325). Austin has argued that what matters is the skillfulness of the Constituent Assembly’s borrowing and the quality of its modifications (Austin 321). However, the paradigm of originality and imitation with its assumptions of original sources and derivative texts, is problematic in the field of constitutionalism because of the latter’s multiple origins and sources of inspiration, which cannot be neatly sequenced in a linear history or a clear cut chronology of source and influence. If we think of constitutionalism in terms of a cosmopolitan and transnational dialogue, then clarifying different kinds of cosmopolitanisms can be productive (Breckenridge et al.). For example, in outlining the general principles of a Gandhian constitution, Shriman Narayan Agarwal used the language of originality to criticize the idiom of Indian constitutionalism current at the time. Referring to India as ‘an ancient laboratory of constitutional development’, he argued that a mixture of western constitutions should not be ‘manufactured’ for her and that ‘a system of administration foreign to its own genius’ should not be foisted on India (Agarwal 11). However, in one of its key chapters (Ch. 4) entitled ‘The Gandhian Way’, the author refers to Joad, the Greek city states, Huxley, syndicalists, anarchists, Mannheim, Kropotkin, Sir Henry Sumner Maine, Baden-Powell, Marx and even Henry Ford as representing different positions analogous to a Gandhian one. So the text subscribes to an Indian essence or ‘genius’, and is critical of borrowing, but has a cosmopolitan range of reference which helps it to secure and define a Gandhian position in dialogue with, rather than in opposition to, other political traditions. Here, then, we have an unconscious and disavowed cosmopolitanism. In the Constituent Assembly and its leaders, on the other hand, we have a critically self-reflexive cosmopolitanism which avows cosmopolitan dialogue in the process of inflecting it for its own purposes. The IC might be seen as articulating a critical and dialogical cosmopolitanism from the perspective of a bundle of local histories that had to deal with the global project of ‘modernity/coloniality’.To adopt some terms from Pheng Cheah, we might consider the language of Indian constitutionalism in its period of formation as a ‘nationalistic awareness of the cosmopolitical’, a ‘risky agency of the national-in-the-cosmopolitical’ (Cheah a 316), where cosmopolitical refers to a global political field imbued with a sense of new cosmopolitanisms as alternatives to colonially imposed ones (Cheah b 31-32). Indian citizenship and its language of constitutionalism were not defined against cosmopolitanism. They were mutually constitutive. In the Indian context at least, the choice between rootless cosmopolitanism and territorial nationalism is a false one, and cosmopolitanism and territorial nationalism were imbricated from the start.

Thus, the IC was both home- and globally made; the Constituent Assembly took a genre of writing that had circulated globally since the 18th century and inflected and territorialized it locally. This process has a parallel in the autobiographies of such figures as Gandhi and Nehru, who rework the globally circulating genre of autobiography and root it in their experiences of colonial modernity and a struggling Indian selfhood. Both also articulate their selfhood through varied representations and concepts of travel in order to negotiate global, regional, and national strands in their identity (Majeed 2015 Ch. 3), and a mixture of the global and the Indian inform their autobiographies of self-rule just as it informs the IC.

Nehru’s reflections on his identity in various forms of life-writing, from his autobiographies and letters to essays and public addresses, explore how his personal identity, India, and an emerging modern world order are interconnected. He tries to bring himself and others together in the autobiographical act of becoming Indian through the method of collage, and here his views on the nature of a letter, themselves expressed in a letter, are instructive: ‘What indeed are letters? Not surely just budgets of news, although they contain news…They are something far more; they are, or ought to be, bits of the personality of the writer, quivering shadows of the real self. They are also, or they at least endeavour to represent and to mirror, something of the personality of the person written to, for the writer is full of the person he is writing to. Thus a real letter is a strange and revealing amalgam of the two-the one who writes and the one who receives. If it is such a letter, it has considerable value for both the persons concerned’ (Nehru 14 July 1935, 393). His autobiographies evoke ‘quivering’ bits of himself in an amalgam of his own and readers’ selves within the greater amalgamation which is India. In one letter, he mentions how he tries to ‘weave together’ the ‘numerous strains’ of his identity into one pattern ‘for my country and for the world’, a pattern which is related to the ‘emergence of a world order’ (Nehru 22 June 1941, 621) and in other letters he argues that the problems defining the nationalist struggle in India are global (Nehru 13 Sept 1933, 528 & 20 Nov 1935, 39). Becoming an Indian national, then, is necessarily imbricated with becoming a world citizen. This is apparent in his autobiographical texts. In *Discovery* Nehru envisages a defining feature of post-colonial India as being a ‘multinational’ state, which would be a development of its own past history (Nehru 1946 392). This is in keeping with a modern tendency in which the ‘idea of the national state itself [is] giving way to the multinational state’ (ibid. 456). In this sense, then, the quasi-national differences between the different regions of India which Nehru points to in some of his essays and speeches (22 Sept 1928, 189 & 15 April 1936, 198) make India a microcosm of the modern world. Moreover, the ‘world-wide’ development of a global culture connecting a variety of cultures with ‘common links’ is manifested in India itself, (Nehru 24 Sept 1936, 392) where a new world civilization combining ‘East’ and ‘West’ is being prefigured (Nehru 28 Oct 1940, 192) . This is captured in Nehru’s own sense of himself in his *An Autobiography* (Nehru 1936, 596, 28). The mixed formal elements and styles of Nehru’s autobiographies evoke this self-conception and the conception of India as amalgams, and the two work together as a flexible coalescence of the global, regional and national. (Majeed 2015 161-3).

Describing the IC as ‘home-made’ (see above) begs the question as to what ‘home’ means in the context when so many have been uprooted from their homes and are creating new ones during Partition. Here we might again have recourse to Nehru’s life writing. Even before Partition, for Nehru there is no simple home-coming to India. In the epilogue to *An Autobiography* (1936), Nehru writes of how he has become ‘out of place everywhere, at home nowhere’, of how he is ‘a stranger and alien in the West’ and yet also experiences ‘an exile’s feeling’ in ‘my own country’ (Nehru 1936, 596). It would be too strong to apply this exact sense of belonging to the collectivity of the Constituent Assembly itself, nonetheless its notion of ‘home’ was similarly complex, partly because what constituted ‘home’ was in question following Partition.

The form of *Hind Swaraj* also has cosmopolitan implications. The text is cast in a dialogue between an editor and a reader and arises out of an actual dialogue between friends (Gandhi 6). While there are differences between the dialogue in *Hind Swaraj* and the dialogues of the *Gita* and Plato (not least in the absence of Socratic irony), nonetheless it does suggest that dialogue is a cross-cultural mode of investigation into the nature of ‘Truth’. The editor and reader might also represent different internal aspects to Gandhi’s own self, on the one hand an angry, violently inclined self, and on the other the more restrained, self-controlled self that seeks to edit the nation and to control and sublimate its violent impulses. This dialectical interplay between violent and anti-violent impulses also marks Gandhi’s *Autobiography*. In other words, the dialogue in *Hind Swaraj* is a form of self-interrogation and internal searching, an interaction between different parts of the same self. This internal questioning is a feature of the experiments in his *Autobiography*, in which *satyagraha* is grounded in deep introspection and an inner struggle with one’s self alongside a struggle in the political realm. Nehru’s autobiographies too were interrogative and self-questioning, openly acknowledging the author’s doubts and confusions, but these questions led him to different answers from Gandhi (Majeed 2015 30-31, 154-55). We could also say that self-interrogation marks the Constituent Assembly; it is a site of debate and discussion looking outwards to the world, and it is the space for collective introspection and an inward search for the meaning of the term ‘Indian’ in the aftermath of Partition.

There is another dimension to the cosmopolitan dimensions of the IC. It is important to foreground the fact that the IC is a written text. This seems obvious until we remind ourselves that Britain does not have a written constitution in the conventional sense. India as a postcolonial successor state to British India incorporates parts of British colonial legislation in its Constitution, but the very existence of the IC as a written document marks a transformative break from empire. One of the common characterizations of postcolonial literature is that it writes back to empire and its metropolitan texts (Ashcroft et al.); here there is no writing back as such because there is no text to write back to. Rather the existence of the IC as a written text calls attention to the absence and lack of an imperial metropolitan text. The colonial symbolic order is inverted; from the perspective of colonial modernity India was constructed as lacking in many respects, but here it is the erstwhile metropolis that is lacking. Moreover, the authority of colonial rule in India was often associated with the weight of the printed word, hence Orientalists such as H. H. Wilson were anxious to rectify any ‘grave blemishes in documents emanating from authority’ (Wilson iii). The IC is one of the longest constitutions in the world; its printed text serves as a weighty and material visual icon of a nation whose internality is in motion but whose exterior is like the discrete object that is a bounded book. Through the weightiness of its own print, the IC subsumes part of the colonial printed archive and displaces and marginalizes it. As a printed document, the IC also emerges from the distinctive history of print cultures in India, which since the end of the 18th century was multilingual, cross-cultural and transnational. These print cultures created a range of discourses which sustained various subject positions including those of ‘constructive hybridity’ and ‘cultural ambidexterity’ (Dharwadker). The IC’s own transnational and cross-cultural elements as a printed document resonate with these aspects of the evolution of print cultures in India; the imbrication of global and local influences in the IC exemplifies ‘constructive hybridity’ and ‘cultural ambidexterity’. Some of Gandhi’s and Nehru’s key texts also reflect this transnationalism of Indian print cultures. *Hind Swaraj*, for example, was published by Gandhi’s appropriately named International Printing Press in the *Indian Opinion* in South Africa, a press that was staffed by a multilingual, multi-religious and multiethnic work force (Hofmeyr 2013). The Gujarati and English versions of his *Autobiography* were also first published in serial instalments in journals, this time in India itself. Taken together, the location of these publications illustrates how Gandhi’s textual enactments of self-rule were imbricated with a print culture that was at once transnationally diasporic and Indian. Nehru’s *An Autobiography* was published by John Lane in London in 1936, by John Day in New York in 1941, and by the Bodley Head in London in 1942, while *The Discovery of India* was first published in 1946 by the Signet Press in Calcutta and Meridian Books in London. Nehru’s textual enactments of self-rule are similarly entangled with a print culture that is both Indian and global in scope.

Thus, anti-colonial Indian autobiographies and other texts such as *Hind Swaraj* test out different forms of self-rule and styles of dialogue, mixing global, Indian and regional contexts and levels of identity in doing so. They appropriate a global textual genre to express different versions of Indian selfhood and explore the question of the relationship between individual and group identity. As such, they are also part of an Indian print culture that was multilingual and transnational from the 18th century onwards. They can therefore be seen as a parallel discursive site to the IC and its notions of self-rule. There are of course a number of other autobiographies that can be re-read in this framework, such as those by Lajpat Rai, Surendranath Banerjeea, and M. R. Jayakar, but being Indian is an emergent process and a quest rather than a given in Nehru’s and Gandhi’s texts. In some ways, the Indian Constitution can also be seen as a quest for citizenship (Jayal 11). Just as the IC has become an icon of the Indian State, the autobiographies of such canonical figures as Nehru and Gandhi have also acquired an iconic quality, and like the IC, this iconicity is rooted in the structured open-endedness of their texts. The Preamble to the Indian Constitution exemplifies this. As it now stands, it contains an amendment of the original ‘sovereign democratic republic’ to ‘sovereign socialist secular democratic republic’. The entire text of the IC with subsequent amendments inserted into it (for the powers of amendment see IC part XX) and the original clauses being footnoted (for some good examples see Art. 341 and Art. 342), means that the IC reads as a text in process and not as a finished artefact. Its fabric evokes a text that is always in the making, and therefore a nation that is also always in the making, just as Nehru and Gandhi’s life-writing evokes a sense of Indianness in the making.

I have argued elsewhere that anti-colonial autobiographies in British India explore the relationships between notions of interiority and the public realm of politics in South Asia, and between the individual and community or group identity (Majeed 2015). For the IC the relationship and balance between individual and community rights is a crucial concern (Tiwary Ch. 5, Jayal Ch. 7, Bachpai). One defining feature of the autobiography as a genre is that the narrator and the protagonist are formally the same, formally because in practice it is not self-evident that the narrator and his or her past selves are necessarily or logically the same person. In the case of the IC, both the narrator and the protagonist are formally identical (although problematically so), and in this sense the Indian Constitution could be seen as the Indian State’s autobiography. It is a text of self-authoring as well as a text of self-authorization, and one that, like many autobiographies, selectively appropriates its past as it comes into autonomous being.

Linguistic Cosmopolitanism

The cosmopolitanism of the IC is also evident in its linguistic texture, which is noteworthy in a number of respects. It contains administrative and other terms transliterated from Indian languages such as *panchayat*, *gram sabha*, *begar*, *jagir inam*, *muafi, janmam*, *ryotwari*, *raiyat,* and *devaswom* (Art. 31A, Art. 40, Part IX, Part IXA, Art. 290A). It also uses Latin terms, like *habeas corpus*, *mandamus*, *quo warranto*, and *certiorari* (Art. 32 clause 2, Art. 139). The IC is written in English as a world and imperial language, incorporating lexical items from earlier imperial languages such as Latin and Persian, as well as terms from Indian languages. It is thus linguistically multilayered, reflecting its global reach and cosmopolitan inception combined with a rootedness in India. Moreover, these Indian terms are transliterated but not translated. Transliteration is part of the linguistic and aesthetic creativity of the Indian novel in English in this period, for example, in G.V. Desani’s *All about H. Hatterr* (1948). However, unlike Kipling’s *Kim* (1901) with its self-consciously laboured transliterations, the IC is linguistically at ease with itself. It is self-reflexively eclectic in its cosmopolitanism but it is not burdened by an embarrassed self-consciousness when it comes to its own language. Its linguistic ease grounds its cosmopolitanism as well as its air of authority.

To a certain extent, the IC’s linguistic cosmopolitanism emerges from the texture of British colonial English in India. The jargon of the administrative English of the East India Company in the late 18th and early 19th centuries reflected the continuing powerful influence of Persian as the Mughal language of administration. This language began to change in important respects by the 1830s, especially after the supplanting of Persian by English as the language of the courts in 1837 (Majeed 1995 183-88). It remained the case, however, that the official documents of the colonial state in India were ‘thickly studded with terms adopted from the vernacular languages of the country, often inserted without any explanation of their purport’ (Wilson i). The IC’s language partly reflects this history of Indian English. As we have seen, it drew on the 1935 Government of India Act, while also departing from it in important ways. This Act contained terms (to adopt Wilson’s words) ‘inserted without any explanation of their purport’ from Indian languages and Persian. Like the IC, it has *ryot*, *ryotwari* and *jagir*, but it also includes terms that are not to be found in the text of the IC, such as *kist*, *inamdar*, *fasli*, *khot*, *khoti village*, *bhagdari*, *chaukidari tax*, *jhankar*, *ganda*, *kotwar*, *jagalia*, *mahar*, *watander patel* and *watander patwari*, *thekadar*, *deshmukh* or *deshpandia*, *lambardar*, *mahal*, *malik makbuza*, *kamil jama*, *sir land*, *khudkasht*, *haisiyat*, *kamil jama*, *malik makbuza*, *zaildar*, *sufedposh*, and *lambardar* (Government of India Act 1935 [26 Geo.5. Ch. 2]). These terms occur in the Sixth Schedule dealing with the income and property qualifications defining the limited franchise of Indians, and refer to property ownership and land revenue, as well as local positions of power based on ownership of property. In contrast, the IC granted Indian citizens universal suffrage (Art. 326) and therefore its lexicon does not have such an extensive range of terms drawn from land revenue systems and property ownership that dominate the Sixth Schedule of the 1935 Act. Moreover, the right to property (Art. 31) was not taken as self-evident and the article which dealt with this was one of the most intensely debated in the Constituent Assembly (Tiwary 143-49). As is to expected, the legal Latin terms in the IC referred to above have no place in the Government of India Act, which seeks to clarify the administrative framework of India and limited mechanisms of political representation within that framework, rather than to grapple with issues of liberty, legal and prerogative writs, judicial remedies, and the powers of review. Thus, while the IC emerges from the history of colonial Indian English, its own lexicon of Indian and Latin terms marks a departure from the 1935 Act, as it is orientated towards the creation of a Constitution for a democratic republic.

From the perspective of this paper, locating the IC in a different set of intertextual relations suggests overlaps between modes and processes of self-rule in anti-colonial life writing and the IC. But re-framing the IC and anti-colonial life writing as parallel discursive sites also calls attention to the tensions between the two. As I have argued elsewhere, in the field of life-writing Nehruvian secularism enabled and dramatized strategies for an interplay between a secularized constitutionalism and individual selfhood. Nehru’s dramatization of a self in global disarray grounded his sense of Indian nationalism (Majeed 2015 150-51, 172). However, there is an obvious conflict between the experimentation of self in life-writing and the political exigencies of cohering the nation-state as a mode of governance and political agent in the aftermath of Partition. One key feature of the Indian Constitution is notable here. During the drafting process of the Constitution, the authority of courts in cases of personal liberty was lessened and the individual lost the remaining vestiges of protection of due process. The provisional Parliament passed the first preventive detention act in February 1950. In the Act, courts were forbidden from questioning the necessity for any detention order issued by the Government. The subjective satisfaction of the authorities was to be the determining factor in every case. The courts could not enquire into the truth of the facts put forward by the Executive as grounds for detaining an individual. In short, ‘the authority given to the Government in India is a potential danger to liberty’ (Granville 102, 112-13). Moreover, preventive detention came to India with the Bengal State Prisoners Regulation III of 1818, and was extended to Madras and Bombay 1819 and 1827. Here, then, the Indian Constitution was extending the more repressive aspects of its colonial legacy. British colonial legislation ensured the supremacy of the central government in the executive and legislative spheres and this remained the case under the IC, which in some respects went further in the vestment of residuary powers than the 1935 Government of India Act did (Tiwary 2, 329). The extension of aspects of the colonial legacy calls attention to how the conflicts within the postcolonial Indian polity also need to be understood in terms of its critical dialogue with the colonial past. Indian constitutionalism was simultaneously constrained and enabled by that past, as well as by the events of Partition. As the expression of a cosmopolitan dialogue which sought to give shape to cultural and linguistic diversity, it was able to decolonize elements of the imperial language of modern constitutionalism and its ‘empire of uniformity’ (Tully Ch. 3), while remaining trapped in some of its other terms and strategies.

The cohering but overweening executive power of the State is manifested in the field of language. On the one hand, there are striking illustrations of the porous boundaries around the IC’s text. For example, originally the IC referred to a Governor or ‘Rajpramukh’ when dealing with provincial governments but the latter term was omitted by the Seventh Amendment Act 1956. The current text of the IC therefore refers to the ‘Governor \*\*\* of the State’, with the footnote ‘The words “or Rajpramukh” omitted by the Constitution (Seventh Amendment Act, 1956, s. 29 and Sch’ (see parts XII and parts XXII). The asterisks mark the absence of a text which is re-incorporated as an excised portion in footnotes; lacunae are marked but are also filled at the same time. It would be interesting to know if other Constitutions have asterisks dotted through their texts in this manner. This suggests something of the creative messiness around the edges of the IC’s text and its sophisticated sense of the boundaries between inclusion, exclusion and amendment. In contrast to this, the executive power in the IC is quixotic when it comes to the question of translating the IC into Hindi as the national language. Here the IC circumvents the problems surrounding the slipperiness of translation and the fragility of meanings across languages by sheer fiat, that is by deeming a translation to be ‘the authoritative text thereof in the Hindi language’ (Art. 394A). The combination of open-endedness and flexibility of provision and dialogue with executive coherence and fiat is also manifested in the way the IC approaches the field of language in general (see Arts. 120, 210, 343-51). One might contrast here Gandhi’s conception of authorship as being closely allied to translation: his reinforcement of the secondary nature of translation is key to his experimental engagements with the tree-like structure of ‘Truth’ in his *Autobiography*. His framing of ‘Truth’ through translatability is evocative of this text and *Hind Swaraj*. When in the preface to the latter, Gandhi stresses he is not being original (Gandhi 10), he is also stressing that because of the translation-like character of ‘Truth’, there are no original texts, only texts in translation (for a fuller discussion, see Majeed 2015 270-79). The IC, by contrast, seeks not to work with the fragility of translation, but to secure a final authoritativeness which cannot, because of the very nature of language, be obtained in the field of translation.

Temporalities

As representing a nation in the making, the IC is a historically layered text, a palimpsest with tracked changes that calls attention to its own evolution and the craft of its own production. It draws upon the colonial past, and beyond that on earlier world languages and their lexicons. On the other hand, through the Directive Principles of Part IV it is a future-orientated text, designed, in Ambedkar’s words, to give ‘certain directions to the future legislatures and the future executives to show in what manner they are to exercise the power which they will have’ (Tiwary 158). The debates on some of the IC’s articles mixed time frames, drawing on different epochs simultaneously. With regard to the right to property (Art. 31), the framers drew on the theory enunciated by American jurists of ‘eminent domain’, but the article was also discussed with reference to notions of property in ancient India (Tiwary 147). The IC therefore draws on an Indian and world historical past, a global present, and looks to the future, and at times its clauses are framed in different time zones. As a future-oriented text, it evokes a layered sense of futurity through the use of different verb forms, thereby plotting a spectrum of futures as graded possibilities. In Part 1 on the Union and its Territory, the first article states ‘India…shall be a Union of States’, and articles 2 and 3 begin with ‘Parliament may by law’. This combination of ‘shall’ and ‘may’ expresses a mixture of definiteness and possibility with regard to the future. With regard to the Directive Principles, Articles 38 to 48A begin variously with ‘The State shall strive’, ‘The State shall […] direct’, ‘The State shall take steps’, ‘The State shall endeavour to secure’, ‘The State shall make provision’, ‘The State shall endeavour to provide’, ‘The State shall endeavour to organize’, ‘The State shall endeavour to protect and improve’, ‘The State shall endeavour to promote […] maintain […] foster […] encourage’, ‘The State shall promote with special care’, and ‘The State shall regard’. In these articles, the IC expresses a complex sense of the future, which is broken down into possibilities, expressed by ‘shall’ to suggest an imperative, then further modified by infinitive forms of verbs (‘to endeavour’, ‘to promote’, ‘to secure’ and so on). The result is a graded verbal orientation towards the future, an imperative qualified by other imperatives to suggest a grammatical and emotional mood grounded in a firm but open-ended determination. As Tiwary reminds us, a Constitution also embodies the aspirations of its inhabitants (333-34). The verbal skills of the IC grade and structure these aspirations through forms of command, prescription, and orientation, pointing to different degrees of futurity.

In some ways, the IC’s sense of temporality is also precise. It refers to ‘the Indian people’s’ adoption, enactment and giving to themselves of the Constitution ‘this twenty-sixth day of November 1949’. It is useful to contrast here Habermas’ view that with German reunification, East Germany should have a founding constitutional moment to compensate for West Germany’s lack of one. This would help to constitute a future collective memory for all Germans (Specter, 107-8). In contrast, as noted above, Tully argues that we should move away from seeing constitutions as fixed agreements made at foundational moments. It is not clear that there could be, or that it would be desirable to have, a clear-cut founding moment in India. Behind any such moment would be other moments and historical conceptions that have made the IC possible, stretching from the Government of India Act 1935 back to the Bengal State Prisoners Regulation III of 1818, and beyond to conceptions of rule and representation in medieval and ancient India (Bayly 13-15, 20, 50-60, 164-65, 279, 281, 293). A focus on a singular founding event would keep in check the political imagination that is in play in the IC, an imagination that is also evident in its complex orientation towards, and articulation of, temporality.

Despite the attempt by many autobiographers to follow a chronological sequence in their plotting of events, a mixing of time frames necessarily characterises autobiography as a genre of writing because autobiographical retrospection changes the status and significance of past events and deeds. Events are given significance in relation to events which at the time had yet to occur. In contrast to other Indian anti-colonial autobiographies which try to follow a chronological narrative but fail to do so, Nehru’s life-writings deliberately disrupt the conventions of chronology. In doing so, he articulates a distinctive view of India and Indians as temporal entities; for him the eschewal of a linear chronology strengthens the tie between individual subjectivity and India’s mixed temporality (Majeed 2015 Ch. 5). The question of what constitutes historiography, linearity, and even the nature of time itself were issues that Indian thinkers, poets, and writers grappled with in colonial India. The existence of multiple calendars, the inception of geological time alongside Indian Standard Time, the onslaught on Indian notions of historicity, all contributed to a productive crisis in notions of temporality. In a ‘proto-modern’ Indian text of the late 18th century, we already see a mixing of formal paradigms of life-writing that creates a structure of many-layered temporalities and interwoven time frames (Shulman 2004). The IC’s sense of temporality, then, and its mixing of time frames, parallels the complex sense of temporality in autobiography as a genre of writing that is brought to an acute state of awareness in the conditions of colonialism in India.

Conclusion

Placing the IC in the same field as anti-colonial autobiography raises a number of issues. These range from the difficulties of identifying authorship, to the tensions of making the State, the democratic republic, and the Indian people align with each other as the positions of author and protagonist slide and slip. Subaltern life-writing also needs to be brought into dialogue with the IC; here gender and caste become important, given the unconscious gender bias in the term ‘fraternity’ in the Preamble, and the question of how to bring dalits into this ‘fraternity’. Constitutions are not just legal documents but also have to create the appropriate salutary effect through a mixture of tones. Here we might think of the Preamble with its carefully weighed punctuation of commas and semi-colons and its capitalization of key terms, suggesting the momentous and stately nature of the event taking place. It reads like an invocation to the dramatic performance of the coming into being of a democratic republic, with the dramatis personae being the people of India. Were the Constituent Assembly and the production of the IC to be examined in terms of dramatization and theatricality, the term ‘dialogue’ would take on added meanings. Finally, an inquiry into how the Constitution resonates with Indian epics might also be fruitful as the latter deal with questions of power, duties, obligations, rights, caste, peace and war, the crises of kingdoms, and individual dilemmas. Lukács famously wrote that the novel ‘is the epic of an age in which the extensive totality of life is no longer directly given, in which the immanence of meaning in life has become a problem, yet which still thinks in terms of totality’ (Lukács 1971 56). This could also be applied to Constitutions in the modern age; for the IC, the totality of life is not given (especially after Partition) and yet it has to think in terms of totality. In some ways it is an epic quest for the meaning of citizenship in the context of multiple crises, with a range of dramatis personae and intertwined narratives about power, authority, rights, duties, and obligations. Here the caste politics embedded in canonical Sanskrit versions of the epics and alternative renditions of them would be germane to such a discussion (Richman 1992).

For the moment, though, we can suggest that both the IC and nationalist Indian autobiographies might be seen as instances of South Asian literary modernity, whose creativity is characterized by a cosmopolitan moving across literary traditions and languages while being rooted in India. The technical problem Indian authors encountered was that of negotiating an expansive range of material and literary traditions made available to them through colonialism (Majeed 2012). Anti-colonial Indian autobiographies also manage expansiveness on multiple levels, in terms of intercontinental geographical scope combined with local and regional rootedness, and a cast of characters that is necessarily multiethnic and multi-religious. These autobiographies can also be read against the background of Indian life-writing, ranging from the telling of exemplary lives to collectively authored life-writing, conversion narratives, and autobiographies that inaugurated privacy as a new institution in Indian social life (Arnold and Blackburn 2004, Kaviraj 2004, Orsini 2004, Metcalf 2004). Nehru and Gandhi also experiment with the dominant textual conventions of Western autobiographies in their texts in order to define themselves (Majeed 2015, Ch. 4 & Ch. 6). Their creative choices reflected the cosmopolitan nature of modern South Asian literatures, which in their genesis and development are indicative of the freedom of Indian authors to move across and appropriate the resources and conventions of a variety of traditions (Majeed 2012). It is the anxious but hopeful nature of this burdensome choice in cosmopolitan and Indian fields of meaning that animates both the IC and anti-colonial Indian autobiographies.

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